



Check against delivery

European Parliament Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners

Introductory comments EU Counter-Terrorism Coordinator Gijs de Vries

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1. Terrorism constitutes one of the most serious threats to international peace and security. Terrorists target the essence of democracy: that political conflicts must be resolved through peaceful means. Today's terrorism inspired by groups such as Al Qaida also denies people the right to life and the right to freedom of religion. It is the duty of states to protect their citizens from terrorism. Security is a precondition of liberty.

Over the years, several thousands have died at the hand of terrorists in Europe alone, and many more world-wide. The European Union is strongly committed to protecting the rights of victims of terrorism. In the fight against terrorism governments have a duty to heed the victims' call for justice and protection. The Union's counter-terrorism legislation and policies are designed to this end.

The fight against terrorism thus is both a moral duty and a legal obligation under international law. To the European Union and its member states, the fight against terrorism is a fight for human rights.

2. States must ensure that any measures they take to combat terrorism comply with their obligations under international law, in particular international human rights, refugee and humanitarian law. The EU strongly believes the fight against terrorism must be fought within the boundaries of human rights. This is why the EU endorsed - and help create - successive Security Council Resolutions (such as UNSCR 1456) which require states to ensure that any measure taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

This principle is at the heart of the Counter-Terrorist Strategy which the Council adopted in December 2005. It states as the EU's strategic commitment: "to combat terrorism globally while respecting human rights, and making Europe safer, allowing its citizens to live in a area of freedom, security and justice".

Torture is abhorrent. The prohibition against it is absolute. All EU member states are a party to the UN Convention against Torture, which sets out the principle of non-refoulement if there is a risk of torture. Furthermore, EU governments unanimously agreed to enshrine the principle of non-refoulement in the draft Constitutional Treaty (Article II-79). In the case of *Chahal v United Kingdom* the European Court of Human Rights ruled that diplomatic assurances are an inadequate guarantee where torture is "endemic" or a "recalcitrant or enduring problem".

The right to a fair trial is another non-derogable right. Detention without trial and secret detention are illegal under international law.

3. Respecting human rights in the fight against terrorism is first and foremost a moral and legal obligation. It is also a practical necessity.

As demonstrated by last year's vicious attacks in London, the terrorist threat to Europe emanates not only from across our borders, but also from local networks rooted in their own breeding ground. Radical ideologues and terrorist recruiters are targeting Muslim communities both outside and inside the EU. Aided by the power of modern technology, in particular the Internet, they seek to fuel and exploit feelings of oppression, discrimination and humiliation. The core of the issue is propaganda which distorts conflicts around the world as a supposed proof of a clash between the West and Islam and which claims to give individuals both an explanation for grievances and an outlet for their anger. This diagnosis distorts perceptions of Western policies and increases suspicions of hidden agendas and double standards.

Addressing this challenge is beyond the power of governments alone. Today's terrorism will only be defeated with the engagement of the public, and especially Muslims, in Europe and beyond.

To defeat the extremists, Western countries need to win the battle for hearts and minds. We need to engage in this fight together with Muslims, on the basis of common values. Those values are centred on a respect for the sanctity of life, for democracy and human rights. This is why the promotion and protection of human rights, regardless of nationality or creed, is key to the prevention of terrorism.

There is a second reason why human rights protection is a core element in the strategy against radicalisation and terrorist recruitment which the Council adopted four months ago. Terrorist movements often arise in societies where human rights are denied and opportunities for political

expression are lacking. The rule of law, good governance, and protection of basic freedoms are among the strongest tools in the fight against terrorism. To be effective in our efforts to promote human rights globally as Western countries we must lead by example.

To win the battle for hearts and minds our policies to combat terrorism must respect the rights and values we have pledged to defend, including the rights of prisoners. Credibility matters.

4. In the Union's political dialogue with third countries the protection of human rights is a priority issue, from support for the International Criminal Court to the implementation of the EU Torture Guidelines. Human rights are also discussed frequently with the United States, including the requirement to respect international law in the fight against terrorism. The EU has urged the U.S. Administration on several occasions to grant full access to Guantanamo Bay to the Human Rights Rapporteurs of the United Nations. EU Foreign Ministers have stated that Guantanamo Bay remains a source of serious concern to the Union.

The reports about US detention facilities in Europe and the use of aircraft to transfer terrorist suspects between countries in order to interrogate them using torture and ill treatment have been debated by European Union Foreign Ministers at the General Affairs Council meeting on 21 November 2005. As a result, the Presidency wrote on 29 November to the US Secretary of State, Condoleezza Rice, on behalf of the European Union, seeking the views of the United States Government on these allegations.

On 5 December the United States Secretary of State made a detailed statement on the matter in advance of her visit to Europe. The issue was subsequently discussed by EU Foreign Ministers and Secretary Rice during Ms Rice's visit to Brussels. The Presidency of the Council has expressed its full support for the ongoing investigations by the rapporteur of the Council of Europe's Parliamentary Assembly, Mr Marty; by the Secretary-General of the Council of Europe, Mr Davis; and by the European Parliament's Committee.

Terrorists aim to scare and provoke democracies into abrogating the rights and liberties they have pledged to uphold. It is a trap we must avoid. The fight against terrorism is first and foremost a conflict about values. Democratic societies can only overcome the scourge of terrorism in the long term if they remain committed to their own principles.
