

Sofia, 24 January 2006

STATEMENT BY VICE- PRESIDENT FRANCO FRATTINI

**IN REGARD TO THE INFORMATION MEMORANDUM
ISSUED BY MR MARTY ON**

**‘ALLEGED SECRET DETENTIONS IN COUNCIL OF EUROPE MEMBER
STATES’**

1. I welcome the information note by Rapporteur Marty, which despite being qualified as an “interim assessment” I consider as a very rich note containing much relevant, and to certain extent new, information.
2. The comprehensiveness of the document obviously requires the European Commission to carefully study and analyse the document, which my services will do in the days to come
3. I have taken note of the Rapporteur’s, serious, interim conclusion that *“it is highly unlikely that European governments, or at least their intelligence services, were unaware” (of rendition.)*. It is now for the Member States of the Council of Europe to clarify their position in this regard. In this context I firmly call upon the Member States of the EU, as well as the Candidate Countries, to cooperate fully with the Council of Europe’s investigations as promptly and comprehensively as possible so that the important process of establishing the facts, in which phase we are still now, can be completed as soon as possible.
4. Also in the light of the light of the absence of investigating powers for the European Commission itself I have, on behalf of the European Commission, from the outset welcomed the Council of Europe’s investigations, which besides Mr Marty’s work also includes the questionnaire sent out by Secretary General Terry Davis and for which the replies are due 21 February 2006.
5. Where possible I was and remain committed to supporting the work of the Council of Europe, as publicly acknowledged by both Secretary General Davis as well as Rapporteur Marty; particularly by ensuring that both Eurocontrol and the European satellite agency agreed to provide Mr Marty with the information and images he requested for. I welcome the fact that today indeed these data have been transmitted to Mr Marty by both agencies.
6. I fully agree with Mr Marty that the investigations in regard to the allegations should continue within the Council of Europe, to include amongst others an analysis of the data provided by the two European agencies, as well as the collection and analysis of the replies by the member states of the Council of Europe to the all-inclusive set of questions sent to them by SG Davis. I am also very interested in the forthcoming legal analysis to be undertaken by the so-called “Venise Commission”, consisting of legal experts, which will provide the Council of Europe by mid March with a legal analysis

of, amongst others, the practice of “rendition” and of the international legal obligations by the Member States of the Council of Europe in that respect.

7. I have furthermore also offered my full cooperation with the EP temporary committee which has been set up last week and which are to present their interim findings by June this year.
8. Neither the European Commission nor I personally will draw any conclusions or issue any judgements, or speculate on actions to be possibly taken at this point in time, as we are still in the process of establishing the facts. Being a judge and public prosecutor by profession, I underline the need to fully respect the rule of law which implies that no judgements are to be made, no conclusions to be drawn if the facts of the case have not been sufficiently established. I understand that Mr Marty, being a former public prosecutor himself, is of that opinion as well. Let the various investigations continue and its findings analysed, once that process is completed , and the truth has been established whatever that truth is, the European Commission will determine its position in this respect and make that public.