

Wolfgang Schüssel
Federal Chancellor of Austria
President-in-Office of the European Union

23 February 2006
Our ref: b_530

Dear Chancellor Schüssel,

Subject - Amnesty International Report on the UK: the erosion of human rights in the fight against terrorism

Amnesty International wishes to draw your attention to its latest report: *"United Kingdom – Human rights: a broken promise"*, published on 23 February 2006. The report documents how the United Kingdom has been conducting its fight against terrorism for the last six years in ways that openly breach international and European human rights standards. It demonstrates the corrosive and far-reaching effects on human rights of such counter-terrorism policies.

Amnesty International believes that the European Union can not remain silent in the face of such a documented account of sustained attacks on human rights from one of its Member States. As already demonstrated by the widespread concerns over alleged European complicity in secret detentions and renditions by the US Central Intelligence Agency, the EU can no longer afford an approach to human rights and counter-terrorism which bears no relation with the actual human rights issues at stake in its Member States.

We therefore urge the Council and the Commission to depart from the current minimalist approach to Member States' accountability and to create, at EU level, the political space to adequately address and correct the erosion of fundamental rights in the fight against terrorism.

The UK – an alarming precedent for human rights in Europe

Amnesty International's comprehensive research describes in detail how a country's legitimate fight against terrorism has generated a distinct and extraordinary system of laws and practices which not only violate basic human rights, but lead to actual abuses. The report notably denounces the use of measures such as internment, control orders and deportation proceedings. Such measures applied to men labelled "suspected international terrorists" on the basis of secret intelligence never disclosed to the individuals concerned or their legal counsel, have led to gross violations of fundamental rights with devastating consequences for the men and their families. Furthermore, legislation has been used to erode the powers and independence of the judiciary, undermining the judiciary's role in the enforcement of anti-terrorism legislation.

The UK's actions and policies seek to limit the applicability of human rights law, and pose a challenge to the absolute prohibition of torture both at home and abroad. Amnesty International demonstrates in particular how the UK has sought to legitimise the highly controversial practice of seeking 'diplomatic assurances' from third countries to allow for the deportation of persons suspected of terrorism to countries where they are at risk of torture or other ill-treatment. The report highlights how the UK government has also failed to meet its obligations in relation to abuse committed by other states, by evading its responsibilities concerning rendition flights through the UK. And it shows how the UK has been attempting to circumvent domestic and international obligations in relation to actions of its own armed forces personnel outside the UK, in Iraq and Afghanistan, and its intelligence officials in Guantánamo.

The need for the EU to take full and collective responsibility for human rights across the Union

Amnesty International considers the Commission's reaction to the allegations regarding CIA illegal activities in Europe as an encouraging sign that the Commission will not tolerate that Member States,

by engaging in US illegal activities or by condoning them on EU territory, violate EU fundamental values in the name of the "war of terror". We urge the Commission to adopt a similar stance towards a Member State for which there is documented evidence that it has engaged in policies that breach international and European human rights standards, well beyond the issue of rendition flights.

Amnesty International believes that attacks on human rights as described in its report on the UK endanger the very values proclaimed by the European Union. The Commission and the Council can not hide behind lack of competence to refrain from confronting Member States' conduct when it is leading to human rights being gradually undermined in Europe. The example of the UK shows that existing checks and balances at national level can come under enormous strain and may indeed be insufficient to prevent and correct what amounts to abuse of power from the state. The Commission and the Council need to rethink their legal and political responsibilities to determine how to complement domestic remedies with effective checks and balances at EU level.

In the face of the distortions and abuse of standards committed by the UK in the fight against terrorism, the EU's minimalist approach to Member States' accountability as reflected in the proposed Fundamental Rights Agency is no longer tenable. We see that article 7 TEU is a theoretical threat only, a disowning considered unthinkable by the EU Member States and by the Council. And yet, by remaining silent in face of human rights abuse carried out by its own Member States in the so-called 'war on terror', the EU takes the risk, along with US, to lose the credibility to uphold basic human rights and set the right example for the rest of the world.

These developments in the context of the fight against terrorism call for a different human rights policy at EU level. Amnesty International calls on the EU Institutions to build on their legal and political competencies and powers to give the EU a new impetus in framing an EU-wide counter-terrorism and human rights policy:

- the Commission, as guardian of the treaties, should scrutinise closely national practices and initiate proposals as to how the EU can respond to the human rights challenges identified at national level.
- The Council should use its political power to promote as a matter of urgency a real debate on the human rights issues at stake and the EU instruments that can be developed within the EU framework.
- The European Parliament should ensure that the impact of the fight against terrorism on human rights inside the EU and in its external relations is examined comprehensively.

One very concrete and crucial first step would be for the Council and the Commission to fully address the issue of torture, at home and abroad, and to take a firm position against diplomatic assurances, by setting binding rules and safeguards to ensure that Member States uphold their international obligations in all circumstances, including when pursuing persons suspected of terrorism.

Yours sincerely,

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Enclosed : Amnesty International Report, "*United Kingdom-Human Rights: a broken promise*", 23 February 2006

This letter was sent also to: Mr. Barroso, President of the European Commission and Mr. Borrel, President of the European Parliament.