

To the attention of the President of the TDIP committee, Carlos Coelho

CC: the rapporteur, Claudio Fava
members of the Steering group
TDIP Secretariat
Political groups advisors

23 February 2006

Object: concerns on the TDIP committee and possible solutions

Dear President,

Five weeks have passed since the EP voted the resolution on the constitution of the TDIP committee. After 2 Steering group meetings and 2 committee sessions, we would like to share with you some concerns that we have on the way the committee you chair is working.

1. On the holding of hearings, there has still been no decision on a way to organise and conduct them, nor on a precise schedule of people to be invited, and to which session.

*** We consequently ask you, together with the rapporteur and with the help of the Secretariat to come up with a clear proposal for the organisation of the hearings, agendas for the meetings with the people we shall invite, and a method for the hearings.**

*** We suggest to send to the persons we invite a limited number of written questions and to provide for a mechanism for supplementary questions in case the answer is not satisfactory or contradictory.**

2. Secondly, **we have still not had all the documents that are fundamental for our committee's work** coming from Member States and international organisations. Since the first meetings the Secretariat has been asked to provide Members with the material that is being produced at the national and international level on alleged CIA flights and prisons. In many Member States Parliaments are enquiring, holding hearings, producing documents, putting parliamentary questions and examining the answers by their governments. In some Member States the governments have launched enquiries, as well as judicial authorities. The only documents we have received up till now have been distributed by MEPs on their own initiative, or have been sent to us by private persons. Only now has the initiative been taken to request this information via the Permanent representations.

We consequently and urgently ask you through the Secretariat to:

*** write directly to all Parliaments - if appropriate using COSAC - to request from them all the information available on enquiries underway on alleged CIA flights and prisons**

*** establish with them a network so that the EP is informed as soon as new documents are produced or events take place (sessions of committees, hearing of Ministers, etc)**

*** actively look for the documents that are already available (on websites, official journals, press, etc)**

*** ensure distribution and translation of these documents, that should be put on the TDIP committee website and distributed as committee dossiers at the TDIP meetings**

*** ensure that the Secretariat prepares Working documents analysing the documents received, to help our work in committee**

3. Our working methods have not been settled, despite persistent requests. The suggestion of working groups by theme/area has not the subject of a vote in the Steering group or in committee (though the minutes of the first committee purported to record the rejection of the idea). Far from being a way to make our work more difficult, this could be a solution to go further and faster with the work and ensure proper and in-depth analysis of documents and data. Possible solutions could be to organise a WG on flights and one on alleged prisons; or

a division by State. So there would be specific WGs that could help the rapporteur to collect and analyse all information - that is quite a difficult task.

*** We consequently ask for a renewed discussion and if necessary a vote on the possibility to establish WGs by flights an/or area.**

4. Concerning the analysis of information, we don't believe that we have the technical and scientific means to analyse or interpret intelligence information: we need specific help from experts, as has been repeatedly requested (this is different from asking serving personnel of intelligence services to give evidence).

*** We consequently ask for proposals for intelligence experts to help the TDIP committee to analyse information.**

5. The "maximum 16 invited persons" per year per committee does not fit with the working method of a temporary committee like ours, that has as its main task that of hearing a large amount of people in order to obtain information from them.

*** We urge you to address this problem and enquiry with the EP services to clarify this issue and ensure that we will have the possibility to derogate from this rule.**

6. The information we could obtain could be confidential, and special methods for dealing with it could be necessary. We need to define a strategy for the management of classified intelligence information.

*** We urge you to come up with a note on how we can address this problem in the EP for our committee.**

7. We need legal advice concerning "extraordinary renditions", the legal definition of "torture" according to the European Court of Human Rights' jurisprudence, the responsibility of Member States in case they have allowed or turned a blind eye on the CIA flights, etc.

*** We would ask you to request to the EP legal service to produce a legal analysis on these issues.**

8. For a committee that has a short time to produce its results and has such a heavy workload, we need an active and strong secretariat as well as Steering Group meetings that make decisions.

*** We invite you to advise us on whether you would consider it useful to request the EP services to provide us with more officials for the TDIP Secretariat. We deem it necessary to at least keep the current officials in charge of it. We should also use the EP research personnel and facilities.**

*** We want each Steering Group meeting to be concluded by a number of decisions and actions that were agreed during the meeting.**

We hope that you will take these recommendations into due consideration, either by implementing them directly - together with the rapporteur and the Secretariat - or by putting a discussion on them in the agenda of the next Steering Group meeting. We would welcome your early response.

Yours sincerely,

Sarah Ludford

1st Vice-President of the TDIP committee

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