

**Briefing before the House Committee on Foreign Affairs,
Subcommittee on International Organizations, Human Rights, and Oversight
Subcommittee on Europe**

**“Extraordinary Rendition in
U.S. Counterterrorism Policy:
The Impact on Transatlantic Relations.”**

A Statement by

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Introductory Remarks by Chairman Mr. Jonathan Evans, MEP

Chairman Delahunt, Chairman Wexler, Members of both Subcommittees, Ladies and Gentlemen,

Let me begin by expressing my warm thanks on behalf of the European Parliament and my colleagues for the opportunity to brief the House Subcommittee on International Organizations, Human Rights and Oversight, as well as the Subcommittee on Europe, in relation to the issue of extraordinary renditions and their effect upon EU-US relations.

I am delighted to be here leading a group of distinguished Parliamentarians from our Committee on Civil Liberties, Justice and Home Affairs, a number of whom are also very active Members of our Delegation for relations with the US Congress.

Of course, our Delegation includes Members who were actively involved in the Temporary Committee established by our Parliament to investigate the alleged transportation and illegal detention of prisoners within the borders or airspace of the European Union by the CIA – a practice more commonly described as ‘extraordinary rendition’. My colleague, Baroness Ludford, served as Vice-chair of that Committee, and Mr. Fava, was the author of the report itself. They will be able to brief your Committees in relation to the detailed findings of their year-long investigation.

I will focus my remarks, as suggested by you in your invitation, on the wider issue of the impact of these events upon EU-US relations.

It is important to begin by stressing that the last two years has seen a significant advance in EU-US relations. I believe that Europe has shown itself to be ready and willing to work constructively with the re-elected US Administration as well as with the new Democratic Leadership in the Senate and House of Representatives in order to advance our common values of freedom, democracy, human rights and the rule of law.

We have shown ourselves to be consistent and reliable partners in the fight against international terrorism, but we have also maintained our determination to uphold our well-established values on human rights. It is essential for us that in challenging totalitarianism that we never lose sight of the importance of our democratic principles.

As Parliamentarians engaged in the ‘Transatlantic Legislators’ Dialogue’ we have discussed these issues with our US colleagues in your House on a number of occasions. I recall that shortly after my own appointment as President of the European Parliament’s Delegation to the United States just over two years ago we held a day-long seminar here in Congress on matters directly connected to the reconciliation of data protection with the challenges of security. We have continued to build upon that dialogue in our regular inter-parliamentary meetings.

To turn directly to the issue of the impact of the ‘extraordinary renditions’ revelations upon wider transatlantic relations, I think it may be helpful to set these revelations within the context of the wider rights of terrorism suspects to be treated according to the due process of law.

Although I do not intend to dwell upon them, the debates concerning the legality of detentions and other activities in Guantanamo, coupled with the well-publicised instances of abuses in military prisons have already served to create an adverse climate in which our constituents both in Europe and the US view renditions as yet further evidence of an abuse of the due process of law.

Opinion polling by an American University last year found that fully 66% of respondents from Britain considered it likely that those who were participants in the rendition programme had been subjected to torture, a figure which rose to 76% in Germany and 78% in the United States.

The same survey found that the same proportion in the UK – 66%- were opposed to permitting the CIA to use UK airspace for such flights in future – a higher proportion than either Germany (55%) or Poland (48%). Among US correspondents there was a two to one majority in favour of the proposition that those suspected of terrorism should be entitled to rights of due process – although 10% of US respondents were prepared to waive these rights if the suspects were not US citizens.

For us as European Parliamentarians, the very notion of ‘rendition’ or ‘extradition’ done outside the control of any judicial authority within the territory of the European Union is a breach of the European Convention on Human Rights; moreover, it conflicts with all existing bilateral agreements on extradition concluded between the US and each of the EU member States and with the agreements signed (and pending ratification) between the US and the European Union itself.

The German Marshall Fund undertakes a regular survey on 'Transatlantic Trends' which serves as a very helpful barometer on the state of EU-US relations. In its most recent survey, the GMF undertook interviews with a variety of 'opinion formers' – parliamentarians, officials, diplomats and so on, - as well as with samples of individuals in a number of European States. These surveys have recorded a discernable negative shift in public attitudes towards the US Government (though less so towards the American people) over the past 3-4 years. What is curious is that among the opinion-former group, attitudes have clearly improved over the past 2 years as both the EU and US sides have made clear efforts to promote better dialogue and engagement, but among the general public there has been no such change. The revelations concerning 'extraordinary rendition' may well have played their part in undermining wider efforts to improve these public attitudes.

That is why I strongly believe that we must endeavour to build a better dialogue, an important part of which is this briefing session today. There are undoubtedly different cultures, different histories and traditions and different political outlooks within our European countries as there also are between the US and the European Union. But we are allies who share common values of freedom, democracy and the rule of law.

In promoting these values elsewhere in the world, we must ensure the maintenance of these values in our own countries. This effort has become more and more complicated in recent years; not only in the 'war on terror' after 9/11, but also in the development of new technologies which ever more frequently challenge the dividing line between freedom and security.

I am certain that these issues connected to 'Freedom & Security' will continue to throw up new challenges. It is crucial therefore that we build upon the channels of communication between our respective legislatures in order to better understand and evaluate these.

While it is understandable that, in the wake of the 9/11 attacks, the Administration had to resort to adopting emergency measures, almost 6 years after the events, the time has undoubtedly come for a revision and stabilization of the legal framework, in particular with regard to respect for basic rights and the rule of law.

In this perspective, we have carefully noted the evaluation undertaken by Congress of the Patriot Act, and consider that the instruments for Transatlantic cooperation with regard to circulation of persons, the

judiciary sector and exchanges of information for security purposes, should be framed within international agreements, to be negotiated under oversight of Congress and of the European Parliament, as elected representatives of US and EU citizens.

Our "Transatlantic Dialogue" between the European Parliament and the US Congress has a tradition of more than 30 years of frank and open exchanges: in Berlin, at the end of May, we will hold in fact the 63rd such meeting.

We are very pleased that, thanks to this excellent initiative by your two Subcommittees, and to the invitation sent to us by our long-standing friend, Chairman Tom Lantos, our Dialogue may in future be able to focus more deeply into various specialised sectors, in cooperation with the specialist bodies of our respective legislatures.

Once again, thank you for this excellent initiative in inviting us here today. We hope that this practice will become more frequent in the future, and I trust that our reinforced dialogue will provide for a better mutual understanding and cooperation.

ENDS