

TO THE MEMBERS OF THE COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

Secretariat of the Parliamentary Assembly

Synopsis No 2004/140
23 December 2004

The Committee on Legal Affairs and Human Rights, meeting in Paris on 16 December 2004 with Mr Pourgourides (Cyprus, EPP/CD), in the Chair, as regards:

- *Draft legal instrument on the Prevention of Terrorism* (Rapporteur: Mr Bartumeu Cassany, Andorra, SOC): held an exchange of views with Ms Gertraude Kabelka, Chairperson of the Committee of Experts on Terrorism (CODEXTER), heard preliminary comments on the draft convention by the Rapporteur, and instructed him to submit a draft opinion at the next Committee meeting, in view of its presentation to the Assembly at the January 2005 part-session;
- *Draft Convention against money laundering and the financing of terrorism* (Rapporteur: Mr Bartumeu Cassany, Andorra, SOC): amended and unanimously adopted a draft opinion, and instructed its rapporteur to present it to the Assembly at the January 2005 part-session;
- *Concept of nation* (Rapporteur: Mr Frunda, Romania, EPP/CD): considered an introductory memorandum;
- *Avoiding unnecessary duplication of activities between international mechanisms for the protection of human rights in Europe* (Rapporteur: Mr McNamara, United Kingdom, SOC): considered an introductory memorandum, decided to change the title of the future report to " *Plans to set up a Fundamental Rights Agency for the European Union* " and instructed its rapporteur to present a draft report to the Committee at its next meeting;
- *Protection of human rights in Kosovo* (Rapporteur: Mr Lloyd, United Kingdom, SOC): approved a report, amended and unanimously adopted a draft resolution and a draft recommendation, and instructed its rapporteur to present it to the Assembly at the January 2005 part-session;
- *Video surveillance of public areas* (Rapporteur: Mrs Azevedo, Portugal, EPP/CD): considered an introductory memorandum and decided to hold a hearing during the first half of 2005;
- *The Third Summit* (Rapporteur for opinion: Mr Bruce, United Kingdom, LDR): adopted an opinion and approved several amendments to the draft recommendation adopted provisionally by the Political Affairs Committee, as a contribution of the Committee to a consolidated draft recommendation ;

- *Lawfulness of detentions by the United States in Guantánamo Bay* (Rapporteur: Mr McNamara, United Kingdom, SOC): took note of the programme of the hearing to be held the following day and authorised the rapporteur to visit the International Committee of the Red Cross in Geneva;
- *Follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan* (Rapporteur: Mr Bruce, United Kingdom, LDR): took note of a revised information note presented by the Rapporteur and decided, considering the urgency of the issue, to resume discussion of the item at its next meeting;
- *Assistance to ill persons at end of life* (Rapporteur for opinion: Mr McNamara, United Kingdom, SOC): heard a brief statement by the Rapporteur for opinion;
- *Recent references to the Committee for opinion on follow-up to be given*: decided to propose to the Bureau that the motion for a resolution on *Mercenaries* (Doc 10322) be referred to it to be taken into account in the preparation of the forthcoming report on *human rights of members of the armed forces*, that the motion for a resolution on *Liberation of political prisoners from Tiraspol – Andrei Ivantoc and Tudor Petrov-Popa* (Doc. 10327) be also referred to it and to be taken into account in the framework of the next report on the implementation of decisions of the European Court of Human Rights, and instructed its Chairperson to inform the Bureau accordingly;
- *Appointment of Rapporteurs*: appointed the following rapporteurs:
 - o *The restriction of the use of firearms in peacetime within the member states of the Council of Europe*: Mrs Wohlwend (Liechtenstein, EPP/DC)
 - o *Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff*: Mr Lloyd (United Kingdom, SOC)
 - o *European prisons charter*: Mr Hunault (France, EPP/DC)
 - o *Opinion on the Draft Convention of the Council of Europe on action against trafficking in human beings (for opinion)*: (subject to referral by the Standing Committee on 23 November 2004): Mr McNamara (United Kingdom, SOC);
- *Appointment of representatives*: appointed MM Ates (Turkey, SOC) and Bruce (United Kingdom, LDR) as its representatives to the *ad hoc* Committee of the Bureau on the dialogue with the Parliament of Liechtenstein;
- *Participation of members in conferences, meetings, seminars, etc.*: heard reports on the following meetings:
 - o Steering Committee for Human Rights (CDDH) (Strasbourg, 23-26 November 2004): Mr McNamara (United Kingdom, SOC)
 - o Group of States against corruption (GRECO) (Strasbourg, 29 November - 2 December 2004): Mr Bartumeu Cassany (Andorra, SOC);
- *Replies from the Committee of Ministers to recommendations emanating from the Committee*: took note of the reply to Recommendation 1657 (2004) on *disappeared persons in Belarus* and expressed its support for the proposal that Mr Pourgourides present a written question to the President of the Committee of Ministers;
- *Elections of judges to the European Court of Human Rights* (Chairperson of the Sub-Committee: Mr McNamara, United Kingdom, SOC): heard a statement by the Chairperson of the Sub-Committee on the election of judges to the European Court of Human Rights, took note of his initiative of a motion for a resolution on the *candidates for the European Court of Human Rights* and, consequently, instructed its Chairperson to ask the Bureau that the procedure for examining any list of candidates falling within the scope of this motion for a resolution be temporarily suspended pending a decision of the Assembly on

the matter, and subject to referral to the Committee, appointed Mr McNamara (United Kingdom, SOC) Rapporteur;

- *Motion for a resolution on Europe's interest in the continued economic development of Russia (Doc. 10343)*: instructed its Chairperson to write to the President of the Assembly requesting that this motion be referred to it for opinion;
- *Gongadze case*: took note with satisfaction of the decision of the Monitoring Committee to ask the Bureau for a referral of the motion for a resolution to the Committee on Legal Affairs and Human Rights;

and resuming its meeting on 17 October 2004, with Mr Pourgourides (Cyprus, EPP/CD) in the Chair, as regards:

- *Ad hoc Sub-Committee on the Election of Judges to the European Court of Human Rights*: took note of the fact that the Sub-Committee had the previous evening adopted a report following hearings with the candidates presented by Serbia and Montenegro, and that this report would be forwarded to the President of the Assembly;
- *Sub-Committee on Human Rights*: heard a report by the Chairperson of the Sub-Committee, Mr Pourgourides (Cyprus, EPP/CD), on the meeting held in Paris on 17 December 2004 and endorsed the proposals of the Sub-Committee concerning the examination of the lists of candidates for the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Albania and Ukraine;
- *Hearing on the lawfulness of detentions by the United States in Guantánamo Bay*: held a hearing with the participation of :
 - . Mr Jamal al-Harith, *British ex-detainee*
 - . Mr Robert Lizar, *solicitor, legal representative of Mr al-Harith*
 - . Mr Bernhard Döcke, *legal representative of Mr Murat Kurnaz, detainee with Turkish nationality and German residency*
 - . Dr James MacKeith, *forensic psychiatrist*
 - . Professor Georg Nolte, *Member of the Venice Commission*
 - . Mr Edward J. Flynn, *Office of the UN High Commissioner for Human Rights*
 - . Mr Rob Freer, *Amnesty International*;
- *Next meetings*:
 - o Strasbourg, on 24 January 2005 at 14 h 00
 - o Strasbourg, during the Assembly's January 2005 part-session (24-28 January 2005)
 - o Paris, Thursday 3 March 2005 at 9 h 30 (Council of Europe Office).

The *ad hoc* Sub-Committee on the Election of Judges to the European Court of Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Paris on 16 December 2004 with Mr McNamara (United Kingdom, SOC) in the Chair:

- held interviews with the candidates to the European Court of Human Rights in respect of Serbia and Montenegro;
- adopted its recommendation to the Assembly concerning the candidates of this country.

- took note of the resignation of its Chairperson, Mr McNamara, who had reached the age of 70, and elected unanimously Mrs Bemelmans-Videc (Netherlands, EPP/CD) Chairperson and Mr Cilevics (Latvia, SOC) Vice-Chairperson.

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Paris on 17 December 2004 with Mr Pourgourides (Cyprus, EPP/CD) in the Chair, as regards:

- *European Committee for the Prevention of Torture (CPT)*: considered candidatures to the CPT with respect to Albania and Ukraine, and decided to recommend that the Bureau request fresh lists to the parliamentary delegations concerned, in accordance with Resolution 1248 (2001);
- *Future role of the Sub-Committee*: on the basis of two notes prepared by the secretariat, approved most proposals concerning its future work programme and its role in the procedure of examination of candidatures to the European Committee for the Prevention of Torture (CPT), instructed its Chairperson to ask the President of the Assembly to write to the chairpersons of the parliamentary delegations inviting them in future to submit candidatures using a model *curriculum vitae*, and to pursue the examination of other ways and means of improving the procedure for the selection of members of the CPT.
- *Next meeting*:
 - . Strasbourg, during the Assembly's January 2005 part-session (24-28 January 2005).

Jeroen Schokkenbroek, Günter Schirmer, Valérie Clamer, David Milner

cc: Secretary General and secretariat of the Assembly
 Secretaries of National Delegations to the Assembly
 Secretaries of Political Groups of the Assembly

Directors General
 Director of the Private Office of the Secretary General of the Council of Europe
 Secretary to the Committee of Ministers
 Director of Communication and Research

Permanent Representations to the Council of Europe