



Doc. 13288

06 August 2013

Massive eavesdropping in Europe

Motion for a resolution

tabled by Mr Pieter OMTZIGT and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly recalls that judicial and parliamentary scrutiny of a government and its agents, including special services, is of vital importance for the rule of law and democracy.

It recognises the need for States to ensure effective protection of secrets affecting national security.

The Assembly has welcomed the growing co-operation between different countries' secret services, which constitutes an indispensable tool to confront the worst forms of organised crime and terrorism. This international co-operation should, however, be accompanied by equivalent co-operation between oversight bodies.

It recalls that while member States must have the capabilities to effectively combat terrorism, they "may not, in the name of the struggle against espionage and terrorism, adopt whatever measures they deem appropriate" due to the danger of such laws undermining or even destroying democracy (European Court of Human Rights, *Klass and others v. Germany*, judgment of 6 September 1978).

The Assembly further recalls the importance of whistle-blowing as an opportunity to strengthen accountability and bolster the fight against corruption and mismanagement, both in the public and private sectors.

It is seriously concerned about the recent allegations on extensive surveillance and collection of private data by intelligence services of the United-States, the United-Kingdom, France and other countries.

The Assembly therefore:

- a. Calls upon the Secretary General to launch an inquiry under Article 52 of the European Convention on Human Rights;
- b. Invites all member States to:
 - Review or, if necessary, set up effective parliamentary or other independent mechanisms for the oversight of the secret services and special procedures in the criminal and civil courts for the handling of information of a sensitive nature covered by secrecy, to enable the proper administration of justice whilst taking into account the state's legitimate security interests;
 - Improve the protection against all forms of retaliation against *bona fide* whistle-blowers disclosing wrongdoings in the public interest.

Signed (see overleaf)

*Signed*¹:

OMTZIGT Pieter, Netherlands, EPP/CD
BRASSEUR Anne, Luxembourg, ALDE
CONDE Agustín, Spain, EPP/CD
CONNEMANN Gitta, Germany, EPP/CD
CRAMON-TAUBADEL Viola, von, Germany, SOC
DECKER Armand, De, Belgium, ALDE
FOURNIER Bernard, France, EPP/CD
FRANKEN Hans, Netherlands, EPP/CD
FRITZ Erich Georg, Germany, EPP/CD
GHILETCHI Valeriu, Republic of Moldova, EPP/CD
HERKEL Andres, Estonia, EPP/CD
HOVHANNISYAN Arpine, Armenia, EPP/CD
KALMÁR Ferenc, Hungary, EPP/CD
KARAPETYAN Naira, Armenia, EPP/CD
KOX Tiny, Netherlands, UEL
LUNDGREN Kerstin, Sweden, ALDE
NORD Thomas, Germany, UEL
POSTANJYAN Zaruhi, Armenia, EPP/CD
QUINTANILLA Carmen, Spain, EPP/CD
TOSHEV Latchezar, Bulgaria, EPP/CD
VERMEULEN Sabine, Belgium, NR
WADEPHUL Johann, Germany, EPP/CD
XUCLÀ Jordi, Spain, ALDE

1. EPP/CD: Group of the European People's Party
SOC: Socialist Group
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group