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## JOINT MOTION FOR A RESOLUTION

to wind up the debate on statements by the Commission and the Council

pursuant to Rule 103(2) of the Rules of Procedure, by

Claudio Fava, on behalf of the PSE group

Sarah Ludford, Ignasi Guardans, Adina Valean, Marco Cappato on behalf of the ALDE group

Kathalijne Buitenweg, Jean Lambert, Raül Romeva, Cem Özdemir, Hélène Flautre, on behalf of the Verts/ALE

by Giusto Catania, Sylvia-Yvonne Kaufmann, Jens Holm and Willy Meyer Pleite on behalf of the GUE/NGL group

replacing motion (B6-/09) tabled by EPP-ED Group

replacing motion (B6-/09) tabled by PSE Group

replacing motion (B6-/09) tabled by ALDE Group

replacing motion (B6-/09) tabled by Verts/ALE

replacing motion (B6-/09) tabled by GUE/NGL Group

replacing motion (B6-/09) tabled by UEN Group

**on the Alleged use of European countries by the CIA for the transport and illegal detention of prisoners**

The European Parliament,

- having regard to the international, European and national instruments on human rights and fundamental freedoms and on the prohibition of arbitrary detention, enforced disappearances and torture, such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and its relevant protocols (Greens)

- having regard to the report on the Temporary Committee's findings on alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, as well as to other reports and resolutions raising the issue, including the Council of Europe work on this matter (same in all texts)

- having regard to the resolution on the return and resettlement of the Guantánamo detention facility inmates, adopted by the EP on the 4 February 2009 (same in all texts)

- having regard to the letter sent by the EP President to national parliaments on the follow up given by Member States to the TDIP report, (ALDE/PSE)

- having regard to Rule 103(2) of its Rules of Procedure,

A - whereas the report adopted by the European Parliament on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners addressed a series of 46 detailed recommendations to Member States, to the Commission and to the Council, (Greens)

B - whereas since the adoption of the EP report, a series of developments have taken place in EU Member States, including:

- the declarations of the UK Foreign Minister on two US extraordinary rendition flights carrying 2 prisoners that landed on UK territory in 2002, as well the compiling of a list of suspect flights that would be sent to US authorities to request specific assurance they were not used for rendition, as well as the declarations of the Prime Minister in this regard; the *referral* of the UK Home Secretary to the Attorney General *of the question of* possible "criminal wrongdoing" over M. Binyam Mohamed's treatment and the impossibility to disclose relevant information on this case due to the alleged threat of the US to block any further exchange of intelligence; (ALDE modified)

- the decision by the Polish Prime Minister to hand over to Prosecutors documents on CIA flights and prisons, as well as the findings of the Polish Prosecutor that stated that over a dozen CIA flights used the Szymany airport, hereby confirming the TDIP committee findings, (PSE/Greens/GUE)

- the declarations of the Spanish Foreign Minister made in the Spanish Parliament clarifying the information about military flights carrying detainees published by El País; (PSE modified)

- new press information in relation to CIA flights in Portugal, carrying detainees, during the Barroso government, (PSE/Greens modified)

- the imposition of State secrecy requirements by some governments on information relevant to the enquiries on renditions, as was the case in Italy, where the proceeding on the rendition of Abu Omar is now in stall and a pronouncement from the Constitutional Court on the legitimacy of the use of state secrecy is awaited; (PSE/Greens/GUE)

C - whereas the EU Commissioner for Freedom, Security and Justice stated on the 3.2.2009 in the European Parliament that he undertook a series of actions to implement the recommendations of the EP, including writing to the authorities of Poland and Romania to ask them to make full clarity on the alleged existence of secret prisons on their soil, and issuing a Communication planning new actions in the field of civil aviation, (same)

D - whereas extraordinary renditions and secret detention are contrary to international human rights law, the UN Convention against torture, the European Convention on Human Rights, the Charter of Fundamental Rights, and whereas the US authorities are currently reviewing this practice, (Greens)

E - whereas those kidnapped in some Member States under the extraordinary rendition programme have been flown to Guantánamo or to other States by the US authorities on military and CIA flights, which have often flown over EU territory and in some cases have also made stopovers in some EU Member States; whereas those taken to third countries have undergone torture in local prisons; (same)

F - whereas some Member States have approached the US authorities requesting the release and repatriation of persons who have undergone extraordinary rendition who are their nationals or who were previously resident on their territory; whereas officials of some Member States have had access to prisoners in Guantánamo or in other detention centres, and have also interrogated them to verify the charges brought against them by the US authorities, thus legitimating the existence of such detention facilities; (PSE/GUE)

G - whereas the EP report and subsequent events stated that several EU Member States have been involved in, or have cooperated actively or passively with the US authorities in, the CIA's and US military's illegal transport of prisoners to, and/or their detention in, Guantánamo and the 'secret prisons' acknowledged by President Bush – as proven by some recently disclosed information concerning governments' authorisations of US requests for over-flight and by government information on secret prisons – and that EU Member States bear a particular share of political, moral and legal responsibility for the transportation and detention of those imprisoned in Guantánamo and in secret detention facilities, (same)

H. Whereas the US Senate ratified the EU-US agreement on extradition and mutual judicial assistance, ratified by all the EU member states but Italy; (PSE/Greens)

I. Whereas the executive orders issued by President Obama on 22 January 2009, though a big step forward, don't seem to be fully addressing the issues of secret detention and abduction nor that of the use of torture; (PSE/Green/GUE)

1. Denounces the lack of action taken so far by the Member States and the Council to make clarity on the extraordinary renditions programme and to implement the EP recommendations; deplores the lack of satisfactory answers given by the Council to the Parliament on 3 February 2009;  
(Greens reworded)

2. Calls on the Member States, the Commission and the Council to fully implement the recommendations made by the European Parliament in its report on the alleged use of European countries by the CIA for the transport and illegal detention of prisoner and to collaborate in the finding of the truth by opening enquiries or collaborating with the competent bodies by disclosing and providing all relevant information, and by ensuring effective parliamentary scrutiny of secret services action; asks the Council to disclose all relevant information concerning the transport and illegal detention of prisoners, including in the framework of the COJUR; calls on Member States and EU institutions to cooperate with all competent international bodies, including UN and CoE bodies, and to transmit to the European Parliament any relevant information, parliamentary enquiry report or judgment in this regard;  
(GUE/Greens + ALDE modified)

3 - Calls on the European Union and the United States to strengthen transatlantic dialogue on a new common approach to tackling terrorism based on the common values of respect for international human rights law, democracy and the rule of law, in a framework of international cooperation; (PSE/Greens)

4- Believes that the EU-US agreements on extradition and mutual judicial assistance constitute a relevant tool for lawful law enforcement and judicial cooperation in the fight against terror; welcomes therefore their ratification by the US Senate and invites Italy to ratify them in the shortest delay; (PSE/Greens)

5. Welcomes the adoption by President Obama of three executive orders concerning the closure of the Guantanamo detention centre, the halting of military commissions, the end of the use of torture and the shuttering of secret prisons abroad;  
(PSE/Greens)

6. Highlights however that some ambiguities persist as to the limited maintenance of rendition schemes and of secret detention facilities, and is confident that clarifications will be made as to the closure and prohibition of all other secret detention facilities directly or indirectly managed by US authorities in the US or abroad; reminds that secret detention is in itself a serious violation of basic human rights;  
(Greens/GUE)

7. Reaffirms that, according to Article 14 of the UN Convention against torture, any victim of an act of torture has an enforceable right to redress and to fair and adequate compensation  
(Greens/GUE)

8 - welcomes the forthcoming visit of 16 and 17 March to the United States by the Commissioner for Freedom, Security and Justice, the Czech Presidency and the EU counter-terrorism coordinator and calls the EU representatives to raise the issue of extraordinary renditions and of secret detention facilities, as these are serious violation of international and European human rights law; calls the JHA Council of 26 February to take a firm stance on this, as well as to discuss the issue of the closure of Guantanamo and the resettlement of detainees, taking into due consideration the EP resolution on this issue;

(ALDE)

9 - calls on the European Union, the Member States and the US authorities to investigate and fully clarify the abuses and violations of international and national law on human rights, fundamental freedoms, the prohibition of torture and ill-treatment, enforced disappearance and the right to a fair trial committed in connection with the 'war against terror', so as to establish responsibility for secret detention centres - including Guantánamo - and the extraordinary rendition programme, and to ensure that such violations will not recur in the future and that the fight against terrorism is pursued without breaching human rights, fundamental freedoms, democracy and the rule of law;

(same)

10 - Calls on the Commission, the Council and the Counter-Terrorism Coordinator after the visit of the EU delegation to the US to report to the European Parliament on the application of the agreements on mutual legal assistance and on extradition, as well as on EU-US cooperation in the field of anti-terrorism while ensuring full respect for human rights, so that the competent committee can address these issues in a report drafted also on the basis of par. 232 of the TDIP temporary committee report,

(same)

11 - Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the CFSP, the Counter-terrorism coordinator, the parliaments of the Member States, the NATO Secretary General, the Secretary-General and President of the Parliamentary Assembly of the Council of Europe, the United Nations Secretary-General and the President and Congress of the United States of America.

(same)