

AMNESTY INTERNATIONAL

Public Statement

AI Index: IOR 10/003/2006 (Public)
News Service No: 235
12 September 2006

Council of Europe: Decisive action needed to prevent secret detention, disappearance and rendition

The Council of Europe's Committee of Ministers has the opportunity to take a leadership role in assuring that the protection of human rights does not become a casualty of the "war on terror", by taking decisive action to prevent secret detention, enforced disappearance, and rendition.

Amnesty International urges the Committee of Ministers to initiate a transparent process for drafting the standards proposed by Secretary General Terry Davis, and made public on 7 September, which aim to ensure that these unlawful practices cannot take place in Europe or with European collusion, and that those involved cannot continue to operate under the shield of immunity.

The key areas highlighted by the Secretary General correspond to some of the recommendations made by Amnesty International in previous reports on rendition and secret detention, and include: principles and guidelines that will enhance control over the activities of domestic and foreign secret services on the territory of member States; better safeguards and controls over air traffic transiting through European states; and ending impunity for the perpetrators of serious human rights violations.

As the Secretary General notes: "Mere assurances that the activities of foreign agents comply with international and national law are not enough. We need effective guarantees and mechanisms to enforce, if necessary, the rights and freedoms enshrined in the Convention. Such guarantees should be set out in international or bilateral agreements and in domestic law." Drafting the guidelines, principles and model clauses the Secretary General has recommended are an important step towards these ends.

Investigations carried out by Amnesty International, the Council of Europe and the European Parliament have presented evidence of a rendition network operating in and through Europe and other parts of the world. People are known to have been secretly detained in Europe, and it remains likely that secret detention centres have operated in European territory.

In his speech of 6 September 2006, President Bush confirmed the existence of a CIA secret detention and interrogation programme, and thereby the rendition network that supported it. He announced that 14 men who had been held by the CIA in secret detention had been transferred to military custody at Guantánamo Bay, where they may face trial by military commission.

President Bush noted that he had sent Congress a legislative proposal that would exclude the possibility of prosecuting US personnel for committing "outrages upon personal dignity, especially humiliating and degrading treatment" prohibited under Article 3 common to the Geneva Conventions of 1949. The legislation would also make the Geneva Conventions judicially unenforceable "as a source of rights,

whether directly or indirectly” in any court in the USA.

Although the President claims that the CIA is not now holding anyone in its secret programme, the fate and whereabouts of some two dozen other individuals thought to have “disappeared” in US custody remain unknown. Despite requests, including from European officials, the US administration has refused to divulge details of the secret detention programme, including the location of detention sites. However, President Bush stated unequivocally that the CIA detention programme “will continue to be crucial”, adding that he will seek congressional approval for the continuation of the CIA programme.

The need to end the CIA’s rendition and secret detention programmes, as well as the imperative to establish responsibility for past violations, requires the Council of Europe and its member states to take decisive action.

In addition to drafting the standards recommended by the Secretary General in a transparent manner, Amnesty International calls on the Council of Europe member states to:

- Ensure that no one suspected or accused of security offences is rendered or otherwise transferred to the custody of another state unless the transfer is carried out under judicial supervision and in full observance of due legal process;

- Ensure that no one is arbitrarily detained, secretly or otherwise, in Council of Europe member states;
- Enforce the prohibition of forcible return or transfer of any person to any place where there are substantial grounds to believe that the person would be at risk of grave human rights violations, including the death penalty; and do not seek or accept "diplomatic assurances" or similar bilateral agreements where there are substantial grounds for believing that a person for whom a forcible return or transfer is contemplated would be at risk of torture or other ill-treatment;

- Ensure the accountability of intelligence agencies, including by prohibiting the practice of mutual assistance in circumstances where there is a substantial risk that such co-operation would contribute to unlawful detention, torture or other ill-treatment, "disappearance", unfair trial or the imposition of the death penalty;

- Ensure that the fate and whereabouts of all victims of secret detention and rendition are established and notified to their relatives;

- Ensure that all victims obtain prompt and adequate reparation for the violations suffered from the state(s) responsible, including restitution, rehabilitation and fair and adequate financial compensation;

- Co-operate fully with ongoing national and international investigations on rendition and secret detention, including by providing them with access to all relevant people and information.

See Amnesty International reports:

USA: Below the radar: Secret flights to torture and

'disappearance'<http://web.amnesty.org/library/Index/ENGAMR510512006>,

Partners in crime: Europe’s role in US renditions<http://web.amnesty.org/library/index/ENGEUR010082006>

Amnesty International is campaigning to stop torture and ill-treatment in the "war on terror". For more information, please go to the campaign home page: <http://web.amnesty.org/pages/stoptorture>