

Alleged secret detention centres in Council of Europe member states

Motion for a resolution
presented by Mr Marty and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. The Parliamentary Assembly is deeply concerned about reports alleging that secret detention centres have existed and may still exist in member states of the Council of Europe.
2. The alleged existence of such secret detention centres dating back to apparently 2001, has recently been given substantial press coverage and is based on information from a number of sources, especially Human Rights Watch.
3. The holding of individuals *incommunicado* in secret detention centres is a flagrant violation of the European Convention on Human Rights (ECHR) and the European Convention for the Prevention of Torture (ECPT) by which member states of the Council of Europe are bound. Observer states to the Council of Europe are also bound by the UN Covenant on Civil and Political Rights and the UN Convention against Torture.
4. Also, judicial procedures on abduction charges or other enquiries relating to the practice of “extraordinary rendition” are underway with respect to US Central Intelligence Agency operatives in certain member states, including Denmark, Germany, Italy, Spain, Sweden and Switzerland.
5. The Assembly recalls, in this connection, its strong appeal to all member states of the Council of Europe “to ensure that their territory and facilities are not used in connection with practices of secret detention or rendition in possible violation of international human rights law” (paragraph 10 vii of Resolution 1433 (2005) on the lawfulness of detentions by the United States in Guantánamo Bay).
6. It also recalls its strong condemnation of enforced disappearances defined as “*the deprivation of liberty, refusal to acknowledge the deprivation of liberty or concealment of the fate and the whereabouts of the disappeared person and placing of the person outside the protection of the law*”, stressing that such disappearances are “*a very serious human rights violation on par with torture and murder*” “ (paragraphs 1 and 2 of Resolution 1463 (2005) on enforced disappearances).
7. The issue of secret detentions may merit a wider analysis. The European Committee for the Prevention of Torture (CPT) has published two statements in 2001 and 2003 detailing serious human rights abuses committed in secret places of detention in the North Caucasus, and Russian and international non-governmental organisations have recently provided fresh information on such practices.
8. The Assembly calls for an immediate investigation of these issues, including the alleged use of airspace, airports and other facilities in Council of Europe member states to transport illegally detained suspected terrorists.
9. The Assembly encourages the competent authorities of all member and observer states to examine the allegations and to make public the results of their enquiries. There is an urgent need for the Assembly to verify, if necessary by means of *in loco* visits to member states or any other means, whether secret detention centres existed and/or still exist.
10. It calls on the United States, as an observer state of the Council of Europe, to take a clear stand on the specific allegations of abuse in a comprehensive and transparent manner.

11. The Assembly reiterates the proposal, made on 7 November 2005 by its Legal Affairs and Human Rights Committee, that the Secretary General of the Council of Europe ask all states parties for information on this subject by virtue of powers of inquiry vested in him under article 52 of the ECHR.

12. It urges all other international organisations and institutions, including the European Union, UN, NATO, as well as specialist institutions such as the European Union Satellite Centre and Eurocontrol, to cooperate with the Assembly in its undertaking to determine the veracity of allegations made.

13. The Assembly welcomes the recognition by the EU Commission Vice-President, Franco Frattini, and UN Special Rapporteur on Torture, Manfred Nowak, of the obligation of states to comply with two of the Council of Europe's key legal instruments, the ECHR and the ECPT, and invites them to cooperate actively in the Assembly's work on this subject.

14. Finally, the Assembly reiterates the Council of Europe's determination to support the fight against terrorism, whilst stressing the need for states to respect their international human rights obligations. Human rights violations committed in the fight against terrorism are counterproductive – they are in fact victories for the terrorists, whose aim it is precisely to destroy our societies governed by the Rule of Law.

Signed [\[1\]](#):

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ERR, Lydie, Luxembourg, SOC
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[\[1\]](#)

SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group