

Open Letter to Foreign Ministers of Member States of the Council of Europe

January 9, 2006

Dear Minister,

We are writing to urge you to ensure full cooperation with ongoing Council of Europe investigations into allegations by the media and human rights organizations, including Human Rights Watch, that the U.S. Central Intelligence Agency (CIA) maintained secret detention facilities on European soil during the last four years, to hold suspected terrorists.

As you are aware, the Council of Europe's Parliamentary Assembly, on November 7, 2005, appointed Dick Marty of Switzerland to investigate these allegations and other allegations that the CIA transported illegally-detained suspects through Europe—in some cases to countries with records of torture. René van der Linden, President of the Assembly, in a November 17 speech before the Committee of Ministers, the Council's executive body, said: "I would request all governments, along with the European Commission, cooperate fully with Mr. Marty. This issue goes to the very heart of the Council of Europe's human rights mandate."

On November 21, 2005, Terry Davis, Secretary-General of the Council of Europe, took the unusual step of invoking his powers under article 52 of the European Convention on Human Rights to formally request that each member state provide by February 21, 2006 an explanation as to whether "any public official or other person acting in an official capacity has been involved in any manner—whether by action or omission—in the unacknowledged deprivation of liberty of any individual, or transport of any individual while so deprived of their liberty, including where such deprivation of liberty may have occurred by or at the instigation of any foreign agency."

We urge you to support and cooperate fully with these important efforts to establish the truth about the allegations and to adopt measures to ensure that the rights of all detainees held in Europe are respected. As Secretary-General Davis stated, the "objective is to find out what, if anything, happened, how it happened and who was involved. This should allow us to have a close look at the ways in which the governments are ensuring respect for the Convention in the context of the fight against terrorism, and, if necessary, propose further measures to prevent future violations."

We also call on you to respond fully to the Secretary-General's formal inquiry under article 52 by the February 21, 2006 deadline.

We also ask you to assist Mr. Marty's investigation by providing information requested by him, and by allowing his investigators to interview intelligence and military officials who might have knowledge about detention operations. We are confident that arrangements can be made to safeguard sensitive or classified information.

Moreover, your government and other member states should ask EuroControl—the aviation authority for most of Europe—to turn over flight records that have been requested by Mr. Marty.

The allegations of unlawful detention and transfer are extremely serious and may involve grave violations of the European Convention on Human Rights. It is important that member states fully cooperate with these investigations to ensure that any practices in violation of the ECHR and other state obligations under international law do not occur again.

Thank you for your attention to these important matters.

Sincerely,



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