

Nyt fra Europarådet

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PACE committee: US has woven clandestine 'spider's web' of detentions and transfers, with collusion of Council of Europe member states

Strasbourg, 07.06.2006 – The United States has progressively woven a clandestine "spider's web" of disappearances, secret detentions and unlawful inter-state transfers – spun with the collaboration or tolerance of Council of Europe member states, the Legal Affairs Committee of the Council of Europe Parliamentary Assembly (PACE) said today.

In a draft resolution adopted at a meeting in Paris, based on a report by Dick Marty (Switzerland, ALDE), the committee said hundreds of persons had become entrapped in this web – in some cases when they were merely suspected of sympathising with a presumed terrorist organisation.

The parliamentarians said this knowing collusion of member states took several different forms, including secretly detaining a person on European territory, capturing a person and handing them over to the US or permitting unlawful "renditions" through their airspace or across their territory.

"It has now been demonstrated incontestably, by numerous well-documented and convergent facts, that secret detentions and unlawful inter-state transfers involving European countries have taken place, such as to require in-depth inquiries and urgent responses by the executive and legislative branches of all the countries concerned," the committee said.

The committee called on Council of Europe member states to review bilateral agreements signed with the United States, particularly those on the status of US forces stationed in Europe, to ensure they conformed fully to international human rights norms.

The report is due for debate by the plenary Assembly – which brings together 630 parliamentarians from the 46 Council of Europe member states – in Strasbourg on 27 June 2006.

Council of Europe inquiry into rendition flights and secret detentions in Europe: Secretary General publishes additional responses received from governments

Strasbourg, 14.06.2006 - A report related to allegations of rendition flights and illegal detentions has been published today by Terry Davis, the Secretary General of the Council of Europe, as a part of his inquiry under Article 52 of the European Convention on Human Rights. This procedure is parallel to the investigation conducted by Senator Dick Marty on behalf of the Council of Europe's Parliamentary Assembly.

37 of the 46 Council of Europe member states were asked to clarify and complement the information already submitted in response to the questionnaire of 21 November 2005, in which the Secretary General requested

explanations about the effective implementation of the European Convention on Human Rights with respect to activities of national and foreign intelligence services and aircraft which may be used for rendition purposes. The governments were also asked to provide information on possible involvement of public officials and the official investigations into allegations of unacknowledged detention or rendition flights.

The [replies](#) from the governments and the analysis are available on the Council of Europe web site. The Secretary General will shortly make recommendations to the Council of Europe governments on specific legal measures to be taken at national and European level in order to reinforce the existing protection against rendition, illegal detention and the outsourcing of torture.

PACE calls for oversight of foreign intelligence agencies operating in Europe

27.06.2006 - The Council of Europe Parliamentary Assembly (PACE) today called for clear regulations to govern the activities of foreign intelligence services operating in Europe, and demanded “human rights clauses” in military base agreements with the US.

Strongly backing the report by Dick Marty (Switzerland, ALDE) on alleged secret detentions and unlawful inter-state transfers of detainees, the Assembly – which brings together 315 parliamentarians from the Council of Europe’s 46 member states – said its central objective was to prevent future human rights violations of the sort established by Mr Marty’s report, which “played into the hand of terrorists”.

It also decided to continue following up the issues raised by the report.

In a resolution and recommendation approved by a large majority, the Assembly also called for:

- the dismantling by the US of its system of secret detentions and unlawful inter-state transfers
- a review of bilateral agreements between Council of Europe member states and the US, particularly on the status of US forces stationed in Europe and on the use of military and other infrastructures, to ensure they conform to international human rights norms
- official apologies and compensation for victims of illegal detentions against whom no formal accusations, nor any court proceedings, have ever been brought
- an international initiative, expressly involving the United States, to develop a common, truly global strategy to address the terrorist threat which conforms to democracy, human rights and the rule of law

In a report made public on 7 July, following a seven-month inquiry, Mr Marty said he had uncovered a “spider’s web” of disappearances, secret detentions and unlawful inter-state transfers carried out by the US, and named 14 Council of Europe countries which he said had colluded in these acts.

Franco Frattini, European Commission Vice-President responsible for Justice, Freedom and Security, Terry Davis, Council of Europe Secretary General and Cem Özdemir, the Vice-Chair of the European Parliament’s Temporary Committee investigating this question, also addressed the Assembly as part of the debate. According to the rapporteur, this illustrated the excellent cooperation between the Council of Europe, the European Commission and the European Parliament.

Religious sensibility should not restrict freedom of expression, according to PACE

Strasbourg, 28.06.2006 – “Freedom of expression should not be further restricted to meet the increasing sensitivities of certain religious groups”. This was the position taken this morning by the Parliamentary Assembly of the Council of Europe (PACE) at the end of a debate on freedom of expression and respect for religious beliefs, in which the Turkish Prime Minister, Recep Tayyip Erdoğan took part.

On the basis of the proposals of the rapporteur, Sinikka Hurskainen (Finland, SOC), the adopted text says that there cannot be a democratic society without the fundamental right to freedom of expression. “This freedom is not only applicable to expressions that are favorably received or regarded as inoffensive but also to those that may shock, offend or disturb the state or any sector of the population, in accordance with Article 10 of the European Convention on Human Rights”, the text states.

While underlining its commitment to ensuring that cultural diversity becomes a source of mutual enrichment, not of tension, PACE encouraged religious groups in Europe to discuss the issue within their own communities and “to pursue a dialogue with other religious communities in order to develop a common understanding and a code of conduct for religious tolerance”.

The Assembly also invited journalists to discuss media ethics as regards religious beliefs and sensitivities. It encouraged “the creation of press complaints bodies, media ombudspersons or other self-regulatory bodies, where such bodies do not yet exist, which should discuss possible remedies for offences to religious persuasions”.




Parliaments in member states should also hold debates on freedom of expression and the respect for religious beliefs, PACE said.

PACE to assess all member states’ fulfillment of statutory obligations

[29/06/2006] The Assembly today decided to carry out country-by-country assessments of the extent to which all the Council of Europe’s member states are honouring their statutory and other conventional obligations. In a new procedure, it launched a three-year cycle of reports, based on comparative information from all the Council’s bodies, beginning with Andorra, Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France and Germany. These states are invited to sign or ratify Council of Europe conventions or, in some cases, join Council monitoring bodies.

Vedtagne tekster under Den Parlamentariske Forsamlings sommer-session (26.-30. juni 2006)

Date	Document title
26/06/2006	 RES. 1505 Resolution Implementation of Resolution 1480 (2006) on the challenge of credentials of the parliamentary delegation of Azerbaijan
26/06/2006	 REC. 1753 Recommendation External relations of the Council of Europe
26/06/2006	 RES. 1506 Resolution External relations of the Council of Europe

- 27/06/2006  REC. 1754 | Recommendation
Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states
- 27/06/2006  REC. 1755 | Recommendation
Human rights of irregular migrants
- 27/06/2006  res. 1507 | Resolution
Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states
- 27/06/2006  res. 1508 | Resolution
The contribution of the European Bank for Reconstruction and Development to economic development in central and eastern Europe
- 27/06/2006  res. 1509 | Resolution
Human rights of irregular migrants
- 28/06/2006  RES. 1510 | Resolution
Freedom of expression and respect for religious beliefs
- 28/06/2006  REC. 1756 | Recommendation
Implementation of the decisions of the Third Summit of the Council of Europe
- 28/06/2006  rec. 1757 | Recommendation
Migration, refugees and population in the context of the third Summit of heads of state and government of member states of the Council of Europe (Warsaw, 16 - 17 May 2005)
- 28/06/2006  rec. 1758 | Recommendation
Follow-up to the Third Summit: priority for cultural co-operation
- 28/06/2006  rec. 1759 | Recommendation
Parliaments united in combating domestic violence against women
- 28/06/2006  rec. 1760 | Recommendation
Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty
- 28/06/2006  res. 1511 | Resolution
Migration, refugees and population in the context of the third Summit of heads of state and government of member states of the Council of Europe (Warsaw, 16 - 17 May 2005)
- 28/06/2006  res. 1512 | Resolution
Parliaments united in combating domestic violence against women
- 29/06/2006  Res. 1513 | Resolution
Constitutional reform in Bosnia and Herzegovina
- 29/06/2006  Res. 1514 | Resolution
Consequences of the referendum in Montenegro
- 29/06/2006  RES. 1515 | Resolution
Progress of the Assembly's Monitoring Procedure (May 2005 - June 2006)
- 30/06/2006  Rec. 1761 | Recommendation
Preventing forest fires
- 30/06/2006  Rec. 1762 | Recommendation
Academic freedom and university autonomy

Stockholm Conference: European Ministers for gender equality call for an assessment of the cost of persisting inequalities between women and men

Stockholm, 09.06.2006 – A two-day Council of Europe Ministerial Conference on Equality between Women and Men has ended with the adoption of a Resolution on “Achieving gender equality: a challenge for human rights and a prerequisite for economic development”. The Ministers agreed on specific strategies for achieving gender equality and encouraged governments and all institutions and groups concerned to implement these strategies. In particular they called on the Council of Europe’s Committee of Ministers to actively assess the costs (personal, social and economic) of continuing gender inequality in its 46 member states.

The Ministers also called on all member states to make full use of tools such as gender analysis and sex-disaggregated data when planning, developing and implementing national policies, as well as to integrate a gender perspective into the budgetary process (gender budgeting) in order to achieve *de facto* gender equality.

In the Resolution the Ministers called on Council of Europe member states to sign and ratify the *Council of Europe Convention on Action against Trafficking in Human Beings (CETS n° 197)* and to support and actively participate in the Council’s Campaign to Combat Violence against Women, including domestic violence.

The main aim of the Conference was to raise awareness that the personal, social and economic costs of the lack of gender equality are much higher than the costs incurred in implementing the strategies and tools needed to achieve *de facto* gender equality. The Conference’s main message was that gender equality is a fundamental criterion of democracy and a prerequisite for economic growth.

For more information, see: <http://www.coe.int/equality-conference>

Request by the Republic of Montenegro for accession to the Council of Europe : Statement by the Committee of Ministers of the Council of Europe

Strasbourg, 14.06.2006 - The Committee of Ministers refers to its declaration of 24 May 2006 on the referendum organised in Montenegro on 21 May, and to the declaration of independence of the Republic of Montenegro on 3 June 2006.

The Committee of Ministers took note with satisfaction of the request for accession of the Republic of Montenegro to the Council of Europe and transmitted it – in accordance with the usual procedure – to the Parliamentary Assembly for opinion.

The Committee of Ministers welcomes the intention expressed by the authorities of the Republic of Montenegro to respect and implement the obligations and commitments contracted by the State Union of Serbia and Montenegro as a member state of the Council of Europe. The Committee of Ministers is determined to intensify co-operation with the Republic of Montenegro to this end, following the appropriate modalities.

The Committee of Ministers expressed its confidence that the authorities of Serbia and Montenegro will settle matters relating to the succession of the State Union in the same spirit of mutual understanding and co-operation which they have shown in the last few weeks, in the interest of stability and prosperity of Europe.

Election of three new European Court of Human Rights judges

Three new judges were elected yesterday, Tuesday 27 June 2006, to the European Court of Human Rights in respect of Finland, Monaco and Switzerland.

Judges are elected by the Parliamentary Assembly of the Council of Europe from lists of three candidates nominated by each State which has ratified the European Convention on Human Rights¹. Under the present terms of the Convention, judges are elected for six years and can be re-elected.

Päivi **Hirvelä** has been elected judge in respect of **Finland**, to replace Matti Pellonpää, who has been appointed to the Supreme Administrative Court of Finland. Her term of office will begin on 1 January 2007. Ms Hirvelä (Finnish), born in 1954, studied law at Helsinki University. She was a judge for nine years and has been a prosecutor for 16 years. Since 1999 she has been State Prosecutor at the Office of the Prosecutor General.

Isabelle **Berro-Lefevre** has been elected the first judge in respect of **Monaco**. Ms Berro-Lefevre (Monegasque) was born in 1965, studied law at the University of Nice (France) and at the National School of Magistrates in Paris. She has been a judge at the Court of First Instance of the Principality of Monaco since 1990. Since 2000 she has been First Judge at that court. Her term of office begins today.

Giorgio **Malinverni** has been elected judge in respect of **Switzerland**. He will replace Luzius Wildhaber as Swiss judge on 19 January 2007, when Mr Wildhaber reaches the age-limit laid down in Article 23 § 6 of the Convention. Mr Malinverni (Swiss), born in Domodossola (Italy) in 1941, studied law at the University of Fribourg and Geneva. He is currently Professor of Constitutional Law and International Human Rights Law at Geneva University. He has been the Swiss member of the European Commission for Democracy through Law (Venice Commission) since 1990.

Domme afsagt af Den Europæiske Menneskerettighedsdomstol i nordiske sager

- 6.6.2006 Segerstadt-Wiberg and Others v. Sweden (no. 62332/00): Concerning four of the applicants: violation of Articles 8 (right to respect for private and family life), 10 (freedom of expression), and 11 (freedom of assembly and association). Concerning all five applicants: violation of Article 13 (right to an effective remedy);
- 8.6.2006 Lehtinen v. Finland (no. 41585/981): violation of Articles 6 §1 and 13 (length of proceedings).

Møder i juli

(hvor intet andet er nævnt, holdes mødet i Strasbourg)

- 4.-5. Ministerkomitéen
 5.-6. 7th Conference of European Prosecutors General: Role of prosecution in the protection of individual rights (Moskva)
 10.-11. Seminar: Road traffic and drugs
 12. Ministerkomitéen

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