



SIX STEPS FOR EUROPE TO END RENDITION AND SECRET DETENTION

European states have been implicated in the US-led rendition and secret detention programme, in which people have been unlawfully detained and transferred from one country to another outside of any judicial process. Some have been transferred from US custody to countries where torture and other ill-treatment is known to accompany interrogation; others have been transferred into US custody and subsequently held in detention centres in Afghanistan and Guantánamo Bay, Cuba.

A number of individuals have been subjected to enforced disappearance, including in secret CIA detention, and the whereabouts of some three dozen people remain unknown. Every one of the victims of rendition interviewed by Amnesty International has said they were tortured or otherwise ill-treated in custody.

Little concrete action has been taken by governments to ensure that allegations of such violations have been independently investigated and the full truth brought into the public realm. On the contrary, allegations have been met with almost complete denial of responsibility. Victims of rendition and secret detention have not received reparation for their suffering and those responsible for serious human rights violations have not been brought to justice.

EUROPEAN STATES MUST ACT NOW TO:

■ CONDEMN

European states should publicly condemn renditions, secret detention and enforced disappearance as unlawful, and call on the US authorities to end all such practices and make public the full truth about them.

■ INVESTIGATE

European states should initiate effective, independent and impartial investigations into allegations of involvement of their agents or territory in renditions, secret detention or enforced disappearances. The investigations should, among other things:

- have legal powers to gather all relevant evidence;
- operate under procedures that are transparent and that allow public scrutiny of the nature of the evidence received, the findings and results;
- include criminal investigations where crimes under international or national law are at issue.

■ BRING TO JUSTICE

European states should bring to justice anyone reasonably suspected of being responsible for human rights violations in connection with renditions, secret detention and enforced disappearance. States should forward to the appropriate authorities all requests for extradition or other mutual legal assistance regarding any criminal processes.

■ ENSURE ACCOUNTABILITY OF INTELLIGENCE AGENCIES

European states should ensure the accountability of domestic and foreign intelligence agencies including by:

- developing and implementing a regulatory framework and practices that provide effective safeguards against human rights violations;
- providing protection from reprisals for whistleblowers and witnesses of human rights violations in connection with renditions, secret detention and enforced disappearances.

■ PREVENT SECRET DETENTION AND RENDITIONS

European states should introduce measures that include only transferring individuals to the custody of another state, or facilitating such a transfer, if the transfer is carried out under judicial supervision, and should ensure that no one is forcibly returned to any place where they may be at risk of serious human rights violations. They should also:

Prevent secret detention by:

- prohibiting the holding of individuals anywhere other than officially recognized places of detention;
- ensuring that anyone detained in connection with terrorism is brought before a judicial authority promptly and can effectively challenge the lawfulness of their detention before a court;
- immediately acknowledging the fate and whereabouts of the detainees;
- ensuring access or meaningful communications between detainees and their relatives and legal representatives;
- establishing an independent and impartial national expert body that is mandated to make unannounced visits to any place where anyone is or may be deprived of their liberty;
- reviewing and amending bilateral or multilateral military arrangements or other agreements that could impede the state's ability to meet its international human rights obligations.

Prevent renditions by:

- ensuring enforcement of the rule that operators of any aircraft used to carry out activities of intelligence agencies declare that the aircraft is being used for state purposes;
- amending any existing blanket overflight or landing clearances granted to state aircraft to include prior agreement to submit to requirements for search and other inspection measures;
- requiring that aircraft, watercraft and other vehicles seeking permission to transit or land in European territory indicate whether any passengers on board are deprived of their liberty and, if so, their status, destination and the legal basis for their transfer;
- ensuring that aircraft and vehicles known or suspected to be carrying anyone unlawfully deprived of their liberty are inspected by independent officials; and that other aircraft and vehicles reasonably suspected of being used from time to time for such purposes (including all aircraft operated by or for the CIA) be subject to a system of random inspections;
- ensuring that state authorities take responsibility for systematically and proactively identifying companies and aircraft reasonably suspected to be misrepresenting their status or involved in human rights violations, without relying exclusively on civil society to provide such information.

■ PROVIDE REPARATIONS FOR VICTIMS

European states should ensure that all victims of rendition, secret detention and enforced disappearance promptly receive adequate reparation from the state or states responsible.

www.amnesty.org/counter-terror-with-justice

June 2008
Index: EUR 01/006/2008

Amnesty International
International Secretariat, Peter Benenson House
1 Easton Street, London WC1X 0DW, United Kingdom

www.amnesty.org

COUNTER TERROR
WITH JUSTICE

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.