

# Communiqué de Presse

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## Reports of illegal detention and "rendition flights" in Council of Europe member states – the Secretary General activates the procedure under Article 52 of the European Convention on Human Rights

Strasbourg, 23.11.2005 – Terry Davis, the Secretary General of the Council of Europe today informed the organisation's Committee of Ministers of his decision to open a formal inquiry into recent reports suggesting that terrorist suspects may have been secretly detained in or transported through a number of Council of Europe member states with the possible involvement of foreign agencies.

"Considering the very serious nature of the allegations, Europe's response should go beyond political statements and inquiries. I have therefore decided to use my legal powers under Article 52 of the European Convention on Human Rights and formally request information from all forty-five governments of the High Contracting Parties (\*). This is the eighth time that this procedure is being used since the Convention entered into force in 1953. My objective is to find out what, if anything, happened, how it happened and who was involved. This should allow us to have a close look at the ways in which the governments are ensuring respect for the Convention in the context of the fight against terrorism, and, if necessary, propose further measures to prevent future violations."

In a letter dated 21 November 2005 the governments have been requested to provide, by 21 February 2006, explanations of the manner in which their internal laws ensure the effective implementation of the Convention regarding the following specific issues:

- the manner in which their internal law ensures that acts by officials of foreign agencies within their jurisdiction are subject to adequate controls;
- the manner in which their internal law ensures that adequate safeguards exist to prevent unacknowledged deprivation of liberty of any person within their jurisdiction, whether such deprivation of liberty is linked to an action or an omission directly attributable to the High Contracting Party or whether that Party has aided or assisted the agents of another State in conduct amounting to such deprivation of liberty, including aid or assistance in the transportation by aircraft or otherwise of persons so deprived of their liberty;
- the manner in which their internal law provides an adequate response to any alleged infringements of Convention rights of individuals within their jurisdiction, notably in the context of deprivation of liberty, resulting from the conduct of officials of foreign agencies. In particular, explanation of the availability of effective investigations that are prompt, independent and capable of leading to the identification and sanctioning of those responsible for any illegal acts, including those responsible for aiding or assisting in the commission of such acts, and the payment of adequate compensation to victims;

In the context of the foregoing explanations, an explanation is requested as to whether, in the period running from 1 January 2002 until the present, any public official or other person acting in an official capacity has been involved in any manner – whether by action or omission - in the unacknowledged deprivation of liberty of any individual, or transport of any individual while so deprived of their liberty, including where such deprivation of liberty may have occurred by or at the instigation of any foreign agency. Information is to be provided on whether any official investigation is under way or has already been completed.

(\* ) Monaco, as the 46th member state of the Council of Europe has not yet ratified the European Convention on Human Rights but is expected to do shortly.

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