

Jean-Claude Juncker
President of the European Council
Prime Minister of the Grand Duchy of Luxembourg

Brussels, 16 February 2005
B 453

EU Heads of State or Government meeting with US President George W. Bush on 22 February 2005 in Brussels.

Dear Mr. Juncker,

Your forthcoming meeting with US President George W. Bush is marked as a critical opportunity for Europe and the United States to revitalize the transatlantic alliance. Global security is bound to constitute the prime focus in this effort. While your encounter will allow both sides to emphasize the sharing of fundamental values, it will at the same time present the challenge of how to come to terms with the very significant disagreements about the means to realize those values. Forging a common agenda on joint aspirations to advance freedom in the world will, if anything, pose that challenge with even greater urgency.

You may not regard this to be the most auspicious moment to dwell on the differences of the past. However, where these differences appear to persist in the crucial area of respect for the international rule of law, there is no avoiding basic issues of legality and credibility regarding the protection of fundamental rights. For the EU in particular, the question is whether its leadership is prepared to anchor its role in the partnership with the United States in a clear and unequivocal reaffirmation of the rule of law and of international standards of human rights.

For the EU, the need to counter terrorism in a manner that fully respects principles and standards of international law has ostensibly never been in question. And yet, in the face of overwhelming evidence of the negative impact on human rights of counter-terrorist legislation and measures introduced by governments around the world, we can observe a continuing failure by the international community, including the EU, to move beyond the rhetoric and address concretely how to pursue security in full respect of human rights standards. There has been an obvious human rights deficit in the work of the United Nations' Counter-Terrorism Committee, but we have yet to see the EU advance concrete proposals through the Security Council to ensure that human rights are effectively integrated in counter-terrorism policies.

Significantly, when confronted with flagrant transgressions of fundamental principles and values by its closest ally, the United States, the EU has refrained even from taking public position. These past years the US has demonstrated that it does not accept the constraints of international law in pursuing its "war on terror", in two critical respects:

- by detaining people indefinitely without charge or trial in circumstances that flout the most elementary principles of justice;
- by leaving in serious doubt its position with regard to the absolute prohibition of torture and other cruel, inhuman and degrading treatment or punishment.

The US policy and practice has not only embarrassed its friends, it has also set a singularly bad example for those governments looking for justification of their own repressive conduct. And yet the EU has remained painfully silent. At the time of the EU-US summit in June 2004 in Ireland, when the images of torture in Abu Ghraib had just been etched on the world's conscience, Amnesty

International addressed the EU with the request to convey to President Bush its rejection of US policies regarding treatment of detainees as contrary to professed shared values. To date, we have seen the EU avoid taking a position on the matter.¹ No doubt the fact that one Member State, the United Kingdom, has been implicated in similar transgressions has been a further inhibiting factor. Be that as it may, it is undeniable that the EU has made itself vulnerable to accusations of complicity, and so has eroded confidence in its ability to provide a genuine value- and rule-based alternative.

The forthcoming meeting with the US President should mark a critical moment for you to consider whether the EU can continue to ignore its responsibility with regard to the failure of the international community to stake out the limits to what is permissible in the “war on terror”. We call on you to reflect whether continued acquiescence with the conduct of an ally who effectively rejects the imperative of international law can be the basis on which to renew the alliance and shape a common agenda. Inevitably, this means that the time has come for each Member State to reckon with its own responsibility and conduct in the way it seeks to balance security with human rights.

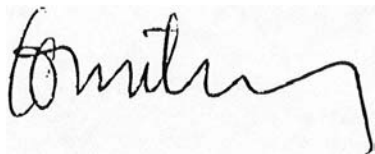
On 19 January 2005, at the occasion of his re-inauguration, Amnesty International set out its concerns in an extensive appeal to President Bush², urging him to make the eradication of torture and ill-treatment by US agents, and full compliance with international law and standards for the treatment and trial of detainees, a hallmark of his second term in office.

Today, Amnesty International calls on you to recall your commitment to live up to the principles of the constitution you adopted last November:

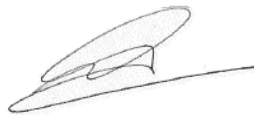
- by ensuring that compliance with international human rights standards becomes the explicit objective of any common agenda to pursue security at home and in the world; and
- by reaffirming unequivocally the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International believes that the EU can no longer afford to leave any doubt that it is prepared to confront the persistent challenge to these principles. We urge you to do so in your meeting with President Bush.

Yours sincerely,



Dick Oosting
Director
Amnesty International EU Office



Virginie Giarmana
Director
Amnesty International Luxembourg

This letter has been sent to José Manuel Durao Barroso, President of the European Commission, Javier Solana, EU High Representative for the Common Foreign and Security Policy, and all EU Heads of State or Government.

¹ See EU-U.S. Declaration of support for the people of Iraq and EU-U.S. Declaration on combating terrorism, Dromoland Castle, 26 June 2004; EU Presidency Statement at the fifty-ninth session of the General Assembly – Third Committee, 26 October 2004.

² Please see enclosed Amnesty International, United States of America: Human rights not hollow words. An appeal to President George W. Bush on the occasion of his re-inauguration, 19 January 2005 (AI INDEX 51/12/2005).