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## **SUPPLEMENTARY ITEM**

**DRAFT RESOLUTION**

**ON**

**STRENGTHENING EFFECTIVE PARLIAMENTARY  
OVERSIGHT OF SECURITY AND INTELLIGENCE  
AGENCIES**

**Principal Sponsor  
Mr. Roberto Battelli  
Slovenia**

**BRUSSELS, 3 TO 7 JULY 2006**

**DRAFT RESOLUTION ON STRENGTHENING EFFECTIVE PARLIAMENTARY  
OVERSIGHT OF SECURITY AND INTELLIGENCE AGENCIES**

**proposed by Roberto Battelli**

1. Recalling the commitments subscribed to in the Code of Conduct on Politico-Military Aspects of Security adopted by the Special Committee of the CSCE Forum for Security Co-operation in Budapest in 1994;
2. Noting the need to enhance governments' accountability to parliaments in respecting these commitments as well as public awareness of them;
3. Welcoming the OSCE's decision to review the implementation of the Code of Conduct at a special meeting of the Forum for Security Cooperation to be held on 27 September 2006 and, if necessary, to make improvements in the document;
4. Reiterating calls in the OSCE Parliamentary Assembly's Edinburgh Declaration of 2004 for actions in coping with new security threats;
5. Reaffirming the urgent call in the OSCE Parliamentary Assembly Washington Declaration of 2005 that fight against terrorism and transnational organized crime is not carried out at the expense of human rights;
6. Drawing upon guidelines and principles set out in Recommendation 1402/1999 and Recommendation 1713/2005 of the Council of Europe Parliamentary Assembly which called for effective control and democratic oversight of the security sector;
7. Welcoming the Resolution 113 on the parliamentary oversight of the intelligence services adopted by the Assembly of Western European Union in 2002 and report thereto;
8. Recognizing the increased need for security as a result of transnational terrorism threats in recent years;
9. Recognizing that new security threats demand new responses by governments throughout the world;
10. Alarmed, at the same time, about certain practices which violate most fundamental human rights and freedoms and are contrary to international human rights treaties which form the cornerstone of post-World War II human rights protection, such as indefinite imprisonment of foreign citizens without charge and without examining the legality of their detention by an independent and impartial tribunal, degrading treatment during interrogations, the interception of private communications without subsequently informing those concerned, extradition to countries likely to apply the death penalty or use torture or ill-treatment, and detention and harassment on the grounds of political or religious activity;
11. Emphasizing the necessity of effective democratic oversight of security and intelligence services as an essential element of preserving core values of human rights and freedoms common to all civilized nations;
12. Pointing out that such oversight is possible only through the involvement of democratically elected members of community;

13. Acknowledging the quintessential role of the judiciary in remedying abuses of competences and misuses of exceptional measures used by security and intelligence services;

The OSCE Parliamentary Assembly,

14. Reaffirms the strong need for a clear division of power between the military and the civil society as a precondition for an independent and correct functioning of the democratic institutions;
15. Maintains the imperative need for respect of fundamental international human rights standards in all security and intelligence services' activities;
16. Calls upon parliamentarians to address the matter of parliamentary oversight of security and intelligence services as a matter of priority and as a means to ensure respect of fundamental human rights and freedoms;
17. Urges national parliaments to ensure effective oversight of security and intelligence agencies by establishing and strengthening special parliamentary bodies for *a priori* and *ex post facto* scrutiny of security and intelligence services' activities and providing them with appropriate resources;
18. Emphasizes the need to ensure representation in the special parliamentary oversight bodies of all political parties elected to the national legislator;
19. Calls upon parliamentarians to use democratic principles as basic guidelines in striking a balance between the essential need for secrecy and confidentiality of security and intelligence services' activities and for transparency in exercising parliamentary oversight;
20. Calls upon the OSCE, in close cooperation with the Council of Europe, to offer assistance to national legislators in the region with drafting of laws regulating competences of security and intelligence services that would ensure effective democratic oversight over their activities;
21. Encourages sharing of good practices among national legislators in the region in the field of democratic oversight of security and intelligence services.
22. Urges OSCE member state governments to consider making their exchange of information on implementation of the Code of Conduct transparent and therefore fully accessible to parliamentarians, the media and the general public as a measure to build confidence among states and enhance the accountability of their governments and their security sectors.

**AMENDMENT TO SUPPLEMENTARY ITEM**

**on**

**STRENGTHENING EFFECTIVE PARLIAMENTARY OVERSIGHT  
OF SECURITY AND INTELLIGENCE AGENCIES**

*[Set out text of Amendment here:]*

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