

Nyt fra E u r o p a r å d e t

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Secretary General sets the parameters of the Council of Europe inquiry into alleged CIA activities in Europe

Strasbourg, 15.12.2005 - "The subject of my inquiry as Secretary General of the Council of Europe is whether our member states comply with the European Convention on Human Rights and not whether alleged CIA activities are lawful under US law" said Terry Davis. "We may have a political and moral opinion about what the Americans are doing, but we only have a legal authority to investigate what is being done by European countries."

"Our assessment will be based on three important facts. First, the safeguard of human rights protected under our Convention must be guaranteed by law. If we find out that such laws are not in place, or if they are inadequate, or if they are not effectively enforced, it must be put right, because it may in itself constitute a violation of the Convention."

"Second, respect for the Convention imposes a positive obligation. In other words, the Convention may also be violated through an omission to act. Not knowing is not good enough regardless of whether ignorance is intentional or accidental."

"Third, the obligation of our member states to ensure respect for the rights protected by the Convention is linked to the exercise of their effective jurisdiction, which includes the airports on their territory and the airspace above it. The Council of Europe Venice Commission was asked to provide a more detailed legal opinion on this matter."

The objectives of the Council of Europe two-pronged inquiry – by Senator Marty on behalf of the Parliamentary Assembly and by the Secretary General of the Council of Europe through the legal procedure under Article 52 of the European Convention on Human Rights – are not only to find out what has happened, but also to ensure that violations will not be allowed to happen in the future. "I am looking forward to the Assembly's interim report at the end of January, which I will use to cross-reference the information received from governments before the deadline of 21 February", said Terry Davis.

"I should also like to use this opportunity to thank the European Union, and especially the Vice-President of the Commission, Franco Frattini, for their valuable support for the Council of Europe inquiries. This is a very good example of how European institutions can work together to protect human rights, democracy and the rule of law in Europe."

Alleged existence of secret detention centres in Council of Europe member states: statement by Dick Marty, rapporteur of the Committee on Legal Affairs and Human Rights

Strasbourg, 13.12.2005 - At the meeting of the Parliamentary Assembly of the Council of Europe's (PACE) Committee on Legal Affairs and Human Rights held in Paris today, the rapporteur and Chair of the Committee, Dick Marty, reported on the key aspects of his inquiry regarding the alleged existence of secret detention centres in Council of Europe member states and flights which may have transferred prisoners without any judicial involvement.

He said the following steps had been taken:

- Letters had been sent to the delegations to the PACE of the two countries explicitly mentioned in the media, namely Poland and Romania, and to the Permanent Observer of the United States to the Council of Europe (the Romanian Delegation replied on 17 November 2005, while the Permanent Observer of the United States had sent him a copy of a speech made by Ms Condoleezza Rice, US Secretary of State, on 5 December 2005; to date, the Polish delegation had not replied).

- Letters requesting detailed information had been sent to the Director General of Eurocontrol and the Director of the European Union Satellite Centre (EUSC). In an interim reply, the Eurocontrol Director had indicated that he first had to obtain the necessary authorisation to make an exception to the usual data protection rules, while the Deputy Director of the Satellite Centre had indicated that supplying images of the kind requested by Mr Marty was not part of the centre's usual remit. The Committee on Legal Affairs therefore called on the Council of the European Union (and Mr Javier Solana, Secretary General of the Council of the European Union and High Representative of the EU for the CFSP) to intercede with the Satellite Centre so that progress could be made here and urged the European Commission and the member states of Eurocontrol to ensure that its executive body grant authorisation for the transmission of the data requested.

- The rapporteur had made direct contacts with NGOs, in particular Human Rights Watch, while PACE President René van der Linden had also been in contact with a number of individuals concerned (including an exchange of letters with Ms Rice); the rapporteur had also exchanged information with investigative journalists.

The rapporteur welcomed the opening by the Secretary General of the Council of Europe of the procedure under Article 52 of the European Convention on Human Rights for the purpose of obtaining relevant information from all contracting parties to the convention.

He also expressed particular satisfaction at the willingness of Mr Franco Frattini, Vice-President of the European Commission, to co-operate closely with the Council of Europe on the matter. In this connection, he welcomed the participation of a representative of the European Commission and a member of the European Parliament at today's meeting.

From a general point of view, the rapporteur underlined that the information gathered to date reinforced the credibility of the allegations concerning the transfer and temporary detention of individuals, without any judicial involvement, in European countries.

Legal proceedings in progress in certain countries seemed to indicate that individuals had been abducted and transferred to other countries without respect for any legal standards. It had to be noted that the allegations had never been formally denied by the United States. The rapporteur takes note of the situation and deplores the fact that no information or explanations had been provided on this point by Ms Rice during her visit to Europe.

The rapporteur urges all member governments to commit themselves fully to establishing the truth about flights over their territories in recent years by aeroplanes carrying individuals arrested and detained without any judicial involvement. The Rapporteur intends to ask the leaders of the parliamentary delegations to the Assembly to take initiatives within their parliaments in order to obtain more precise information on this matter, either by putting questions to their governments or by proposing the setting up of committees of enquiry. In fact, the delegations to the Parliamentary Assembly can make use of their unique position to lobby national parliaments to shed light on the matter. Mr Marty welcomes the fact that steps have already been taken here by certain national parliaments.

While it was still too early to assert that there had been any involvement or complicity of member states in illegal actions, the seriousness of the allegations and the consistency of the information gathered to date justified the continuation of an in-depth inquiry. If the allegations proved correct, the member states would stand accused of having seriously breached their human rights obligations to the Council of Europe.

In this connection, the rapporteur underlined that, although contacts between secret services were entirely normal and even necessary in the fight against terrorism, it was important for governments to exercise proper supervision over them (see here the detailed principles set out by the Assembly in Recommendation 1402 (1999) on control of internal security services in Council of Europe member states).

Dick Marty stressed that the aim of the Parliamentary Assembly, as the Council of Europe's political/parliamentary organ, was not to condemn individual countries or seek to impose penalties but to defend the values shared by the member states and combat terrorism resolutely and thoroughly, while, however, complying with the fundamental principles of states founded on the rule of law and the observance of human rights.

He announced that the Committee on Legal Affairs and Human Rights will ask the Bureau of the Assembly to include in the order of business of the next PACE's plenary session (23-27 January 2006) an urgent debate on the issue.

THE COMMITTEE OF MINISTERS ISSUES RECOMMENDATIONS ON MINORITY PROTECTION IN DENMARK AND HUNGARY

Strasbourg 14.12.2005 - The Committee of Ministers has just adopted [resolutions](#) on the protection of national minorities in Denmark and Hungary. These resolutions contain conclusions and recommendations, highlighting positive developments but also a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

The resolutions are largely based on the corresponding [Opinions](#) of the Advisory Committee on the Framework Convention. The detailed Opinions of the Advisory Committee of independent experts, together with the [comments](#) by the Governments of Denmark and Hungary, are also available on line.

Further information on the functioning of the monitoring process under the Framework Convention can be found on the following web-site: www.coe.int/minorities.

Publication of preliminary observations by Council of Europe Anti-Torture Committee (CPT) after visit to [Norway](#) in October 2005

16.12.2005 - During the visit, the CPT's delegation followed up a number of issues examined during the previous visits, including, in particular, the fundamental safeguards against ill-treatment offered to persons deprived of their liberty by the police, the restrictions imposed upon remand prisoners and the situation in psychiatric hospitals. Further, the delegation examined the treatment of prisoners detained in units with very high security. The preliminary observations made by the delegation at the end of the visit are published with the agreement of the Norwegian authorities.

Human Rights Commissioner: Presentation of report on Iceland

Strasbourg, 14.12.2005 - The Commissioner for Human Rights of the Council of Europe, Alvaro Gil-Robles, will present his report on the respect for human rights in Iceland to the Committee of Ministers today. The report will be forwarded to the Parliamentary Assembly of the Council of Europe and be made public.

The report follows an official visit to Iceland in July this year, during which the Commissioner visited the Litla-Hraun prison, a reception centre for asylum seekers, the Keflavik Airport and a centre for victims of sexual violence, in addition to meetings with the authorities and civil society representatives in Reykjavik.

The report examines the appointments procedure of judges, the use of isolation in pre-trial detention, prison reform, the treatment of asylum seekers, gender equality and data protection amongst other issues. The report concludes with recommendations to the Icelandic authorities. The report is available, in English and French, on the website of the Commissioner for Human Rights www.commissioner.coe.int

Domme afsagt af Den Europæiske Menneskerettighedsdomstol i nordiske sager

15. november Kukkola v. Finland (no. 26890/95): violation of Article 6 §1 (length of proceedings)
1. december Topp v. Denmark (no. 25907/02): friendly settlement, Article 6 §1 (length of proceedings)
13. december Ruoho v. Finland (no. 66899/01): violation of Article 6 §1 (right to a fair trial within a reasonable time)
13. december T. and others v. Finland (no. 27744/95): violation of Article 6 §1 (right to a fair trial within a reasonable time)

European Court of Human Rights: Election of Section President

The European Court of Human Rights has elected Peer Lorenzen (Danish) as President of the Court's Fifth Section for a three-year term beginning on 1 March 2006.

The Court is composed of one judge in respect of each State to have ratified the European Convention on Human Rights (currently 46). From 1 March 2006 the judges will be divided into five Sections (at present four). The Court's main judicial formations, Committees of three judges and Chambers of seven, are constituted within the Sections. The Court also sits as a Grand Chamber of 17 judges.

Judge Lorenzen was born in 1944 in Copenhagen. He studied law at the University of Aarhus. From 1969 to 1970 he was Assistant Professor of public law at the University of Aarhus and of constitutional law at the University of Copenhagen from 1970 to 1974. He was Legal Adviser at the Ministry of Justice from 1970 to 1978. From 1978 to 1982 he was Head of Department at the Parliamentary Ombudsman's Office. He sat as Judge of the Court of Appeal of Western Denmark from 1982 to 1992 and then as its President from 1992 to 1994. He was a Judge of the Supreme Court of Denmark from 1994 to 1998. He was a member of the European Commission of Human Rights from 1995 to 1999 and has been a Judge of the European Court of Human Rights since 1 November 1998. He was Vice-President of Section from 30 April 2003 to 1 November 2004.

Møder i december

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

11. Ministerkomitéen
 18. Ministerkomitéen
 23.-27. Session: Den Parlamentariske Forsamling

Til orientering vedlægges en mødeoversigt for hele 2006.

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