

Members of the LIBE Committee

**AMNESTY
INTERNATIONAL**



European Institutions Office

Our Ref: B1225

**EUROPEAN INVOLVEMENT IN THE CIA'S RENDITION & SECRET DETENTION
PROGRAMME**

Dear Member of the LIBE Committee,

I am writing to you ahead of the vote on the new report on European involvement in the CIA's rendition and secret detention programmes led by the rapporteur H el ene Flautre MEP.

It is essential that amendments to the draft report do not undermine the LIBE committee's excellent work, and instead enhance the report to make it an effective tool to promote accountability for human rights violations in the EU.

We welcome the amendments which reflect our suggestions and which were sent to all LIBE members on 23 May. Those suggestions highlighted the establishment of secret detention centres on European soil and the legal obligation to investigate human rights violations connected with those sites (amendments 82, 83 and 84). The attached list of voting recommendations addresses specific amendments proposed by both the rapporteur and other MEPs and our position on each amendment.

We also attach a copy of a leaflet which provides a snapshot of the most recent information linking EU countries to the CIA rendition and secret detention programmes, including stories of some people who have consequently suffered human rights abuse. The leaflet is part of our campaign *Unlock The Truth in Europe* calling on EU governments and candidate countries to carry out human rights-compliant investigations into their involvement in the CIA programmes and on the European Parliament to ensure the report makes a strong contribution to securing accountability in EU countries for European complicity in these activities. More information on our campaign and research on this issue is posted on our new website www.unlockthetruth.org

We stand ready to answer any queries you may have.

Yours sincerely,

Dr Nicolas J Beger
Director

VOTING RECOMMENDATIONS

- We urge you to support amendments to paragraph 6 of the draft report which recommend that the Romanian judicial authorities launch a criminal investigation into alleged CIA secret detention sites (**See amendments 89 and 90**). Any amendments which imply Romania has already fulfilled its legal obligation to investigate or otherwise exempting Romania from it should be rejected.

Many reports credibly allege that Romania housed at least one secret prison. However it has to date failed to carry out any credible investigation into these allegations. The conclusions of a secret internal investigation by the Senate Committee of Inquiry in 2007 summarily concluded that the accusations were “groundless”. This internal enquiry cannot be considered independent, impartial, thorough or effective.

- We urge you to support the amendment to paragraph 8 of the draft report encouraging Lithuania to follow up its stated commitment to re-open the criminal investigation into Lithuania's involvement in the CIA programme should the information and evidence suggest such a course. (**See amendment 97**)

Lithuania has acknowledged the presence of two secret CIA prisons on its territory between 2002 and 2006. A criminal investigation was closed prematurely in 2011 without disclosing any information about the process and despite the discovery of new flight data credibly linking the transfer of a detainee to the sites.

- We urge you to support the amendment to paragraph 7 which acknowledges the shortcomings of the continuing proceedings in Poland. (**See amendment 94**)

In Poland, a criminal investigation related to these issues was opened in 2008 and is underway. We are concerned about this investigation's credibility and effectiveness. Transparency has been lacking. This includes the investigation's scope. There has also been over-reliance on the ‘state secrets’ doctrine to restrict information disclosure.

- We urge you to support the amendment to paragraph 10 calling on member states to disclose information on suspect aircraft associated with the CIA programmes. (**See amendment 106**)

Information continues to seep out from various actors, both official and unsourced. In an effort to achieve maximum transparency, all implicated EU countries should release flight data and any relevant accompanying information about aircraft suspected of operating under the CIA's programmes.

- We urge you to support the new calls on member states to offer mutual legal assistance and judicial cooperation in investigating European complicity in these US operations. (**See amendments 107**)

The systematic nature of the CIA programmes is well-established. To investigate EU countries' complicity in these operations, national authorities must share information and evidence to create a complete picture of the transfers and detentions which characterised the programmes.

- We urge you to call on Lithuania, Poland and Romania to respond in full to the letters sent in October 2011. (**See amendment 111**)

Lithuania, Poland, and Romania are among the EU countries which the UN Special Procedures contacted in October 2011 to respond to allegations of secret detention on their soil as outlined in the UN Joint Study on Secret Detention, issued in January 2010. To date no response has been received to the follow-up letters the UN sent the three countries' representatives.

- We urge you to ensure paragraph 1 of the draft report acknowledge member states' failure to launch human rights compliant investigations (**See amendments 56 and 58** which should be rejected)

EU countries' legal obligation to conduct human rights-compliant investigations and afford victims effective redress must be central to the report. While some attempt has been made to seek accountability, the report should not contain language which suggests EU countries have discharged their human rights obligations.

- The LIBE report must contain strong follow-up measures to monitor action by member states regarding accountability processes. Reporting requirements and the development of guidelines for human rights-compliant investigations should be supported. (**See amendments 125 and 126 to paragraph 16** which should be rejected)