

AMNESTY INTERNATIONAL EU OFFICE PRESS RELEASE

AI Index: IOR 61/011/2005 (Public)
News Service No: 145
31 May 2005

Embargo Date: 31 May 2005 09:00 GMT (11:00 Brussels time) Tuesday 31 May

Lack of human rights safeguards undermines EU counter-terrorism effort

New analysis from Amnesty International released today

(Brussels, 31 May, 2005) In a detailed analysis of the EU's counter-terrorism initiatives in the area of criminal law since 11 September 2001, Amnesty International has shown that the absence of concrete human rights safeguards in many of these initiatives is likely to undermine efforts to fight terrorism in Europe.

"Respect for human rights is often portrayed as hampering efforts to defeat terrorism but this new analysis shows how genuine security is undermined if basic human rights and the rule of law are not respected. It is in the breach, not in the protection of human rights that security is put at risk. That goes for the EU as well as anywhere else in the world," Dick Oosting, Director of Amnesty International's EU Office told a press conference in Brussels today.

Amnesty International's 40-page analysis "***Human Rights Dissolving at the Borders? Counter-terrorism and EU Criminal Law***" - the first analysis of its type of the overall implications of the EU's recent counter-terrorism initiatives in the area of criminal law - is available on <http://www.amnesty-eu.org> from 11.00 Brussels time, 31 May. A shorter Executive Summary is also available online.

It was presented today to the EU's Counter-Terrorism Coordinator Gijs de Vries who participated in an Amnesty International panel debate with Jonathan Faull, European Commission Director-General for Justice, Freedom and Security, Lord Carlile of Berriew, UK Independent Reviewer of terrorism legislation and Susie Alegre, co-author of the analysis, currently OSCE/ODIHR Counter-Terrorism Adviser.

Amnesty International analysed a range of counter-terrorism initiatives where the EU has direct responsibility for ensuring adequate protection of human rights including:

- terrorist blacklists
- European Arrest Warrant
- the drawing up of minimum standards across the EU on the rights of suspects and defendants in criminal proceedings
- admissibility of evidence obtained by torture
- extradition and expulsion of terrorist suspects to third countries.

"After surveying a wide range of counter-terrorism initiatives at EU level, it is clear that the lack of concrete, legally-binding human rights safeguards is not only leading to serious breaches of human rights but has created legal confusion and uncertainty," Dick Oosting said. "Cross-border cooperation to prosecute and remove people suspected of terrorist involvement is increasing, but fundamental human rights safeguards are being left behind at the borders."

Amnesty International's analysis states that the notion of a "war on terror" is helping to create a legal limbo, and that it is in no-one's interests and certainly not in the interest of security, to obtain a wrongful conviction in a terrorist trial or to cooperate blindly with countries that do not respect human rights or the rule of law, thus giving their methods legitimacy.

"Because of the political and emotional impact of terrorist offences, terrorist cases are often the most susceptible to abuses of fundamental rights. That is why it is in these most sensitive and difficult cases that clear and binding standards for criminal justice must prevail if the EU and its Member States are to live up to their collective commitments to protect the principles of human rights and the rule of law," Dick Oosting said.

Public Document

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