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Committee on Legal Affairs and Human Rights

The Secretary General's inquiry under Article 52 of the ECHR: illegal CIA detentions and transport of detainees suspected of terrorist acts

Information note by the Chairperson of the Committee, Mr James Clappison, United Kingdom, EC

1. On 25 June 2015 I had a meeting with Mr Jagland, the Secretary General of the Council of Europe, to discuss the reasons as to why the Committee has reiterated its request for him to obtain further information on illegal CIA detentions from the authorities of a number of states, in particular those specifically cited in the reports of our distinguished former member, Swiss Senator Dick Marty, on the subject of illegal CIA detentions.¹
2. Members of the Committee may recall that, as a follow-up to the Committee's first report on secret detentions and transport of detainees suspected of terrorist acts, presented by Mr Marty, the then Secretary General, Mr Davis, requested – on 21 November 2005 - all States Parties to the European Convention on Human Rights (ECHR) to furnish him with information on this subject, by virtue of the power of inquiry vested in him by Article 52 of the Convention.² This inquiry is still formally open.
3. At its meeting on 10 December 2014, the Committee requested me to ask Mr Jagland, in the light of recent disclosures made on the subject by the United States Senate and the paucity of replies received from States Parties by Mr Jagland's predecessor, to invite states to review and, as appropriate, complete the information transmitted to Mr Davis. This request was reiterated by the Committee at its meeting on 20 April 2015.
4. Subsequent to an exchange of correspondence I had on this subject with Mr Jagland, and our meeting on 25 June 2015, I have been informed that the Secretary General has asked all States Parties to the ECHR to provide him, by 30 September 2015, with any information on past or ongoing investigations, relevant cases before domestic courts or other measures taken with regard to the matter of this inquiry. I also have it to understand that Mr Jagland will keep the Assembly fully apprised of replies received, as well as follow-up action which may need to be taken before this *dossier* is closed.

¹ See, in particular, Parliamentary Assembly [Doc. 10957](#) of 12 June 2006, entitled "Alleged secret detentions and unlawful inter-state transfers of detained involving Council of Europe member states," especially §§ 280-292, and Parliamentary Assembly [Doc. 12714](#) of 16 September 2011 "Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny for human rights violations," especially §§ 6 to 44.

² Article 52 of the ECHR specifies "On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention." See documents SG (2006)01, 05 & 13. For a comprehensive overview of most aspects pertaining to this file, see "[Timeline: the Council of Europe's investigation into CIA secret prisons in Europe](#)" (which provides hyperlinks to the most important case-law and documents on this subject).