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*Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners*

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## DRAFT REPORT

on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners  
(2006/2200(INI))

Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

Rapporteur: Giovanni Claudio Fava

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (2006/2200(INI))

*The European Parliament,*

- vu sa résolution du 15 décembre 2005 sur l'utilisation présumée de pays européens par la CIA pour le transport et la détention illégale de prisonniers<sup>1</sup>,
  - vu sa décision du 18 janvier 2006 portant constitution d'une commission temporaire sur l'utilisation alléguée de pays européens par la CIA pour le transport et la détention illégale de prisonniers<sup>2</sup>,
  - vu sa résolution du 6 juillet 2006 sur l'utilisation alléguée de pays européens par la CIA pour le transport et la détention illégale de prisonniers, à mi-parcours des travaux de la commission temporaire<sup>3</sup>,
  - vu les délégations que sa commission temporaire a envoyées en ancienne République yougoslave de Macédoine, aux États-Unis, en Allemagne, au Royaume-Uni, en Roumanie, en Pologne et au Portugal,
  - vu les pas moins de cent trente auditions auxquelles sa commission temporaire a procédé dans le cadre de ses réunions, délégations et entretiens confidentiels,
  - vu toutes les contributions écrites reçues par sa commission temporaire ou auxquelles elle a eu accès, et particulièrement les documents confidentiels qui lui ont été transmis (notamment par l'Organisation européenne pour la sécurité de la navigation aérienne (Eurocontrol) et le gouvernement allemand) ou qu'elle a obtenus de diverses sources,
  - having regard to Rule 175 of its Rules of Procedure,
  - having regard to the report of the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (A6-0000/2006),
- A. considérant que, dans sa résolution du 6 juillet 2006, le Parlement européen a décidé que "la commission temporaire poursuivra ses travaux pour la durée restante du mandat réglementaire de douze mois, sans préjudice des dispositions de l'article 175 de son règlement relatives à une éventuelle prolongation",
- B. considérant qu'en adoptant sa résolution du 22 novembre 1990 sur l'affaire Gladio<sup>4</sup>, il avait déjà mis en évidence, il y plus de seize ans, l'existence d'activités **clandestines**

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<sup>1</sup> Textes adoptés de cette date, P6\_TA(2005)0529.

<sup>2</sup> Textes adoptés de cette date, P6\_TA(2006)0012.

<sup>3</sup> Textes adoptés de cette date, P6\_TA-PROV(2006)0316.

<sup>4</sup> JO C 324 du 24.12.1990, p. 201.

impliquant les services de renseignement et des organisations militaires en dehors de tout contrôle démocratique adéquat,

- C. whereas the principle of the inviolability of human dignity appears in Article 1 of the Charter of Fundamental Rights of the European Union<sup>1</sup> and underlies every other fundamental right, in particular the right to life (Article 2), the right to freedom from torture and inhuman or degrading treatment or punishment (Article 4), the right to liberty and security (Article 6), the right to protection in the event of removal, expulsion or extradition (Article 19) and the right to an effective remedy and to a fair trial (Article 47); and whereas this principle should not be subject to restrictions, even for the purposes of security in times both of peace and of war,
- D. whereas extraordinary rendition and secret detention involve multiple violations of human rights, in particular the right to liberty and security, the freedom from torture and cruel, inhuman or degrading treatment, the right to an effective remedy, and, in extreme cases, the right to life; whereas, in some cases, where rendition leads to secret detention, it constitutes enforced disappearance,
- E. whereas the prohibition of torture is a peremptory norm of international law (*jus cogens*) and the obligation to protect against and sanction torture is an obligation owed to all states (*erga omnes*),
- F. whereas the fight against terrorism cannot be won by sacrificing the very principles that terrorism seeks to destroy, notably, the protection of fundamental rights must never be compromised; whereas terrorism must be fought by legal means and must be defeated while respecting international and national law and with a responsible attitude on the part of governments and public opinion alike,
- G. whereas on 6 September 2006, US President George W. Bush confirmed that the Central Intelligence Agency (CIA) was operating a secret detention programme outside the United States,
- H. whereas President George W. Bush said that the vital information derived from the extraordinary rendition and secret detention programme had been shared with other countries and that the programme will continue,
- I. whereas the temporary committee has obtained, from a confidential source, records of the informal transatlantic meeting of EU and North Atlantic Treaty Organisation (NATO) foreign ministers, including US Secretary of State Condoleezza Rice, of 7 December 2005, confirming that Member States had knowledge of the programme of extraordinary rendition and secret prisons,
- J. whereas the temporary committee has obtained, from a confidential source, records of meetings of the Council's Working Party on Public International Law (COJUR) and Transatlantic Relations Working Party (COTRA) with senior representatives of the US Department of State during the first half of 2006 (notably on 8 February and 3 May 2006).

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<sup>1</sup> OJ C 364, 18.12.2000, p. 1.

- K. whereas, in the present resolution, "European countries" should be understood as meaning Member States, candidate and associate countries, as outlined in the mandate of the temporary committee adopted on 18 January 2006,
1. Endorses the view that international terrorism represents one of the main threats to the security and stability of the European Union and that it has to be fought with lawful and coordinated efforts by all European governments, in tight collaboration with the United States; furthermore stresses that all the work carried out by the temporary committee is intended to make a contribution towards the development of clear and focused measures in the fight against terrorism, which are commonly accepted and respect national and international law;
  2. Considers it necessary to rethink the relationship between the need for security and the rights of individuals, ensuring that human rights are fully respected in that context;
  3. Emphasises that the positive obligation to protect human rights is binding, regardless of the legal status of the individual concerned, and that any discrimination between EU nationals and residents of Member States must be avoided;
  4. rappelle que l'objet du présent rapport, fondé sur le mandat de sa commission temporaire, est tout autant de déterminer les responsabilités dans les faits qu'elle a été en mesure d'étudier, que d'envisager les moyens d'éviter que les abus et violations perpétrés dans le cadre de la lutte contre le terrorisme puissent se reproduire à l'avenir;
  5. prend acte de la déclaration du président américain George W. Bush du 6 septembre 2006, selon laquelle les États-Unis ont bel et bien mis en place un réseau de centres de détention secrets à l'extérieur de leurs frontières et que plusieurs des personnes y ayant été détenues ont été depuis transférées à Guantánamo;
  6. déplore, à cet égard, l'incapacité du Conseil en raison de l'opposition de certains États membres à adopter des conclusions en réponse à cette déclaration lors du Conseil "Affaires générales et Relations extérieures" du 15 septembre 2006;
  7. prend acte des déclarations du conseiller juridique du département d'État américain au cours d'une réunion, le 3 mai 2006, avec des représentants des États membres réunis au sein du Conseil, selon lesquelles le programme de restitutions extraordinaires, dont il a confirmé l'existence, a toujours été appliqué dans le plein respect de la souveraineté des pays concernés;
  8. remercie les anciens agents de la CIA qui ont offert leur coopération à la commission temporaire, notamment à l'occasion de certaines réunions confidentielles au cours desquelles ceux-ci ont confirmé que le programme de restitutions avait déjà commencé pendant les années 90;
  9. se félicite de l'annonce par la nouvelle majorité issue des élections au Sénat des États-Unis qu'elle se saisira de la question du programme de restitutions extraordinaires développé par la CIA; souligne que cela confirme d'autant plus la pertinence de ses propres travaux;
  10. dénonce la très grande réticence de la quasi-totalité des États membres, ainsi que du

Conseil de l'Union européenne, à coopérer pleinement avec sa commission temporaire;

11. souligne le travail sérieux et rigoureux engagé par les autorités judiciaires de l'Italie, de l'Allemagne et de l'Espagne sur les allégations relevant du mandat de sa commission temporaire;
12. encourage les parlements nationaux des pays européens à poursuivre ou à lancer des investigations approfondies, de la manière qu'ils jugent la plus appropriée, sur ces mêmes allégations;
13. Pays tribute to the world press, in particular the US journalists who were the first to disclose the abuses and breaches of human rights related to extraordinary rendition, thus demonstrating the great democratic tradition of the US press; also recognises the efforts and good work undertaken by several non-governmental organisations (NGOs) on these matters, especially Amnesty International and Human Rights Watch;
14. Expresses its profound gratitude to all victims who had the courage to share their very traumatic experiences with the temporary committee;
15. Calls on all European countries to refrain from taking any action against officials, former officials, journalists or others who, by providing testimony or other information, either to the temporary committee or to other investigating bodies, have helped shed light on the system of extraordinary rendition, illegal detention and the transportation of terrorism suspects;
16. Reiterates its call on the Council, as expressed in its resolution of 6 July 2006, to adopt a common position against the use by Member States of diplomatic assurances from third countries, where there are substantial grounds for believing that individuals would be in danger of being subjected to torture or ill-treatment;

#### *Cooperation with EU institutions and international organisations*

17. déplore le manquement du Conseil et de sa présidence à leur obligation de tenir le Parlement européen pleinement informé des principaux aspects et des choix fondamentaux de la politique étrangère et de sécurité commune (PESC) et des travaux menés dans le domaine de la coopération policière et judiciaire en matière pénale, conformément aux articles 21 et 39 du traité sur l'Union européenne;
18. souligne, à cet égard, qu'il est totalement inacceptable que le Conseil ait d'abord caché puis, à la demande du Parlement européen, seulement fourni des informations parcellaires sur les discussions régulières conduites avec des hauts fonctionnaires du gouvernement américain, en se réclamant du souhait exprès d'un État tiers pour ne pas divulguer le compte-rendu exhaustif de ces échanges de vues, tel que reflété dans des documents pourtant purement internes à cette institution de l'Union;
19. exprime sa profonde préoccupation au regard des omissions et des dénégations qui résultent des déclarations faites devant sa commission temporaire par le secrétaire général (et haut représentant pour la PESC) du Conseil de l'Union européenne, Javier Solana, en ce qui concerne les discussions et la connaissance par le Conseil des méthodes utilisées par les États-Unis dans leur lutte contre le terrorisme, dont le travail

- de sa commission temporaire a confirmé tous les abus et violations qui en découlent;
20. s'interroge sur le contenu réel de la fonction de coordinateur de l'Union européenne de la lutte contre le terrorisme, occupée par Gijs de Vries, et relève le manque de crédibilité des déclarations de ce dernier devant sa commission temporaire; déplore les hésitations qu'il a marquées à se présenter devant celle-ci;
  21. déplore le refus du directeur de l'Office européen de police (Europol), Max-Peter Ratzel, à comparaître devant sa commission temporaire, et ce d'autant plus qu'il apparaît que des officiers de liaison notamment des services de renseignements américains ont été détachés auprès de l'Office;
  22. remercie le vice-président de la Commission européenne, Franco Frattini, pour la coopération qu'il a apportée aux travaux de sa commission temporaire et encourage la Commission à intensifier son action dans le contexte de la poursuite de la recherche de la vérité et des moyens visant à empêcher que les faits analysés par sa commission temporaire ne se reproduisent;
  23. remercie Eurocontrol pour son excellente coopération et les informations très utiles partagées avec sa commission temporaire;
  24. se félicite de l'étroite collaboration qu'il a entretenue avec le Conseil de l'Europe, en particulier son assemblée parlementaire et son secrétaire général, et encourage la commission des questions juridiques et des droits de l'homme - et son président, le sénateur Dick Marty - à continuer ses travaux; soutient les recommandations adressées au comité des ministres par le secrétaire général, Terry Davis; souligne la concordance des résultats jusqu'ici obtenus par les deux commissions;
  25. ne peut se satisfaire du refus opposé par les précédent et actuel secrétaires généraux de l'OTAN, Lord Robertson et Jaap de Hoop Scheffer, de comparaître devant sa commission temporaire, ni de la réponse négative de cette Organisation à sa demande d'accès à la décision du Conseil de l'Atlantique nord du 4 octobre 2001 concernant la mise en œuvre de l'article 5 du traité de l'Atlantique Nord suite aux attaques du 11 septembre contre les États-Unis;
  26. remercie les rapporteurs spéciaux des Nations unies, Manfred Nowak (sur la torture) et Martin Scheinin (pour la promotion et la protection des droits de l'homme dans la lutte contre le terrorisme) pour leur contribution aux travaux de sa commission temporaire, tout en regrettant qu'il n'ait pas été possible au haut commissaire aux droits de l'homme, Louise Arbour, de la rencontrer;

### ***Information analysed by the temporary committee***

#### *Extraordinary rendition and the misuse of airspace and airports*

27. Recalls that the programme of extraordinary rendition is an extra-judicial practice whereby an individual suspected of involvement in terrorism is illegally abducted, arrested and/or transferred into the custody of US officials and/or transported to another country for interrogation which, in the majority of cases, involves *incommunicado* detention and torture;

28. déplore le fait que les familles des victimes soient tenues dans la plus complète ignorance sur le sort réservé à leurs proches;
29. Condemns extraordinary rendition as an illegal and systematic instrument used by the United States in the fight against terrorism; condemns, further, the acceptance and concealing of the practice, on several occasions, by the secret services and governmental authorities of certain European countries;
30. Recalls that participating in the interrogation of individuals who are victims of extraordinary rendition represents a deplorable legitimisation of that type of illegal procedure, even where those participating in their interrogation do not bear direct responsibility in the kidnapping and detention of the victims;
31. Considers that the practice of extraordinary rendition has been shown to be counterproductive in the fight against terrorism and that, in some cases, extraordinary rendition in fact damages and undermines regular police and judicial procedures against terrorism suspects;
32. Stresses that at least 1 245 flights operated by the CIA have flown into the European airspace or stopped over at European airports;
33. Regrets that European countries have been relinquishing their control over their airspace and airports by admitting flights operated by the CIA which, on some occasions, were being used for extraordinary rendition or the illegal transportation of detainees;
34. Is concerned, in particular, that the blanket overflight and stopover clearances granted to CIA-operated aircraft may have been based, inter alia, on the NATO Agreement on the implementation of Article 5 of the North Atlantic Treaty, adopted on 4 October 2001;
35. Recalls that Article 1 of the Convention on International Civil Aviation (the Chicago Convention) sets out the principle that every State has complete and exclusive sovereignty over the airspace above its territory;
36. Emphasises that the CIA has been using civil aviation rules to bypass the legal obligations for state aircraft, including those operated by the military and the police, as provided in the Chicago Convention; recalls that Article 4 of the Chicago Convention provides that: “Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention”;
37. confirme, au vu des éléments complémentaires reçus au cours de la deuxième partie des travaux de sa commission temporaire, qu’il est invraisemblable que certains gouvernements européens n’aient pas eu connaissance des activités liées aux restitutions extraordinaires qui avaient lieu sur leur territoire;
38. Stresses that the temporary committee's working documents No 7 and No 8<sup>1</sup> provide strong evidence of the extraordinary renditions analysed by the committee, as well as of the companies linked to the CIA, the aircraft used by the CIA and the European countries in which CIA aircraft made stopovers;

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<sup>1</sup> Reference numbers: PE 380.593v04-00 and PE 380.984v02-00.



## ITALY

39. Deplores the fact that the representatives of the current and former Italian Governments, who are or were responsible for the Italian secret services, declined the invitation to appear before the temporary committee;
40. Condemns the extraordinary rendition by the CIA of the Egyptian cleric Abu Omar, who had been granted asylum in Italy and who was abducted in Milan on 17 February 2003, transferred from Milan to Aviano by car, and then flown, via Ramstein in Germany, to Egypt, where he has been held *incommunicado* and tortured ever since;
41. Condemns the active role played by certain officials of the Italian military security services (SISMI) in the abduction of Abu Omar, as shown by the judicial investigation and the evidence, collated by Milan's Public Prosecutor Armando Spataro;
42. Concludes and deplors the fact that General Nicolò Pollari, former Director of the SISMI, concealed the truth while appearing before the temporary committee on 6 March 2006, when he stated that Italian agents played no part in any CIA kidnapping;
43. estime très probable, au vu de l'implication de ses services secrets, que le gouvernement italien alors en fonction ait été au courant de la restitution extraordinaire d'Abu Omar sur son territoire;
44. Thanks Public Prosecutor Spataro for his testimony to the temporary committee, applauds the efficient and independent investigations he carried out in order to shed light on the extraordinary rendition referred to and fully endorses his conclusions and his decision to issue warrants for the arrest of 26 US nationals and two senior officials of the SISMI;
45. Regrets that the abduction of Abu Omar jeopardised Public Prosecutor Spataro's investigation into the terrorist network to which Abu Omar was connected; recalls that had Abu Omar not been illegally seized and transported to another country, he would have faced a regular and fair trial in Italy;
46. Takes note that the testimony provided by General Pollari is inconsistent with a number of documents found on SISMI premises and confiscated by Milan prosecutors; considers that such documents show that the SISMI was regularly informed by the CIA about the detention of Abu Omar in Egypt;
47. Deeply regrets the systematic misleading of, among others, Milan prosecutors by the board of the SISMI with the aim of jeopardising the investigation into the extraordinary rendition of Abu Omar;
48. Condemns the illegal pursuing of Italian journalists investigating the extraordinary rendition of Abu Omar and the tapping of their telephone conversations; stresses that testimonies from those journalists have been of the utmost benefit to the work of the temporary committee;
49. Criticises the length of time it took for the Italian Government to decide to remove from office and replace General Pollari;

50. Regrets that a document on US-Italian cooperation in the fight against terrorism, which would have assisted the investigation into the extraordinary rendition of Abu Omar, was classified by the former Italian Government and that the current government has confirmed the classified status of this document;
51. Urges the Italian Minister of Justice to process, as soon as possible, the requests for extradition of the 26 US nationals referred to, for the purpose of standing trial in Italy;
52. Condemns the extraordinary rendition of Italian citizen Abou Elkassim Britel, who was arrested in Pakistan in March 2002 by the Pakistani police and interrogated by US and Pakistani officials, and subsequently rendered to the Moroccan authorities and imprisoned in the detention facility "Temara", where he remains detained; emphasises that the criminal investigations in Italy against Abou Elkassim Britel were closed without charge;
53. Regrets that, according to the documentation provided to the temporary committee by Abou Elkassim Britel's lawyer, the Italian Ministry of Internal Affairs was at the time in "constant cooperation" with foreign secret services concerning the case of Abou Elkassim Britel following his arrest in Pakistan;
54. Urges the Italian government to take concrete steps in order to obtain the immediate release of Abou Elkassim Britel and Abu Omar so that proceedings against the latter can be prosecuted in the Court of Milan;
55. Deeply regrets that Italian territory was used by the CIA to make a stopover during the flight that was used to carry out the extraordinary rendition of Maher Arar, who gave testimony to the temporary committee, from the United States to Syria, via Rome;
56. Expresses serious concern about the 46 stopovers made by CIA-operated aircraft at Italian airports, which on some occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers at Italian airports of aircraft which have been shown to have been used by the CIA on other occasions for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar;

#### THE UNITED KINGDOM

57. Deplores the way in which the British Government, as represented by its Minister for Europe, cooperated with the temporary committee;
58. Thanks the All-Party Parliamentary Group on Extraordinary Renditions (APPG), comprising members of the House of Commons and House of Lords, for its work and for providing the temporary committee delegation to London with a number of highly valuable documents;
59. Condemns the extraordinary rendition of Bisher Al-Rawi, an Iraqi citizen and resident of the UK, and Jamil El-Banna, a Jordanian citizen and resident of the UK, who were arrested by Gambian authorities in Gambia in November 2002, turned over to US agents, and flown to Afghanistan and then to Guantánamo, where they remain detained

without trial or any form of judicial assistance;

60. Condemns the multiple extraordinary rendition of Binyam Mohammed, Ethiopian citizen and resident of the UK; points out that Binyam Mohammed has been held in at least two secret detention facilities, in addition to military prisons;
61. Is deeply disturbed by the testimony of Binyam Mohammed's lawyer, who gave an account of the most horrific torture endured by his client to the official delegation of the temporary committee to the UK;
62. Points out that the telegrams from UK security service to an unspecified foreign government, which were released to the Chairman of the APPG, Andrew Tyrie, suggest that the abduction of Bisher Al-Rawi and Jamil El-Banna was facilitated by partly erroneous information supplied by the UK security service MI5;
63. Emphasises that the former UK Secretary of State for Foreign and Commonwealth Affairs, Jack Straw, conceded in December 2005 that UK intelligence officials met Binyam Mohammed when he was arrested in Pakistan; points out in this respect that some of the questions put by the Moroccan officials to Binyam Mohammed, appear to have been inspired by information supplied by the UK;
64. Condemns the extraordinary rendition of UK citizen Martin Mubanga, who met the official delegation of the temporary committee to the UK, and who was arrested in Zambia in March 2002 and subsequently flown to Guantánamo; regrets the fact that Martin Mubanga was interrogated by British officials in Guantánamo where he was detained and tortured for four years without trial or any form of judicial assistance, and then released without charge;
65. Criticises the unwillingness of the UK Government to provide consular assistance to Bisher Al-Rawi and Jamil El-Banna on the grounds that they are not UK citizens;
66. Thanks Craig Murray, former UK Ambassador to Uzbekistan, for his very valuable testimony to the temporary committee on the exchange of intelligence obtained under torture and for providing a copy of the legal opinion of Michael Wood, former legal advisor to the UK Foreign and Commonwealth Office;
67. Is outraged by Michael Wood's legal opinion, according to which "receiving or possessing" information extracted under torture, in so far as there is no direct participation in the torture, is not *per se* prohibited by the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; points out that Michael Wood declined to give testimony to the temporary committee;
68. Expresses serious concern about the 170 stopovers made by CIA-operated aircraft at UK airports, which on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers at UK airports of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar;

## GERMANY

69. Acknowledges the good cooperation on the part of the German Government by providing valuable information to the Chairman and the rapporteur of the temporary committee;
70. Welcomes the excellent work of the German Parliament inquiry committee and expresses its full support for the continuation of the committee's work;
71. Thanks Munich Public Prosecutor Martin Hofmann for his testimony to the temporary committee and applauds all ongoing judicial inquiries in Germany;
72. Deplores the fact that German authorities at least had knowledge of the illegal abduction of German citizen Khaled El-Masri, who gave testimony to the temporary committee, and requests the German Parliament inquiry committee to examine further and clarify the role of German agents in this case;
73. Condemns the extraordinary rendition of Turkish citizen and resident of Germany, Murat Kurnaz, who gave testimony to the temporary committee, and who was arrested in Pakistan in November 2001, transferred to the US units across the border in Afghanistan by the Pakistani police on no legal basis and with no judicial assistance, and finally flown to Guantánamo at the end of January 2002, from where he was released on 24 August 2006 without charge, having been tortured in all the locations where he had been held;
74. Points out that, according to confidential institutional information, the German Government did not accept the US offer, made in 2002, to release Murat Kurnaz from Guantánamo; notes that on many occasions since 2002, Murat Kurnaz's lawyer was told by the German Government that it was impossible to open negotiations with the US Government on his release because Murat Kurnaz was a Turkish citizen; notes that US and German intelligence concluded, as early as 2002, that Murat Kurnaz had no connection to Al-Qaeda or the Taliban and that he posed no terrorist threat;
75. Regrets the fact that Murat Kurnaz was interrogated twice, in 2002 and in 2004, by German officials in Guantánamo where he was detained without formal charge or trial and without judicial assistance; regrets the fact that German officials denied him any assistance because they were only interested in questioning him;
76. Fully supports the investigation launched by the public prosecutor in Potsdam into unknown perpetrators in order to establish whether Murat Kurnaz was ill-treated in Afghanistan by German soldiers belonging to the Kommando Spezialkräfte (KSK), the German army's special operational forces, before being sent to Guantánamo;
77. Appreciates the German Government's initiative in January 2006 which led to the release of Murat Kurnaz;
78. Condemns the extraordinary rendition of the German citizen Mohammed Zammar, arrested without formal charge on 8 December 2001 at Casablanca airport in Morocco, and detained and tortured in Morocco and Syria;

79. Notes that, according to a confidential institutional source, on 26 November 2001 the German Federal Criminal Police Office provided details of Mohammed Zammar's whereabouts to the US Federal Bureau of Investigation (FBI), and that this facilitated Mohammed Zammar's arrest;
80. Points out that, subsequent to a meeting between the officials of the German Federal Chancellery and Syrian intelligence officials in July 2002, German prosecutors dropped charges against several Syrian citizens in Germany while the Syrian authorities allowed German officials to meet Mohammed Zammar in the Syrian prison Far' Falastin, as also confirmed by a confidential institutional source; regrets that Mohammed Zammar was interrogated by German agents in that prison;
81. Expresses serious concern about the 336 stopovers made by CIA-operated aircraft at German airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplors the stopovers in Germany of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar; is particularly concerned that one of the flights referred to was destined for Guantánamo; strongly encourages the German authorities to investigate this flight further;

#### SWEDEN

82. Condemns the fact that Sweden's expulsion in December 2001 of Mohammed El-Zari and Ahmed Agiza, Egyptian nationals who were seeking asylum in Sweden, was based solely on diplomatic assurances from the Egyptian Government, which did not provide effective safeguards against torture;
83. Deplors the lack of appropriate reaction by Swedish authorities to the evidence proving the involvement of Swedish police in this illegal abduction;
84. Fully endorses the UN Human Rights Committee's decision of 6 November 2006 in which it found that Sweden had breached the absolute ban on torture; endorses in the same way a separate ruling by the UN Committee against Torture of 20 May 2005, which concluded that Sweden had violated the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and stated that "procurement of diplomatic assurances [from Egypt], which, moreover, provided no mechanism for their enforcement, did not suffice to protect against this manifest risk";
85. Thanks the Swedish Chief Parliamentary Ombudsman, Mats Melin, for his testimony to the temporary committee and applauds his investigation which concluded that the Swedish security service and airport police "were remarkably submissive to the American officials" and "lost control of the enforcement", resulting in the ill-treatment of Ahmed Agiza and Mohammed El-Zari, including physical abuse and other humiliation, at the airport immediately before they were transported to Cairo;

#### AUSTRIA

86. Condemns the rendition of Sudanese citizen and resident of Austria since 1989, Masaad

Omer Behari, who gave testimony to the temporary committee, and who was abducted at Amman airport on 12 January 2003 on his way back to Vienna from Sudan;

87. Deplores the fact that Masaad Omer Behari was later illegally secretly detained in a prison close to Amman run by the Jordan General Intelligence Department, without trial or legal rights, and tortured and ill-treated there until 8 April 2003, when he was released without charge; recalls that a judicial procedure was started by the Austrian authorities against Masaad Omer Behari in September 2001, which was subsequently closed in August 2002, without charge;
88. Deplores the fact that, according to Masaad Omer Behari's statement to the temporary committee, there may have been cooperation between the US, Austrian and Jordanian authorities in respect of his rendition;
89. Condemns the abduction of Egyptian citizen and resident of Austria, Gamal Menshawi, who was arrested on his way to Mecca at Amman airport in February 2003, and later brought to Egypt where he was secretly detained until 2005 without trial or legal rights; recalls that no allegations have ever been made against Gamal Menshawi in Austria;
90. Regrets that, having considered the above paragraphs, neither a special nor a parliamentary inquiry was carried out in Austria into the possible involvement of the Austrian authorities in the two renditions referred to; urges the Austrian Parliament to start appropriate inquiries as soon as possible;

#### SPAIN

91. Welcomes the good cooperation with the temporary committee of the Spanish Government, in particular, the testimony given to the temporary committee by its Minister for Foreign Affairs;
92. Congratulates the Spanish Government for the timely measures it took directly after the first allegations were made that European airports had been used for the transit of CIA aircraft within the context of the programme of extraordinary renditions;
93. Thanks the Chief Prosecutor Javier Zaragoza and Prosecutor Vicente González Mota of the *Audiencia Nacional* for their testimony to the temporary committee and applauds their investigations into the use of Spanish airports for the transit of CIA aircraft within the context of the programme of extraordinary rendition; encourages the prosecutors to investigate further the stopovers of the aircraft involved in the extraordinary rendition of Khaled El-Masri;
94. Applauds the Spanish Government for facilitating the work of the Spanish prosecutors; recalls the words of Chief Prosecutor Zaragoza that "there was no obstacle, objection or trouble from the Spanish Government side in the investigations by the *Audiencia Nacional*";
95. Calls on the Spanish authorities to take all necessary steps to allow Spanish citizen Mustafa Setmariam Nasarwho, abducted in Syria in October 2005 and rendered to US agents, to face a fair trial before competent judicial authorities;

96. Expresses serious concern about the 68 stopovers made by CIA-operated aircraft at Spanish airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Spain of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar; is particularly concerned that, of the above flights, three originated from or were destined for Guantánamo; strongly encourages the Spanish Prosecutors to investigate these flights further;

#### PORTUGAL

97. Takes note of the inter-ministerial working group set up on 26 September 2006 by the Portuguese Foreign Ministry to examine the procedures followed and possible weaknesses in the system as regards CIA-operated aircraft at Portuguese airports;
98. Expresses serious concern about the 91 stopovers made by CIA-operated aircraft at Portuguese airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Portugal of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar; is particularly concerned that of the above flights, three originated from or were destined for Guantánamo; strongly encourages the Portuguese authorities to further investigate these flights;

#### IRELAND

99. Expresses serious concern about the 147 stopovers made by CIA-operated aircraft at Irish airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Ireland of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed, Abu Omar and Maher Arar;

#### GREECE

100. Expresses serious concern about the 64 stopovers made by CIA-operated aircraft at Greek airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Greece of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed and Maher Arar;

#### CYPRUS

101. Expresses serious concern about the 57 stopovers made by CIA-operated aircraft at Cypriot airports that on many occasions came from or were bound for countries linked

with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Cyprus of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed and Abu Omar;

#### DANEMARK

102. se félicite de la coopération reçue des autorités danoises, tout en regrettant qu'aucun représentant du gouvernement n'ait jugé utile de se présenter devant sa commission temporaire;

#### TURQUIE

103. est profondément préoccupé par la carence des autorités turques à exercer leur protection diplomatique à l'égard de leur ressortissant Murat Kurnaz et par l'absence de toute démarche visant à obtenir sa libération de la prison de Guantánamo;
104. regrette que ces autorités aient au contraire utilisé la détention illégale de leur ressortissant pour procéder à son interrogatoire à Guantánamo;
105. déplore le silence des autorités turques au sujet de l'utilisation de leur territoire pour une escale de l'avion ayant transporté à Guantánamo les six ressortissants et/ou résidents bosniaques d'origine algérienne arrêtés illégalement en Bosnie-et-Herzégovine;

#### FORMER YUGOSLAV REPUBLIC OF MACEDONIA

106. Emphasises that a delegation of its temporary committee was received in Skopje in April 2006 by the President of the Republic, members of the government and several officials; notes, however, a lack of thorough investigation into the Khaled El-Masri case by the authorities of the Former Yugoslav Republic of Macedonia;
107. Condemns the extraordinary rendition of the German citizen Khaled El-Masri, abducted at the border-crossing Tabanovce in the Former Yugoslav Republic of Macedonia on 31 December 2003, illegally held in Skopje from 31 December 2003 to 23 January 2004 and then transported to Afghanistan on 23-24 January 2004, where he was held until May 2004 and subjected to degrading and inhuman treatment;
108. Urges the Council to shed full light on the claims that the EU police mission (PROXIMA) had high-level contacts in the Former Yugoslav Republic of Macedonia counter-espionage unit at the time when Khaled El-Masri was handed over to the CIA;
109. Fully endorses the preliminary findings of Munich Public Prosecutor Martin Hofmann that there is no evidence to refute Khaled El-Masri's version of events;
110. Deeply regrets the fact that the authorities of the Former Yugoslav Republic of Macedonia failed to follow up the recommendations made by the temporary committee in its interim report of 6 July 2006;
111. Points out again that the Former Yugoslav Republic of Macedonia authorities are expected to carry out investigations; urges the newly elected national parliament of the



Former Yugoslav Republic of Macedonia to set up a committee of inquiry as soon as possible to deal with the Khaled El-Masri case and establish full cooperation with the ongoing inquiry of the German Parliament;

#### BOSNIA AND HERZEGOVINA

112. Welcomes the fact that the government of Bosnia and Herzegovina is the only European government that does not deny its participation in the extraordinary rendition of four citizens and two residents of Bosnia and Herzegovina, all of Algerian origin; regrets, however, that the steps undertaken by the government of Bosnia and Herzegovina have not yet resulted in the release of the six men from Guantánamo;
113. Condemns the extraordinary rendition of the six men referred to who were abducted in Sarajevo on 17 January 2002, turned over to US soldiers and then flown to Guantánamo, where they remain detained without trial or legal guarantees;
114. Takes note of the testimony given to its temporary committee by Wolfgang Petritsch, former High Representative of the international community in Bosnia and Herzegovina and by Michèle Picard, former President of the Human Rights Chamber of Bosnia and Herzegovina, which suggested that representatives of the international community in Bosnia and Herzegovina had some knowledge about the imminent handing-over of the six men referred to the US forces before events unfolded;
115. Regrets the fact that the international community as represented in Bosnia and Herzegovina turned a blind eye when the decisions of the Supreme Court and the Human Rights Chamber of Bosnia and Herzegovina, ordering the release of the men from custody were not implemented;
116. Points out that, according to the information that its temporary committee received from Wolfgang Petritsch and the lawyers of the six men, the authorities of Bosnia and Herzegovina were subject to unprecedented pressure from the US Government, which threatened to close their embassy, withdraw all staff and cease diplomatic relations with Bosnia and Herzegovina, unless the Government of Bosnia and Herzegovina immediately arrested the six men on terrorism charges;

#### OTHER EUROPEAN COUNTRIES

117. Is concerned on the stopovers made by CIA-operated aircraft in other European countries and encourages their authorities to launch adequate investigations on this matter;

#### *Secret detention facilities*

118. Welcomes the investigations carried out into the existence of secret detention facilities in Europe by Human Rights Watch, the Washington Post and ABC News;
119. Recalls that some journalists at the Washington Post and ABC News, as they confirmed to the temporary committee, were put under pressure not to name the eastern European countries, namely Poland and Romania, where there were said to have been secret detention facilities;

120. Emphasises that the concept of “secret detention facility” is not exclusively comprised of prisons, but includes all places where somebody is held *incommunicado*, such as private apartments, police stations or hotel rooms, as in the case of Khaled El-Masri in Skopje;
121. Is deeply concerned that, in some cases, temporary secret detention facilities in European countries may have been located at US military bases;
122. Regrets that there may have been a lack of control over US military bases by host European countries; recalls, however, that, according to the Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), all State parties are bound to exercise jurisdiction over their whole territory, including foreign military bases;
123. Recalls that, according to the ECHR, every case of detention must be lawful and must be the result of proceedings prescribed by law, whether national or international;
124. Recalls that active and passive cooperation by a European country in imposing and executing secret detentions engages its responsibility under the ECHR;

#### ROMANIA

125. Welcomes the excellent hospitality and good cooperation by the Romanian authorities with the temporary committee, including meetings with members of its government, as well as the establishment of an ad hoc inquiry committee of the Romanian Senate;
126. Notes, however, the reluctance on the part of the Romanian authorities to investigate thoroughly the existence of secret detention facilities on its territory;
127. Regrets that the report issued by the Romanian inquiry committee was almost entirely secret and that its conclusions, included in Chapter 7, appear premature and superficial; takes note, however, of the intention, expressed by the Chairwoman of the inquiry committee to the temporary committee delegation, to consider the conclusions as provisional;
128. Regrets the lack of control of the Gulfstream aircraft with Registration Number N478GS that suffered an accident on 6 December 2004 when landing in Bucharest; recalls that the aircraft took off from Bagram Air Base in Afghanistan, and that its seven passengers disappeared following the accident; appreciates, however, the good cooperation of Romanian authorities in handing over the report on the accident to the temporary committee;
129. Expresses serious concern about the 21 stopovers made by CIA-operated aircraft at Romanian airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Romania of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri, Binyam Mohammed and Abu Omar; is particularly concerned that, of the flights referred to, two originated from or were destined for Guantánamo; strongly encourages the Romanian

authorities to investigate these flights further;

130. Is extremely concerned that the Romanian authorities may have lacked control over US activities in the military base at Kogalniceanu airport;
131. Cannot exclude, according to the statements made by Romanian authorities to the temporary committee delegation to Romania, the possibility that US secret services have operated in Romania on a clandestine basis;

#### POLAND

132. Deplores the lack of cooperation by the Polish Government with the temporary committee, in particular when receiving its delegation at an inappropriate level; deeply regrets that all those representatives of the Polish Government and parliament who were invited to do so, declined to meet the temporary committee;
133. Believes that this attitude reflected an overall scepticism on the part of the Polish Government towards the temporary committee's work;
134. Regrets that no special inquiry committee has been established and that the Polish Parliament has not conducted an independent investigation;
135. Recalls that, on 21 December 2005, the Special Services Committee held a sitting *in camera* with the Minister Coordinator of Special Services and the heads of both intelligence services; emphasises that the sitting was conducted speedily and in secret, in the absence of any hearing or testimony and subject to no scrutiny; stresses that such an investigation cannot be defined as independent and regrets that the committee released no documentation, save for a single final statement in this regard;
136. Expresses serious concern about the 11 stopovers made by CIA-operated aircraft at Polish airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Poland of aircraft which have been shown to have been used by the CIA, on other occasions, for the extraordinary renditions of Ahmed Agiza, Mohammed El-Zari, Bisher Al-Rawi, Jamil El-Banna, Abou Elkassim Britel, Khaled El-Masri and Binyam Mohammed;
137. Regrets that, following the hearings carried out by the temporary committee delegation in Poland, there were contradictory statements and confusion about flight logs for the above-mentioned CIA flights, which were first said not to have been retained, then said to have been faxed and destroyed and finally said to have been saved in an unspecified place;
138. Takes note that, according to different sources, several high-value detainees who had been held secretly in Afghanistan in 2003, were transferred out of the country in September and October 2003; underlines with concern that a Boeing 737 with Registration Number N313P, used by the CIA for ascertained renditions, flew from Kabul to Szymany airport on 22 September 2003 and was then directed to Guantánamo;
139. Recalls that, concerning the landing of the aircraft referred to at Szymany airport, seven

staff on board was joined by five passengers and that no customs control was carried out on those passengers;

140. Takes note of the declarations made by Szymany airport employees according to which:

- in 2002, two Gulfstream jets, and in 2003, four Gulfstream jets with civilian registration numbers were parked at the edge of the airport, and did not enter customs clearance;
- orders were given directly by the regional border guards about the arrivals of the aircraft referred to, emphasising that the airport authorities should not approach the aircraft and that military staff and services alone were to handle those aircraft and only to complete the technical arrangements after the landing;
- according to a former senior official of the airport, no Polish civilian or military staff was permitted to approach the aircraft;
- landing fees were paid in cash and overpriced - usually between EUR 2 000 and EUR 4 000;
- one or two vehicles would wait for the arrival of those aircraft;
- the vehicles had military registration numbers starting with “H”, which are associated with the intelligence training base in nearby Stare Kiejkuty;
- in one case a medical emergency vehicle, belonging to either the police academy or the military base, was involved;
- one airport staff member reported once following the vehicles and seeing them heading towards the intelligence training centre at Stare Kiejkuty.

141. Acknowledges that shortly after, and in accordance with, President George W. Bush's statements on 6 September 2006, a list of the 14 detainees who had been transferred from a secret detention facility to Guantánamo was published; notes that seven of the fourteen detainees had been referred to in a report by ABC News, published nine months previously on 5 December 2005 but withdrawn shortly thereafter from ABC's webpage, listing the names of twelve top Al Qaeda suspects held in Poland;

142. Encourages the Polish Parliament to establish a proper inquiry committee, independent of the Government and capable of carrying out serious and thorough investigations;

143. Regrets that Polish human rights NGOs and investigative journalists have faced a lack of cooperation from the government and refusals to divulge information;

144. Considers that, in the light of the above serious circumstantial evidence, a temporary secret detention facility may have been located at the intelligence training centre at Stare Kiejkuty;

KOSOVO (UNDER UN SECURITY COUNCIL RESOLUTION 1244)

145. Expresses deep concern over the fact that the Committee for the Prevention of Torture

(CPT) obtained access to NATO-run detention facilities in Kosovo only in July 2006;

146. Regrets the refusal of NATO to provide evidence on the allegations of illegal detention of terrorist suspects in the prison run by the NATO-led peacekeeping force (KFOR) at Camp Bondsteel, the only detention facility in Europe where CPT inspectors have not had unlimited access until very recently;
147. Points out in this respect that the testimony given to the temporary committee by the former Kosovo Ombudsman, Marek Antoni Nowicki who confirmed that until 2002, inmates were arbitrarily detained at Camp Bondsteel, subject only to a decision by the Commander of KFOR;

### ***Recommendations***

#### *Political recommendations*

148. Considers it necessary that those European countries that have started inquiries and investigations at governmental and/or parliamentary level on matters within the remit of the temporary committee should conclude their work as soon as possible and make public the results of the investigations;
149. Urges European countries in relation to which serious allegations have been made and that have not undertaken governmental and/or parliamentary investigations, to commence such proceedings as soon as possible; recalls that, according to the case law of the European Court on Human Rights, there is a positive obligation on Member States to investigate allegations of human rights violations in possible breach of the ECHR;
150. Calls for the closure of Guantánamo and for European countries to accept the return of their citizens and residents who are being held illegally by US authorities;
151. Considers that all European countries that have not done so, should initiate independent investigations into all stopovers made by civilian aircraft carried out by the CIA, at least since 2001, including those cases already analysed by the temporary committee;
152. Asks the Commission to undertake an evaluation of all anti-terrorist legislation in the Member States from a human rights perspective and to present proposals for actions in order to avoid any repetition of the matters under the remit of the temporary committee;
153. Deems it necessary better to define the exceptions that flow from the notion of "Secret of State" in the framework of the upcoming review of Regulation 1049/01<sup>1</sup>;
154. Points out the current lack of structured political framework for EU-US dialogue on security matters, including differences in the approach to terrorism as well as the concerns raised by the temporary committee; calls for a common language and joint conclusions from EU-US summits to be adopted in national policies on terrorism and

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<sup>1</sup> Regulation (EC) No 1049/2001 of the of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

followed up with concrete implementation in national legislation;

155. Encourages European countries when they conduct military operations in third countries to:
- ensure that any detention centre established by their military forces is subject to civilian and judicial supervision and that *incommunicado* detention is not permitted;
  - take active steps to prevent any other authority from operating detention centres which are not subject to political and judicial oversight or where *incommunicado* detention is permitted;

#### *Legal recommendations*

156. Considers that the powers of Parliament temporary inquiry committees should be reinforced, and, the interinstitutional decision governing the exercise of the European Parliament's right of inquiry amended accordingly;
157. Calls for all information related to the fight against international terrorism that is in the possession of national parliaments governments or received from international organisations to be readily shared with Parliament;

#### SECRET SERVICES

158. Calls on Member States to ensure that adequate and effective monitoring and supervision of their secret and intelligence activities is carried out by their respective parliaments and governments;
159. Considers that all European countries should have specific national laws to regulate the activities of third countries secret services on their national territories;
160. Considers highly desirable the reinforcement of cooperation between the secret and security services of Member States, either on a multilateral, preferably within the EU framework, or a bilateral basis, provided that human rights are respected and protected at all times;

#### AIR TRAFFIC

161. Urges Member States to ensure that Article 3 of the Chicago Convention, which excludes state aircraft from the scope of the Convention, is properly implemented in order that all military and/or police aircraft fly over or land on another State's territory only if they have prior authorisation;
162. Calls on Member States to take adequate measures to ensure that overflight clearances for military and/or police aircraft should be granted only if accompanied by guarantees that human rights will be respected and monitored;
163. Considers it necessary to enforce effectively, both at EU and national level, the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft so the exercise of jurisdiction is used to ensure the observance of any obligation under a

multilateral international agreement, in particular concerning the protection of human rights, and that, when appropriate, controls on board should be undertaken;

#### INTERNATIONAL CONVENTIONS AND AGREEMENTS

164. Urges the Member States that have not yet done so to complete as soon as possible ratification of the 2003 EU-US Extradition Agreement, while taking adequate steps to avoid wrongly interpreting Article 12 of the Agreement, thereby ensuring that its scope does not go beyond formal extradition and does not legitimise extraordinary renditions;
165. Calls on European countries to support the rapid adoption by the UN General Assembly of the International Convention for the Protection of All Persons Against Enforced Disappearance, adopted on 29 June 2006 by the UN Human Rights Council;
166. Believes that, in providing for the adequate interpretation and enforcement of the UN Convention Against Torture, all European countries should ensure that their definition of torture is in accordance with Article 1 of the Convention thus including any violent, inhuman, degrading or ill-treatment, and that the prohibition of *refoulement* in Article 3 is properly enforced, in particular in relation to the activities of their secret services;
167. States that, given that the protection against *refoulement* is stronger under the ECHR than under the Convention against Torture, European countries should ensure in any event the protection afforded by the ECHR;
168. Calls on all European countries to sign and ratify the Optional Protocol to the Convention Against Torture and establish independent national mechanisms to monitor places of detention;
169. Takes the view that the CPT should be granted access without any delay or obstruction to any place of detention within the European countries, including foreign military bases, and provided with all relevant information concerning such detention. To this end, any bilateral agreements which restrict the access of the CPT should be revised;
170. Urges all European countries to comply with the provisions of the Rome Statute of the International Criminal Court;
171. Believes that the EU should encourage all third countries to become party to the Optional Protocol to the Convention against Torture and to the Convention on Enforced Disappearances;
172. Asks European countries to establish clear rules that provide for the possibility of State immunity being waived where illegal actions violate human rights;

#### *Administrative recommendations (at EU level)*

173. Takes the view that all internal services within the Council all (inter alia, the Policy unit and the Joint Situation Centre) and the Commission (the Crisis Management and Conflict Prevention Unit in DG External Relations and relevant services in DG Justice, Freedom and Security), should be strengthened in the framework of the implementation of the EU Security Strategy and the counter-terrorism strategy in close cooperation with

all Member States; considers that Parliament should be fully informed in this regard;

#### *EU relations with third countries*

174. Urges the European Union to stress in its contacts with third countries that the appropriate legal framework for governing the international fight against terrorism is criminal law and international human rights law;
175. Calls on the European Union to recall that the full application of the "democratic clause" is fundamental in its relations with third countries, especially those with which it has concluded agreements;
176. Strongly believes that it is necessary to promote within the UN framework codes of conduct for all security and military services based on respect for human rights, humanitarian law and democratic political control, similar to the 1994 Code of Conduct on Politico-Military Aspects of Security of the Organization for the Security and Co-operation in Europe;

#### *Conclusions finales*

177. souligne, compte tenu du temps qui lui était imparti, que sa commission temporaire n'a pas été en mesure d'approfondir tous les cas d'abus et de violations relevant de son mandat et que ses conclusions ne sont dès lors pas exhaustives;
178. rappelle les principes et les valeurs sur lesquels est fondée l'Union européenne, tels qu'ils sont repris à l'article 6 du traité sur l'Union européenne, et invite le Conseil et la Commission à assumer leurs responsabilités et à prendre toute initiative appropriée au vu des conclusions des travaux de sa commission temporaire, des faits qu'elle a mis en évidence et de toutes les dispositions pertinentes des traités;
179. demande à son secrétaire général de publier les actes des travaux de la commission temporaire de la manière la plus appropriée et l'invite à faire en sorte que soit assuré un suivi des développements qui interviendront dans les domaines de la compétence de la commission temporaire après la dissolution de celle-ci;
180. charge sa commission des libertés civiles, de la justice et des affaires intérieures en coopération, en tant que de besoin, avec la commission des affaires étrangères, du suivi politique des travaux de la commission temporaire et de lui recommander toute résolution qui s'avérerait nécessaire à cet égard;  

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181. charge son Président de transmettre la présente résolution au Conseil, à la Commission, aux gouvernements et aux parlements des États membres, des pays candidats et des pays associés, ainsi qu'au Conseil de l'Europe, à l'OTAN, aux Nations unies et au gouvernement et aux deux chambres du Congrès des États-Unis.