



Press release  
March, 7<sup>th</sup> 2007

## **THE UNITED STATES DEFY THE RULE OF LAW ON EUROPEAN SOIL**

The public opinion is well informed on the existence of a number of covert, illegal actions carried out on European soil by United States' security and intelligence forces, aimed at abducting foreign nationals suspected of belonging to terrorist organisations. The "extraordinary renditions".

Judicial investigations on the matter in several European Countries have been followed by official reactions at the European level. In November 2005 the Secretary General of the Council of Europe addressed the States Parties to the European Convention on Human Rights a "*Request for an explanation in accordance with Article 52 of the Convention*"; then there have been Reports by the Parliamentary Assembly of the Council of Europe and the European Parliament which have raised doubts on the Member States' cooperation on these illegal operations.

The simple fact of those institutional initiatives has provoked incredible reactions in the US.

A press campaign has been initiated with the aim of discrediting investigating authorities; the tones and the expressions adopted are by no means acceptable.

The Wall Street Journal came to define an Italian prosecutor involved in one of the first investigations on the matter "*a rogue*".

While in article appeared in the "Washington Post", two Lawyers (formerly in the service of the US Justice Department) proposed that Congress adopt a law which should "*make it a crime to initiate or maintain a prosecution against American officials if the proceeding itself violates accepted international legal norms*".

We remember that in September 2002 the US enacted the American Service Members Protection Act: this law authorizes the use of military force to liberate any American citizen, or citizen of a country allied with the U.S., being held by the International Criminal Court. This Court has its seat in the Netherlands, that's why this Law has been defined: The Hague Invasion Act.

Press articles such as those reported above show that this autarcic attitude is rapidly spreading.

Abduction and detention in illegal prisons have nothing to do with international judicial and police cooperation in criminal matters; they rather represent outright violation of fundamental Human Rights.

We, as European citizens, do not know if European Governments have consented to these illegal actions or even signed agreements insuring the immunity of U.S. public officials.

At the present stage, MEDEL must stress that the principles of the Rule of Law must be respected. The Judiciary must be independent and shall intervene when serious violations of Human Rights appear to have been perpetrated.

This, and nothing else, is the core meaning of the Rule of Law.

The respect for these principles is at the heart of Western Democracies, it lends them legitimacy in the fight against international terrorism.

*Association syndicale des Magistrats (Belgique), Cyprus Judges Association (Chypre), Soudcovska Unie Ěeské Republiky, Unie statnich zastupcu Ěeske republiky (République tchèque), Syndicat de la Magistrature (France), Vereinigte Dienstleistungsgewerkschaft VER.DI [Fachausschuss Richter und Staatsanwälte], Neue Richtervereinigung NRV (Allemagne), Eteria Elinon Dikastikon Litourgon gia ti Demokratia ke tis Elefteries (Grèce) ; Magistratura democratica (MD), Movimento per la Giustizia (Italie), Iustitia , Association des procureurs de Pologne (Pologne), Associação Sindical dos Juizes Portugueses ASJP, Sindicato dos Magistrados do Ministerio Público (Portugal) , Jueces para lademocracia , Unión progresista de Fiscales (Espagne)*