

Rt. Hon. Tony Blair
President-in-Office of the Council of the European Union

14 December 2005
Ref: b514

Open letter to Heads of State or Government of the European Union

Appeal to the European Council to reassert the Union's fundamental values in the fight against terrorism

Dear Mr Blair,

The forthcoming European Council will be critical for the European Union not only in financial terms. While EU leaders seem satisfied with recent declarations from the US Secretary of State, public and parliamentary disquiet in the EU about the manner in which the so-called "war on terror" is being conducted by the United States, and how it impacts in Europe, has been far from allayed.

As disclosures continue about CIA secret detentions and renditions and about possible complicity from within the EU, and as initial denials make room for actual investigations into claims of secret detention sites, the political momentum is building for a strong and collective EU stance at the highest level. The General Affairs Council on 12 December referred an EU counter-terrorism strategy and other important documents for adoption by the European Council, but the manner in which it reiterated *"the Union's commitment to a comprehensive approach to combating terrorism, while respecting human rights"* does not reflect the sense of urgency.

The rhetoric has worn alarmingly thin. Amnesty International believes that there is a legal, moral and political imperative to:

1. find out what is happening in Europe;
2. ensure that no Member States are directly or indirectly involved in "disappearances" and torture;
3. reassert the Union's fundamental values in the fight against terrorism.

This week's European Council marks a defining moment in which the EU should clearly and unequivocally own up to those values.

Investigation

Until now, the response of the EU to the persistent reports about secret CIA detention sites and rendition flights in and over EU countries has been limited. Following strong pressure from the European Parliament, national governments, civil society and public opinion generally, the Council has addressed the US Government with a request for clarification in a letter yet to be formally answered. Both the European Commission and the European Parliament have indicated that there is no legal basis to open a formal inquiry at EU level. However, the Commission was quick to state that Article 7 TEU would apply in case a Member State were found to have allowed secret sites on its territory, which would appear to contradict the argument that no legal basis exists for proper EU investigation.

In any case, Amnesty International expects that the EU will cooperate fully in all investigations into allegations of violations of human rights within the EU by US agents - including torture and other ill-treatment, denial of fair trial, and "disappearances" - and into possible European complicity. That applies in particular to the investigation conducted by the Council of Europe through its Parliamentary Assembly. Such cooperation should extend to all relevant technical expertise and include the provision of satellite imagery as requested.

Action

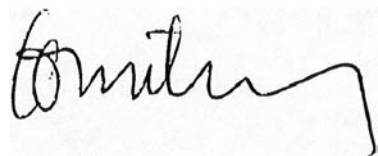
Amnesty International rejects the US Secretary of State's assertions that "extraordinary renditions" are permissible under international law, and believes that any involvement of EU Member States in such transfers, including the mere act of allowing facilities at airports, is equally in breach of international law. The EU must therefore make clear that its Member States will be held accountable for their actions if it is found that they have been implicated in exceptional transfers of detainees and associated abuses.

The allegations of involvement in unlawful activities by the US add to Amnesty International's concern that the EU conducts its own counter-terrorism effort in a manner that shows significant human rights shortcomings. EU counter-terrorist strategies have always made obligatory references to respect for human rights, but it has become increasingly clear that the need to address issues relating to human rights in its own sphere of activity has been grossly underestimated. What is more, until now there has been no response from the part of the EU to measures taken by some EU Member States that must be considered in breach of international standards. Such discrepancy between the manner in which the EU addresses the issue of terrorism and the ongoing reports on practices taking place within the EU's own borders risks undermining not just the EU's credibility, but ultimately also the effectiveness of the counter-terrorist effort itself.

If the EU wants to retain credibility inside and outside its borders, it must end any semblance of ambivalence and double standards. It must make clear that the rules set out by international human rights and humanitarian law have not changed and will be applied rigorously in all counter-terrorist efforts. It must leave no doubt that arbitrary arrests, secret detentions, extraordinary renditions, denial of due process, torture or other ill-treatment, and "disappearances" will not be tolerated. It must also recognise that the common fight against terrorism is an area of competence and action where the EU is expected to ensure adequate protection for human rights throughout its territory, requiring proactive steps by the EU and engaging its collective responsibility.

Amnesty International calls on the European Council to state unequivocally that it will not tolerate any national or EU law or practice in the fight against terrorism that violates the principles of respect for the rule of law and protection of human rights and fundamental freedoms.

Yours sincerely,



Dick Oosting
Director
Amnesty International EU Office