

Recommendation 1754 (2006)¹

Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1507 \(2006\)](#) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states.
2. The Assembly also recalls its [Resolution 1433 \(2005\)](#) and its [Recommendation 1699 \(2005\)](#) on the lawfulness of detentions by the United States in Guantánamo Bay.
3. The Assembly urges the Committee of Ministers to draft a recommendation to Council of Europe member states containing:
 - 3.1. common measures to guarantee more effectively the human rights of persons suspected of terrorist offences who are captured from, detained in or transported through Council of Europe member states; and
 - 3.2. a set of minimum requirements for “human rights protection clauses”, for inclusion in bilateral and multilateral agreements with third parties, especially those concerning the use of military installations on the territory of Council of Europe member states.
4. The Assembly urgently requests that:
 - 4.1. an initiative be launched on an international level, expressly involving the United States of America, an observer state to the Council of Europe, to develop a common, truly global strategy to address the terrorist threat. The strategy should conform in all its elements with the fundamental principles of our common heritage in terms of democracy, human rights and respect for the rule of law;
 - 4.2. a proposal be considered, in instances where states are unable or unwilling to prosecute persons accused of terrorist acts, to bring these persons within the jurisdiction of an international court that is competent to try them. One possibility worth considering would be to vest such a competence in the International Criminal Court, whilst renewing invitations to join this court to the United States and other countries that have not yet done so;
 - 4.3. the Secretary General continue to ask member states for progress reports on their investigations into this matter and to report to the Parliamentary Assembly as soon as possible.
5. Moreover, the Assembly recommends that the Committee of Ministers consider amending Article 11, paragraph 1 on the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) which reads that “the information gathered by the Committee in relation to a visit, its report and its consultations with the Party concerned shall be confidential”.
6. The Assembly finally recommends that the Committee of Ministers consider means of improving the Council of Europe’s ability to react rapidly and effectively to allegations of systematic human rights abuse involving several member states.

1. Assembly debate on 27 June 2006 (17th Sitting) (see [Doc. 10957](#), [Doc. 10957](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Dick Marty; and [Doc. 10977](#), opinion of the Political Affairs Committee, rapporteur: Mr Schieder). Text adopted by the Assembly on 27 June 2006 (17th Sitting).

