



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 January 2007

5670/07

**PE 14
USA 7
COHOM 7**

NOTE

from :	General Secretariat of the Council
to :	Delegations
Subject :	Report on the meeting of the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, held in Brussels on 23 January 2007

The meeting was chaired by Mr COELHO (PPE-DE, PT).

I. Chairman's announcements

Mr COELHO announced that, on 18 January 2007, the Plenary had appointed Bulgarian and Romanian Members of the Temporary Committee. Three of them, one from PPE-DE, one from PSE and one from ALDE, had confirmed their mandate and would be able to participate in the vote.

II. Adoption of the final report

The report was adopted (28 votes in favour, 17 against, 3 abstentions) with the following amendments: 1, 2, 6, 7, 10, 13-18, 21, first part of 22, 26-29, 31, first part of 32, first part of 46, 47, first part of 50, 51 with an oral amendment, 52, 54, 56, 57, 60, 71-73, first part of 74, 76 with an oral amendment, 83, 91, 92, 93, 109, 114, 116, first part of 119, 120, 122, 125, 128, first part of 129, 134, 136, 138, 141, 143, first part of 146, 151, 163-165, 170 with an oral amendment, 171, first part of 175, 179, first part of 192, 193, first part of 198, first part of 204, 207, 211 with an oral

amendment, 217-219, first part of 220, 222, 223, 225, 227, 228, first part of 229, 230-232, 236-238, 248, 249, 251, 252, 257, 260, 261, first part of 265, 269, 270, first part of 272, 274, 275, first part of 282, 288, 298, first part of 299, 300, 308-310, 312, 314, 316, 318-320, first part of 323, 328, 329, 332, 333, 336, first part of 339, 341, 344, 345, 347, 350, 360, 365, first part of 366, 374 with an oral amendment, 391, first part of 393, 395, 396, first part of 397, 398, 400, 404, 406, 407, 412, 413, 417, 418, 420-422, first part of 427, 428, 429, 431, 439-441, 443-448, 451-456, 458-460, 463, 465, first part of 466, 467, 468 and 474, and compromise amendments 1-9.

III. Administrative information

Timetable:

Debate in plenary: 13 February 2007

Vote in plenary: 14 February 2007

Annex: Compromise amendments

Amendments 1-474 can be found on the website of the Committee:

http://www.europarl.europa.eu/comparl/tempcom/tdip/default_en.htm

DRAFT COMPROMISE AMENDMENTS PROPOSED BY THE RAPPORTEUR

Compromise 1

Replaces AMs **39** (Buitenweg, Özdemir, Romeva and Lambert), **40** (Ludford, Guardans, in't Veld and Lax), **42** (Gawronski) and **43** (Catania, Kaufmann, Willy Meyer and Holm)

2. Considers *that after 11 September 2001, the so-called 'war on terror' -in its excesses- has produced a serious and dangerous erosion of human rights and fundamental freedoms, as noted by the outgoing UN Secretary-General Kofi Annan;*
- 2a. *Is convinced that the rights of the individual and full respect for human rights contribute to security;* considers it necessary *that in* the relationship between the need for security and the rights of individuals, human rights *must always be* fully respected, ensuring that *suspected terrorists are tried and sentenced while due process is observed;*

Compromise 2

Replaces AMs **66** (Gawronski and Zieleniec), **67** (Catania, Kaufmann, Meyer and Holm), **68** (Brepoels) and **69** (Ludford, Guardans in't Veld and Lax).

10. Denounces the *lack of cooperation of many* Member States, and of the Council of the European Union *towards* its Temporary Committee; *stresses that the behaviour of Member States, and in particular the Council and its Presidencies, has fallen far below the standard that Parliament is entitled to expect;*
- 10a. *Believes that the serious lack of concrete answers to the questions raised by victims, NGOs, the media and parliamentarians has only strengthened the validity of already well-documented allegations;*

Compromise 3

Replaces AMs **97** (Klamt), **98** (Kreissl-Dörfler, Swoboda and Wiersma) and **100** (Ludford, Guardans, in't Veld and Lax).

19. *Takes note of the fact that* the Secretary-General (and High Representative for the CFSP) of the Council of the European Union, Javier Solana, *reaffirmed that Member States must ensure that any measures they take to combat terrorism comply with their obligations under international law;* expresses its (*deletion*) concern about the omissions (*deletion*) in the statements made to its Temporary Committee by the Secretary-General, regarding the Council's discussions and knowledge of the methods used by the United States in its campaign against terrorism, (*deleted*); *deplores the fact that he was unable to supplement the evidence already in the possession of the Temporary Committee; asks him to declare all facts and discussions that are within his knowledge and to promote a European foreign policy and an international anti-terrorism strategy that respect human rights and fundamental freedoms;*

Compromise 4

Replaces AMs **103** (Kreissl-Dörfler, Swoboda and Wiersma), **104** (Gawronski) and **106** (Brepoels)

- 18c.** *Calls for the disclosure of the results of the discussions conducted with the United States, according to Gijs de Vries, on the definitions of "rendition" and "extraordinary rendition";* (to be placed after AM 93)
- 20.** *Questions the real substance of the post of European Union Counter-terrorism Coordinator occupied by Gijs de Vries, since he was unable to give satisfactory answers to the questions raised by its Temporary Committee and is of the opinion that a revision and strengthening of his competences and powers, as well as an increased transparency and monitoring of his activities by the European Parliament must be undertaken in the near future, so as to enhance the European dimension of the fight against terrorism;*

Compromise 5

Replaces AMs **266** (Ludford and in't Veld), **267** (Guardans and Lax) and **271** (Gomes, Romeva and Ludford).

- 96a.** *Welcomes the meeting in Lisbon with the Portuguese Minister of Foreign Affairs and the fact that the Portuguese Government supplied documents and explanations; regrets that the Portuguese authorities were unable or reluctant to answer all the questions raised by the Temporary Committee delegation in Portugal;*

Compromise 6

Replaces AMs **268** (Ludford, Guardans, in't Veld and Lax) and **281** (Gomes, Romeva and Ludford)

- 98e.** *Asks the Portuguese authorities to investigate the case of Adburahman Khadr, allegedly carried on board of the Gulfstream IV N85VM from Guantánamo to Tuzla in Bosnia and Herzegovina on 6 November 2003, with a stopover in Santa Maria in the Azores Islands on 7 November 2003; calls on these authorities to examine this case and those of other possible victims transported via Portugal with a view to determining whether there should be compensation for violations of human rights;*

Compromise 7

Replaces AMs **283** (Fava), **284** (Ludford, in't Veld), **290** (Coveney), **291** (Ryan), **295** (Ryan), **296** (Ryan) and **297** (Fava and De Rossa)

- 98g.** *Welcomes the testimony given to the Temporary Committee by the Irish Minister for Foreign Affairs on behalf of the Irish Government as well as his unequivocal criticism of the process of extraordinary rendition; notes the fact, however, that he failed to answer all the questions in relation to the concerns that Irish airports may have been used by CIA aircraft travelling to or from extraordinary rendition missions (as in the case of Abu Omar);*

98h. *Thanks the Irish Human Rights Commission (IHRC) for its testimony to the Temporary Committee and endorses its view which considers that acceptance by the Irish government of diplomatic assurances do not fulfil Ireland's human rights obligations, which oblige the government actively to seek to prevent any actions that could in any way facilitate torture or ill-treatment in Ireland or abroad in another country; regrets the decision of the Irish Government not to follow the IHRC's advice on this matter to date; notes that there is continuing dialogue between the IHRC and the Irish Government;*

Compromise 8

Replaces AMs 434 (Fava), 435 (Ludford, Guardans, in't Veld and Lax), 436 (Catania, Kaufmann, Meyer and Holm), 437 (Kreissl-Dörfler, Swoboda and Wiersma) and 438 (Brepoels).

158. *Fully endorses the conclusions by the Secretary General of the Council of Europe, Terry Davis, on the lack of oversight and judicial control mechanisms in respect of security services, as expressed in the "Follow-up to the Secretary General's reports under Article 52 ECHR" and expects his recommendations to be duly taken into consideration; calls on Member States to provide adequate and effective parliamentary monitoring (by establishing oversight committees with appropriate powers to access documents and budgetary information) and legal supervision over their secret and intelligence services and the formal and informal networks they are part of;*

Compromise 9

Replaces AMs 469 (Fava), 470 (Ludford, Guardans, in't Veld and Lax), 471 (Buitenweg, Özdemir, Romeva and Lambert), 472 (Valenciano, Masip) and 473 (Fava).

179. *Instructs its Committee on Civil Liberties, Justice and Home Affairs, where necessary in cooperation with the Committee on Foreign Affairs, notably its Sub-Committee on Human Rights, to follow up politically the proceedings of the Temporary Committee and to monitor the developments, and in particular, in the event that no appropriate action has been taken by the Council and/or the Commission, to determine whether there is a clear risk of a serious breach of the principles and values on which the Union is based, and to recommend to it any resolution, taking as a basis Articles 6 and 7 TEU, which may prove necessary in this context;*