



Ref.: TIGO IOR 61/2008.006

BY EMAIL

Ms Herta Däubler-Gmelin
Chairperson, PACE Committee on Legal Affairs and Human Rights
Council of Europe
67075 Strasbourg Cedex
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17 March 2008

Dear Ms Däubler-Gmelin,

Amnesty International, Human Rights Watch, the International Commission of Jurists and REDRESS consider it essential that the Parliamentary Assembly of the Council of Europe retain an active and vigilant role regarding renditions and secret detentions in Europe. The inquiries of the Parliamentary Assembly and Secretary General of the Council of Europe and the investigation conducted by the Temporary Committee of the European Parliament (TDIP) have been key in the process of uncovering evidence about the grave human rights violations that have taken place in the context of the US-led rendition and secret detention programme.

These inquiries concluded that grave and systematic violations of the European Convention on Human Rights have taken place in a number of Council of Europe member states and elsewhere by or with the participation, consent or acquiescence of officials of Council of Europe member states.

Despite these inquiries, and the past and on-going work of journalists, lawyers and NGOs, much of the truth about the precise involvement of Council of Europe member states in renditions and secret detentions remains secret. Moreover, victims have not received redress including reparation, those responsible for the egregious human rights violations which have taken place have not been held to account, and sufficient action has yet to be taken to ensure that such conduct is not repeated.

More remains to be done to address the damage caused by renditions and secret detentions, and to meet international law obligations to investigate, ensure accountability and provide effective remedies and reparation for victims. We consider that the Parliamentary Assembly can make an important further contribution to this task.

It is clear that the information available to date triggers the obligation under the European Convention on Human Rights of a number of states to ensure that prompt, independent impartial and thorough investigations are carried out in connection with already-identified cases and allegations. Yet, with a few notable exceptions, very few states have initiated such investigations. Some have done nothing. Others have merely sought "assurances" from the United States; the recent experience of the UK regarding Diego Garcia has shown this to be insufficient. The Assembly's own Resolution 1562 (2007) indicates that officials in some

governments have sought to block the efforts of those conducting investigations, including in the name of protecting national security.

The evidence that has already been uncovered about the nature and scale of the programme, and the fact that previously unknown information and allegations continue to emerge, suggest that much significant information has yet to come to light. In order to ensure that states meet their positive obligations to prevent their agents and territories from being used in operations that involve serious human rights violations, including torture or other ill-treatment, states should conduct investigations to ensure the disclosure of any "pieces of the puzzle" they may hold. In addition, those states in respect of which the PACE and TDIP inquiries, or other credible research has produced evidence that the territory was used or state agents were involved in any way in renditions or secret detentions, must take prompt action to ensure that independent, impartial and effective inquiries are conducted, as required by Articles 3 and 13 of the European Convention on Human Rights. The scope, methods and findings of these inquiries should be made public.

Amnesty International, Human Rights Watch, the International Commission of Jurists and REDRESS call on the Committee on Legal Affairs and Human Rights to consider taking further action, with a view to underscoring the duty to investigate. In particular we urge the Committee to consider seeking a mandate to prepare a report which takes stock of the investigations that have been undertaken in Council of Europe member states -- including by government officials, parliaments, prosecutors etc -- about the use of their territory and the involvement of any agents of the state in the human rights violations that have occurred in the context of the US-led programme of rendition and secret detention.

It is our belief that such an initiative by the Assembly could serve the important function of encouraging further action in member states aimed at revealing the truth of what has happened in and through Europe and how European state agents have facilitated and participated in the human rights violations which have taken place. This undertaking would signal a reaffirmation of the Assembly's commitment to safeguarding respect for the rule of law and protection of human rights throughout the Council of Europe region.

Yours sincerely,

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cc: Mr Lluís Maria de Puig, President of the Assembly
Mr Dick Marty, Chairperson of the Sub-Committee on Crime Problems and the Fight against Terrorism