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Press release
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'EXTRAORDINARY RENDITION': INSPECTION AND MONITORING REGIME MUST BE ESTABLISHED AS A MATTER OF URGENCY

Diplomatic assurances not enough says Irish Human Rights Commission

The Irish Human Rights Commission today published its report "'Extraordinary Rendition'^[1]: A Review of Ireland's Human Rights Obligations".

The report concludes that diplomatic assurances received from the US Government are not sufficient for Ireland to satisfy its human rights obligations with regard to the issue of 'extraordinary rendition' flights passing through Irish territory.

The Commission recommends that an effective inspection regime be put in place to ensure that no foreign aircraft which might be suspected of involvement in the illegal practice of 'extraordinary rendition' may land and refuel in Ireland. An effective inspection regime will ensure that no prisoners are transited through the State en route to a situation of torture or inhuman or degrading treatment or punishment.

Other recommendations include:

- Aircraft from any State in relation to which suspicion exists should be subject to the inspection regime.
- To facilitate proper inspection of relevant aircraft, detailed information about the purpose of the flight, its destination and the names of passengers on board should be required by the aviation authorities and received in advance of any such aircraft landing. The provision of relevant details should be a condition for entry to the State.
- Ireland should continue to oppose the practice of 'extraordinary rendition' and linked practices, in appropriate fora.
- The commitments in the Programme for Government should be clearly implemented, particularly in relation to the role of An Garda Síochána.
- Consideration should be given to establishing a Garda sub-station at Shannon Airport
- Where necessary, legislation should be introduced to ensure that no aircraft may leave the State where an allegation has been made that it is involved in an 'extraordinary rendition' flight until such time as an inspection of the aircraft occurs.

Commissioner Suzanne Egan said “In the context of three pan-European investigations into the issue of ‘extraordinary rendition’ flights through the territories of European States, the IHRC has conducted a comprehensive review and concludes that in its approach to ‘extraordinary rendition’, the Irish State is not fully complying with its human rights obligations. The State’s reliance on diplomatic assurances is not enough to satisfy those obligations”.

“‘Extraordinary rendition’ is an illegal practice which results in torture, and to meet its human rights obligations, the Irish Government must put in place an effective inspection regime to ensure that no foreign aircraft suspected of involvement in the practice land or refuel in Ireland,” said Des Hogan, Director of Enquiry & Legal Services of the IHRC.

The IHRC conducted this review under its statutory duty to scrutinise and advise Government on the adequacy and effectiveness of law, policy and practice in the State relating to human rights. With regard to ‘extraordinary rendition’ the Commission has the obligation to advise Government of its human rights obligations in preventing any such practices taking place on its territory.

The Commission had extensive dialogue with the Department of Foreign Affairs regarding this report, and the Department also received a draft of the report in advance of its completion.

ENDS

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Note for Editors:

Since 2005 the IHRC has called for a system of inspection to be put in place. The Irish Government has asserted that assurances have been received from the US administration that prisoners have not been and will not be transported illegally through Irish territory. The Government believes these assurances are enough, and there is no need for an inspection system.

The Government has also put the onus upon the private Irish citizen to produce evidence about suspect aircraft and has requested that such evidence be given to An Garda Síochána for investigation.

The IHRC believes that this system is insufficient to fulfil Ireland’s human rights obligations. Not only are diplomatic assurances not enough, but it is also not possible for a private citizen to have access to gather the information required to start a Garda investigation.

In its report, the Commission refers to a number of international enquiries and reports. Its recommendations echo those made by a number of international bodies:

- In a Resolution in February 2007, the European Parliament specifically deplored the stopovers in Ireland made by aircraft that are known to have been used by the CIA in ‘extraordinary rendition’ activities. It also recommended a ban on CIA aircraft landing in Ireland unless a regime of inspection was in place.
- The Council of Europe’s Parliamentary Assembly concluded (Marty Reports) that Ireland could be held responsible in the process of ‘extraordinary rendition’ as a stopover for flights involving the unlawful transfer of detainees. In a Resolution in June 2006 it subsequently called on Member States to ‘prevent renditions and rendition flights through the Member State’s territory and airspace’.
- An investigation by the Secretary General of the Council of Europe concluded that mere assurances by

foreign States that their agents abroad comply with international and national law are not enough to satisfy its obligations under the European Convention on Human Rights.

- Decisions of UN bodies also point to the fact that diplomatic assurances are not enough. This point was reiterated by the Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg and the UN High Commissioner for Human Rights, Ms Louise Arbour on their recent visits to Ireland.
- As to the practice of 'extraordinary rendition' and what occurs on flights, the report details the findings of both the first Marty Report and cases before both the UN Committee Against Torture and the Human Rights Committee, where detainees have described having their clothes cut off, being subjected to an extensive and invasive body search, being forced to wear a nappy, being hooded, shackled, drugged and strapped to a mattress or floor in an uncomfortable position, with no knowledge of their fate or destination. This treatment alone, which continues throughout the transit, would appear to clearly fall within the definition of inhuman and degrading treatment.

[1] 'Extraordinary rendition' describes the forcible kidnapping of an individual by the agents of a State and the transfer of that person to a secret prison in another State where s/he can be tortured or subjected to inhuman or degrading treatment or punishment and be interrogated and detained indefinitely without recourse to the courts, to lawyers or to any of the mechanisms set up to protect the human rights of the individual.