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Grounding of Bolivian presidential jet in attempt to render whistleblower shames European Union

The refusal of entry into their airspace by European states for the Bolivian presidential jet on the basis of suspicions that Edward Snowden was on board was an astonishing manoeuvre that flies in the face of the EU's commitment to democracy, human rights and international law.

The potential damage that this action does to both the reputation of the European Union and respect for international law within and beyond its borders cannot be understated. The forcing down and searching the Bolivian President's jet was a clear breach of fundamental principles of diplomatic immunity and inviolability. Such principles are the bedrock of good international relations and customary international law.

This failed attempt to apprehend Mr. Snowden coupled with the refusal of his asylum request suggests that EU states are prepared to disregard the European Conventions on Human Rights and expeditiously transfer him to the USA to face the same fate as Bradley Manning and other whistleblowers – that is solitary confinement, the prospect of an unfair trial and a charge that carries the death penalty.

States such as Spain and Portugal were among the many EU governments that permitted hundreds of CIA "extraordinary rendition" flights through their airspace between 2001 and 2006, facilitating repeated acts of torture, enforced disappearance and arbitrary detention by the USA. Their failure to prosecute those responsible and compensate the victims of rendition is now compounded by the EU's apparent readiness to engage in the practice once more.

The states involved in forcing down and searching the Bolivian President's jet should be held to account while the EU should concentrate on protecting the fundamental rights of Europeans by putting an end to the unwarranted mass surveillance revealed by Edward Snowden.

The ruthless persecution of whistleblowers is a grave threat to investigative journalism. It will undermine open and transparent government and further erode public trust in government. The issues now at stake – the protection of whistleblowers, the regulation of surveillance powers and the ability of journalists' to protect the confidentiality of their sources – are at the very heart of what it means to live in a democracy.

Many European countries have a proud history of providing refuge to people facing prosecutions of a political nature. If they are to avoid the same international reputation for injustice that increasingly plagues their Transatlantic partner they should cease and desist in their efforts to apprehend Mr. Snowden, recognise his service to European democracy and guarantee him safe haven or passage.

To sign this statement

This statement is released by the European Center for Constitutional and Human Rights, the Transnational Institute and the European Association of Lawyers for Democracy & World Human Rights. If you would like to add the signature of your organization please send an email to heedben@gmail.com by 11 July 2013 – we will then re-release it.

For more information

European Parliament Resolution on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' privacy, 4 July 2013:
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+P7-RC-2013-0336+0+DOC+PDF+V0//EN>

Amnesty International, USA must not hunt down whistleblower Edward Snowden:
<http://www.amnesty.org/en/news/usa-must-not-hunt-down-whistleblower-edward-snowden-2013-06-24>

Human Rights Watch, US: Statement on Protection of Whistleblowers in Security Sector:
<http://www.hrw.org/news/2013/06/18/us-statement-protection-whistleblowers-security-sector>

European Parliament Resolution on alleged transportation and illegal detention of prisoners in European countries by the CIA, 2 Aug. 2012:
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bREPORT%2bA7-2012-0266%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

Open Society Justice Initiative, Report on "Globalizing Torture: CIA Secret Detention and Extraordinary Rendition":
<http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>

European Court of Human Rights, judgment in El-Masri v. The Former Yugoslav Republic of Macedonia:
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115621>

The Global Rendition System database:
<http://www.therenditionproject.org.uk/global-rendition/index.html>