10. Recognises the cultural differences between Member States which may result in different ways of dealing with harmful or offensive audiovisual material, especially vis-à-vis minors, while taking into account the minimum harmonisation in the field of protection of minors laid down in the Audiovisual Media Services Directive and the actions taken under the Safer Internet Plus programme which aims to promote safer use of the internet and new online technologies, particularly for children, and to combat illegal content and content not wanted by the end-user;

11. Calls on the Observatory, in this respect, to monitor the different (legal) instruments and to develop policy options;

12. Encourages the wider dissemination of the Observatory’s publications through an intensified communications policy in order to promote awareness of its activities;

13. Welcomes the planned overhaul of the Observatory website which ought to reflect the latest and highest standards in multimedia and technology, and supports the planned efforts to improve its design and interactivity which will make it more informative and more user friendly;

14. Recognises that whilst some specific areas, such as media literacy, are not currently within the field of activity of the Observatory, exploration of such issues should be envisaged;

15. Encourages the Observatory to provide, in cooperation with its members, more data on the availability of specific audiovisual services such as subtitling, audio description and sign language, designed to assist people with disabilities;

16. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States as well as the Council of Europe and the European Audiovisual Observatory.

Alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

P6_TA(2009)0073

European Parliament resolution of 19 February 2009 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

(2010/C 76 E/11)

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 of 16 December 1966 and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto,

— having regard to its resolution of 14 February 2007 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (1), as well as to other reports and resolutions raising the issue, including the Council of Europe work on this matter,

— having regard to its resolution of 4 February 2009 on the return and resettlement of the Guantánamo detention facility inmates (2),

— having regard to the letter sent by its President to national parliaments on the follow-up by Member States to Parliament’s resolution of 14 February 2007,

(1) OJ C 287 E, 29.11.2007, p. 309.
— having regard to Rule 103(4) of its Rules of Procedure,

A. whereas its resolution of 14 February 2007 addressed a series of 46 detailed recommendations to Member States, the Council and the Commission,

B. whereas since the adoption of its resolution of 14 February 2007, a series of developments have taken place in Member States, including:

— the statements by the UK Foreign Secretary on two US extraordinary rendition flights carrying two prisoners that landed on UK territory in 2002 and the compiling of a list of suspect flights that would be sent to US authorities to request specific assurances that they had not been used for rendition, as well as the statements by the Prime Minister in this regard; the referral by the UK Home Secretary to the UK Attorney General of the question of possible ‘criminal wrongdoing’ by MI5 and the CIA in relation to Binyam Mohamed’s treatment; the High Court’s ruling of 5 February 2009 that it was unable to order the disclosure of information about the alleged torture of Binyam Mohamed because the UK Foreign Secretary asserted that the UK was threatened by the US with the blocking of intelligence-sharing about terrorism, and the legal challenge to the ruling based on doubts about the veracity of that assertion,

— the decision by the Polish Prime Minister to hand over to prosecutors documents on CIA flights and prisons, and the finding of the Polish Public Prosecutor that over a dozen CIA flights had used Szymany Airport, thereby confirming the findings of Parliament’s Temporary Committee,

— the statements by the Spanish Foreign Minister in the Spanish Parliament clarifying the information published by El País about military flights,

— the imposition of state secrecy requirements by some governments on information relevant to the inquiries into rendition, as occurred in Italy, where the proceedings on the rendition of Abu Omar are currently suspended and a ruling by the Constitutional Court on the legitimacy of the invocation of state secrecy is awaited,

C. whereas on 3 February 2009 the Commissioner for Justice, Freedom and Security stated in Parliament that he had undertaken a series of actions to implement Parliament’s recommendations, including writing to the authorities of Poland and Romania to ask them to clarify in full the position regarding the alleged existence of secret prisons on their soil, and issuing a communication proposing new measures in the field of civil aviation,

D. whereas extraordinary rendition and secret detention are contrary to international human rights law, the UN Convention against Torture, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, and whereas the US authorities are currently reviewing these practices,

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 or CIA flights, which have often flown over EU territory and in some cases have also made stopovers in certain Member States; whereas those taken to third countries have undergone torture in local prisons,

F. whereas some Member States have approached the US authorities requesting the release and repatriation of persons who have undergone extraordinary rendition and 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,
G. whereas its resolution of 14 February 2007 stated, and subsequent events have confirmed, that several Member States had been involved in, or had cooperated actively or passively with the US authorities in, the CIA’s and US military’s illegal transportation 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 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,

H. whereas the US Senate ratified the EU-US Agreements on Extradition and Mutual Legal Assistance, ratified by all the Member States except Italy,

I. whereas the executive orders issued by President Obama on 22 January 2009, though a considerable step forward, do not seem to fully address the issues of secret detention and abduction or that of the use of torture,

1. Denounces the lack of action taken so far by the Member States and the Council to shed light on the extraordinary rendition programme and to implement Parliament’s recommendations; deplores the lack of satisfactory answers given by the Council to Parliament on 3 February 2009;

2. Calls on the Member States, the Council and the Commission to fully implement the recommendations made by Parliament in its resolution of 14 February 2007 and to assist in ascertaining the truth by opening inquiries or collaborating with the competent bodies, by disclosing and providing all relevant information, and by ensuring effective parliamentary scrutiny of the action of secret services; asks the Council to disclose all relevant information concerning the transportation and illegal detention of prisoners, including in the framework of the Working Party on Public International Law (COJUR); calls on Member States and EU institutions to cooperate with all competent international bodies, including UN and Council of Europe bodies, and to transmit to Parliament any relevant information, parliamentary inquiry report or judgment;

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;

4. Believes that the EU-US Agreements on Extradition and Mutual Legal Assistance constitute a relevant tool for legally sound law enforcement and judicial cooperation in the fight against terrorism; welcomes, therefore, their ratification by the US Senate and calls on Italy to ratify them as soon as possible;

5. Welcomes the issuing by President Obama of three executive orders on closing the Guantánamo detention centre, halting the proceedings of military commissions, ending the use of torture and shutting secret prisons abroad;

6. Highlights the fact, however, that some ambiguities persist as to the continuation of a limited number 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; recalls that secret detention is in itself a serious violation of basic human rights;

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;

8. Welcomes the forthcoming visit to the United States, on 16 and 17 March 2009, by the Commissioner for Justice, Freedom and Security, the Czech Presidency and the EU Counter-Terrorism Coordinator, and calls on the EU representatives to raise the issue of extraordinary rendition and of secret detention facilities, as these are serious violations of international and European human rights law; calls on the Justice and Home Affairs Council of 26 February 2009 to take a firm stance on this, and to discuss the issue of the closure of Guantánamo and the resettlement of detainees, taking into due consideration Parliament’s resolution of 4 February 2009 on the subject;
9. Calls on the European Union, the Member States and the US authorities to investigate and provide full clarification about 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;

10. Calls on the Council, the Commission and the EU Counter-Terrorism Coordinator, after the visit of the EU delegation to the US, to report to Parliament on the application of the Agreements on Extradition and on Mutual Legal Assistance, 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 inter alia on the basis of paragraph 232 of its resolution of 14 February 2007;

11. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the Common Foreign and Security Policy, the EU Counter-Terrorism Coordinator, the governments and 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.

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**Annual Report (2007) on the main aspects and basic choices of the CFSP**

P6_TA(2009)0074


(2010/C 76 E/12)

The European Parliament,

— having regard to Article 21 of the EU Treaty,


— having regard to the European Security Strategy (ESS) adopted by the European Council of 12 and 13 December 2003,

— having regard to its resolutions of 14 April 2005 (2), 2 February 2006 (3), 23 May 2007 (4) and 5 June 2008 (5) on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP,

— having regard to Rule 112(1) of its Rules of Procedure,