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Twelve Steps to End Renditions and Secret Detentions in Europe:

**Joint Statement by
Amnesty International, Human Rights Watch, the International Commission of Jurists and the
Association for the Prevention of Torture**

The Report of Senator Dick Marty to the Parliamentary Assembly of the Council of Europe, along with the investigations of the EU Parliament, non-governmental organisations and journalists has demonstrated compellingly that officials in certain European states have tolerated, and in some cases actively supported, the US-initiated system of renditions and secret detentions. As a result, people have been detained and transferred abroad, without due legal process, to places where they have been subjected to torture or other cruel, inhuman or degrading treatment. Some have been handed over for interrogation to states that routinely use torture. Some have been held secretly, including in Europe, and Senator Marty's report notes that "serious indications continue to exist and grow stronger" that the US has operated secret detention centres in Council of Europe member states. Many of these cases amount to enforced disappearance, a crime under international law.

People held within this system are left with no avenues for legal redress, and with no mechanism for assessing their guilt or innocence, contrary to the most basic principles of respect for the rule of law, human dignity and fairness. It is unacceptable and unlawful for European states to actively participate, or to acquiesce, in renditions or secret detentions. Where they do so, they breach their fundamental human rights obligations.

European states have clear human rights obligations which prohibit their participation in renditions and secret detentions, in particular where they involve arbitrary detention, torture, cruel, inhuman or degrading treatment or enforced disappearances. European states are required to prohibit US or other foreign intelligence services from engaging in such serious human rights violations on their territory or anywhere within their jurisdiction; to take active steps to prevent torture or cruel, inhuman or degrading treatment by US or other foreign intelligence services on their territory or anywhere within their jurisdiction; and to prevent the removal of persons from their territory or anywhere within their jurisdiction to places where they risk torture or other cruel, inhuman or degrading treatment. They must not allow people to be held in detention on their territory without a legal basis for that detention, or without recourse to courts, lawyers or family members.

While it is important to maintain effective international co-operation in countering terrorism, Senator Marty's report demonstrates the dangers of participating in activity that subverts the rule of law and breaches human rights in the name of counter-terrorism. In light of the available evidence on renditions

and secret detentions, European states must now take positive steps to ensure that international counter-terrorism measures do not lead to further human rights violations on their territory, and to ensure that no one is rendered from the state to face violations of their human rights abroad. Human Rights Watch, the International Commission of Jurists, Amnesty International and the Association for the Prevention of Torture therefore call upon all European states to:

Cease all involvement in renditions or illegal detentions. Issue clear instructions to the intelligence services, law enforcement and transport agencies not to provide any assistance in renditions or illegal detentions, and to report any information on rendition or illegal detention on the territory or in the jurisdiction of the state.

Establish independent public inquiries with full investigative powers to examine whether the co-operation of government agents with foreign intelligence and law enforcement agencies has led to violations of human rights. Require all government agencies -- including intelligence agencies -- to disclose relevant records to these inquiries.

Make unequivocal public representations to the United States government urging it to cease practices of rendition and illegal detention anywhere in the world, and hold to account those who have been involved in such practices.

Enforce and respect the prohibition on returning people to states where they face a risk of torture or cruel, inhuman or degrading treatment or other gross human rights violation, and do not seek or rely on diplomatic assurances against torture or inhuman or degrading treatment.

Review the terms of status of forces or other similar agreements to allow for adequate powers to investigate allegations of human rights violations, including if necessary powers to search military bases.

Establish or maintain effective and independent national institutions that have a right of immediate access to all places where persons are or may be deprived of their liberty.

Enforce the criminal law effectively against illegal activity of national and foreign intelligence officials operating on the territory of the State, and bring such officials to justice where they have participated in criminal activity, including illegal detention, or crimes of torture or enforced disappearance.

Ensure that all victims of rendition and secret detention have access to an effective remedy and receive adequate, effective and prompt reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Insist that any airplane or helicopter used by foreign military, law enforcement or intelligence agencies be identified as a state aircraft, even if the aircraft in question is chartered from a private company.

Require operators of non-scheduled flights landing or seeking permission to land in the territory of the State to indicate whether any passengers on board are deprived of their liberty and provide information on their status, destination and legal basis for their transfer.

Ensure, where necessary by imposing conditions on landing permission, that when a non-scheduled flight landing in the State is being used to transport detainees, or where there are grounds for believing that this is the case, it will be subject to boarding for inspection by law enforcement agents.

Instruct law enforcement agents to verify the legality of any detention and if verification or inspection raises reasonable suspicion that the flight is being used for unlawful transfers, hold the flight until appropriate law enforcement action is taken.

Instruct all government officials, including officials from the intelligence services, to cooperate fully with any further inquiries by the Council of Europe, and with the European Parliament investigation on the transport and illegal detention of prisoners, including by making all relevant persons available and providing all relevant documents to those inquiries.

We consider these measures to be essential to uphold the protection of human rights and the rule of law in Europe. The institutions of the Council of Europe and the European Union also have a vital role in upholding human rights protection in counter-terrorism law and policy in Europe, and must continue to investigate and monitor allegations of rendition and secret detention. They must put in place mechanisms to scrutinise national implementation of the recommendations arising out of Senator Marty's report, and in particular must monitor national level investigations and assess progress in making the necessary changes to national law and policy. European institutions must be afforded the powers and resources to carry out these tasks effectively. The violations of fundamental human rights facilitated by European

governments' involvement in renditions and secret detentions must not be allowed to happen again.