



MEPs debate the closure of Guantanamo Bay prisoner camp and CIA rendition flights

In a joint debate, MEPs debated Guantanamo Bay prisoner camp and CIA rendition flights. Many MEPs called on Member States to facilitate the closure of the facility within one year (as announced by the new Obama administration) by accepting detainees while, at the same time, ensuring that detainees are not sent to countries where they could be persecuted. During this legislative period, MEPs repeatedly called on the US to close the Guantanamo camp.

The House will vote on a resolution on the closure of Guantanamo camp on Wednesday (4 February).

Czech Presidency of the Council

You, like the Council, will welcome President Obama's decision to close Guantanamo within a year", said Czech Deputy Prime Minister for European Affairs Alexander **VONDRA** for the Council Presidency. This decision had been "unequivocally welcomed" by EU ministers in the General Affairs Council, as had President Obama's decision to end special military commission trials, secret detention, and "enhanced interrogations" - and this should facilitate transatlantic co-operation in combating terrorism, he added.

"Guantanamo is primarily a US responsibility", but Member States could perhaps "help in practice", he said. This might include accepting detainees cleared for release, he added, but this possibility raises "political, legal and security issues" that must first be discussed with justice and home affairs ministers. "The Council will return to this issue once these are clarified", promised Mr Vondra.

European Commission

Justice and Home Affairs Commissioner Jacques **BARROT**, who was also speaking on behalf of External Relations Commissioner Bettina Ferrero-Waldner, said the Commission welcomed the "clear changes in American policy" including "the greater attention being devoted to human rights, notably as regards suspected terrorists".

The EU had asked the USA several times to close Guantánamo. What is at stake, he said, "is not just the principle that international law must be respected". Detention without trial "plays into the hands of terrorist groups trying to recruit new members".

On 26 January EU foreign ministers discussed Guantanamo with a view to agreeing on concerted EU action. Mr Barrot said the question of finding "safe places" for detainees would be examined but it was a "delicate matter". So far, there had been no formal request by the USA for European states to take detainees in. On 26 February the JHA

Council would try to work out a concerted EU approach but - and he stressed this several times - it would be up to the Member States to take the decisions on each case.

Turning to the issue of CIA rendition flights, Mr Barrot said the Commission's line had been based on three things: the need to tackle terrorism while respecting human rights, to establish the truth and to prevent any repetition of such a situation. The Commission had requested information from some Member States, including Poland and Romania, but ultimately the responsibility for conducting investigations lay with the national authorities, not the EC.

Political group speakers

Speaking for the EPP-ED group, Hartmut **NASSAUER** (DE) said the question was whether former Guantánamo detainees should be settled in the EU. It depends, he said, on what considerations inspire our decision making. Some, apparently, have been tortured, and torture was a terrible thing.

"Should we therefore take them in for humanitarian reasons, irrespective of the charges laid at their door?" he asked. "What other considerations should we take account of? Many past and present detainees were trained in terror camps in Afghanistan after 9-11 - they did not go there to admire the scenery. They are potential terrorists, and we have a duty to protect our citizens. Torture, regrettably, happens around the world, but we have never said all those who have been tortured have a right to come to Europe. We must ensure potential terrorists do not step onto European territory."

Martin **SCHULZ** (DE) leader of the Socialist group, said that the security of people living in Europe was naturally a vital consideration, which needed to be part of our decisions and negotiations - but was it a potential security risk or the very existence of a prison infringing international law which was the greatest threat? The previous US President's response to 9-11 by infringing human rights, which had only led to more problems in the world.

"There is now a US President who wants to go back to the best values of his country," said Mr Schulz. "Are we to refuse to help in these circumstances? We say rule of law is valid here, when an illegal situation is being stopped, do we say we invoke security reasons for not taking anyone?" He argued the President Obama was facing opposition to his decision, but was publicly backing human rights on principle. It was by respecting human rights, even those of terrorists who would deny them to others, that we showed ourselves to be superior to terrorists. We would do more to tackle terrorism by taking the hand proffered by the US than by following the approach outlined by Mr Nassauer, he said. Those who posed a threat should be monitored, he added, but human rights must be paramount.

Graham **WATSON** (ALDE) expressed delight and a sigh of relief at the election of President Obama. The new US administration is right to condemn water-boarding, right to call a halt to flawed military trials, right to signal closure of Guantanamo within a year. Mr Watson welcomed assurances that US has disowned squalid practices such as extraordinary rendition: 'the Axis of Illegality' but we in Europe cannot stand back. Too many of our Member States were complicit, he said. The US go-it-alone mentality of the 43rd President ended in a cul de sac of failure. The resulting situation is a conundrum we must solve together. Should Europe not offer rights and freedoms to released prisoners from Guantanamo where no other country will? We need a co-ordinated European position on this issue not piecemeal Member State action. Our help will be sought, we would be wrong to say no.

Konrad **SZYMANSKI** (UEN) said that normal interpretation of International Law would require immediate closure of Guantanamo but "we have not been living in normal times since 9/11". One in nine of the released prisoners has gone straight back to terrorist activity. Caution is urged. Three things are clear: we should be willing to take in our own citizens and residents; we should isolate serious threats and seek reform of the current Geneva Convention.

Kathalijne **BUITENWEG** (NL) spoke for the Greens-EFA group, which she said, was pleased with the Czech Presidency's aim of finding a joint EU response. Parliament had asked Member States to be proactive on this: "Will you now ask the US which prisoners are concerned and what their background is so we

can gradually make preparations?" she asked Mr Vondra.

On the issue of CIA flights and prisons, she said we should not forget that terrible things had happened and that EU governments had helped the previous US government in these actions - they were wrong to have done so, she added.

Gabriele **ZIMMER** (GUE/NGL) said that now that a new government in America is changing its policies on Guantanamo, the "EU is beginning to cower". This is not a time to cast doubt or to "preach one thing and do another", she said, Member States have to overtly state what is required, and the first step is to close Guantanamo.

According to Nils **LUNDGREN** (IND/DEM, SE) "we're all relieved following the change of circumstances in the USA". Terrorist suspects must "always be treated as innocent until proven guilty". He believed the released detainees should not have to remain in America but at the same time "we in the EU are not obliged to take them in".

Koenraad **DILLEN** (NI, BE) welcomed the closure of Guantánamo Bay and stressed that "democracy must always respect the rule of law". But "democracy also needs resolute means to fight terrorism". In passing he also criticised Cuba and China for their human rights abuses.

British and Irish speakers

Sarah **LUDFORD** (ALDE, UK) cited the humanitarian argument, "to rescue these men from the hellhole in which some of them have suffered for seven years.". Secondly, Europe's credibility: we have called on the US to close Guantánamo, now we have to help to make that true. Thirdly, our own self interest in ending a potent symbol that acts as a pretext for terrorist recruitment and radicalisation and, lastly, moral responsibility.

Colm **BURKE** (EPP-ED, IE) said given that many EU Member States were complicit in the process of extraordinary rendition, he believed that EU countries, including Ireland, have a collective responsibility to accept a certain number of low-risk Guantánamo detainees from the US for resettlement within the EU. Cohesive leadership, he said, is now needed from the Irish Government in this regard. In a spirit of transatlantic cooperation and to participate in the fight against international terrorism, Ireland should play its part to assist the new US Administration in closing Guantánamo.

Charles **TANNOCK** (EPP-ED, UK) opposed EU Member States entangling themselves in the inevitable legal complications and the burden imposed on security services of taking non-EU national prisoners previously designated as enemy combatants. Mr Tannock did not regret the detention of the most dangerous terrorists intent on "destroying our way of life when they were proven to be so". However, one of Guantanamo's major drawbacks was that it forestalled any regular criminal proceedings against those held there. Ultimately regular criminal trials are, he said, the only way to resolve the status of Guantanamo prisoners who are non-EU nationals.. Since the inmates of Guantanamo were captured by the United States, it is America's responsibility to prosecute them in its own courts, or return them to their countries of origin if innocent.

N.B. :

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Contact :

Richard FREEDMAN

E-mail: press-EN@europarl.europa.eu

BXL: (32-2) 28 41448

STR: (33-3) 881 73785

PORT: (+32) 498 98 32 39