

EUROPEAN PARLIAMENT

2004



2009

Session document

15.1.2008

B6-0040/2008

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Thomas Mann, Edward McMillan-Scott, Charles Tannock, Laima Liucija Andrikienė, Bernd Posselt, Eija-Riitta Korhola, Tunne Kelam, Georg Jarzembowski

on behalf of the PPE-DE Group

on the arrest of the Chinese dissident, Hu Jia

European Parliament resolution on the arrest of the Chinese dissident, Hu Jia

The European Parliament,

- having regard to its earlier resolutions on the human rights situation in China,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the human rights campaigner Hu Jia was taken away by police from his home in Beijing on 27 December 2007 on charges of inciting subversion,
 - B. whereas Hu Jia and his wife, Zeng Jinyan, have thrown the spotlight on human rights abuses in China over the past few years and spent many periods under house arrest as a result of their campaigning,
 - C. whereas Hu Jia has informed the European Parliament on a number of occasions during 2007, the last of which was at a special hearing of the sub-committee on human rights on 26 November 2007, as to the deteriorating human rights situation in China,
 - D. whereas in 2006 Time Magazine named Zeng Jinyan one of the world's one hundred 'heroes' and she received, along with Hu Jia, in 2007 the Reporters without Borders special 'China' prize and a nomination for the Sakharov Prize,
 - E. whereas human rights organizations called the arrest another move by Chinese authorities to silence critics ahead of the Beijing Olympics,
 - F. whereas 57 intellectuals from China immediately published an open letter calling for the instant release of Hu Jia,
 - G. whereas Hans-Gert Poettering, the President of the European Parliament, published a statement on 31 December 2007 admonishing the Chinese authorities for their detention of Hu Jia and urged them to use the forthcoming Games as 'an opportunity for China to demonstrate that a country hosting the world's most important sports event is committed to internationally recognized human rights standards including freedom of expression',
 - H. whereas the domain of legal use for the abused accusation against human rights activists of "inciting subversion of State power is not clear ",
 - 1. Strongly condemns the detention of Hu Jia and demands the prompt release of him and all the arrested dissidents in prison for crime of opinion;
 - 2. Calls upon China to respect its commitments to human rights and the rule of law, in particular the provisions of the UN Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations on December 9 1998, by putting an end to

- the harassment of Chinese human rights defenders and releasing Hu Jia to demonstrate its commitment to human rights in its Olympic year;
3. Urges China not to use the Olympic Games as a pretext in which they arrest, illegally detain and imprison, dissidents, journalist and human rights activists either reporting on or demonstrating against human rights abuses;
 4. Calls on the National People's Congress Standing Committee (NPCSC) to give a definitive and supportive of civil rights pronouncement on the interpretation of article 105 (2) of the Chinese Criminal Code (CCC) in order to avoid an extensive and subjective interpretation of the norm safeguarding in this way the "rule of law" from abuses which now persecute and criminalize people, for using their basic right of freedom of expression;
 5. Urges China to reform its Criminal Law to ease the freedom of expression of journalists, writers, free lances, reporters and others who will report to the world such an important event like the Olympic Games: this reform will also allow to precise the camp of applications of some unclear legal tool (e.g. art 105 CCC) and give the world a positive signal that the 17^o Congress of the CCP opened a smooth way for a wider respect of different opinions;
 6. Calls on China to thoroughly revise the articles of the CCC endangering State security, and to put it on the NPCSC's agenda at the earliest possible date as recommended by the UN WG on Arbitrary Detention ten years ago;
 7. Considers anyway the smallest achievable result for the Chinese's goodwill to adopt moratoria of restrictive interpretations of infamous articles of the CCC which are only smoke screens hiding abuse and violence;
 8. Calls on the Chinese authorities to treat prisoners and dissidents in a good way respecting their human dignity and their commitment for a more "harmonious society"-based also on fundamental rights such as human rights, and fundamental freedoms such as freedom of expression;
 9. Calls on the Chinese authorities to allow Hu Jia and all the other dissidents under arrest to receive, if necessary, medical assistance and to consider that an improper detention could deteriorate their health situation;
 10. Urges the Chinese authorities to close the so called 'black jails', detention places, set up to detain 'troublemakers' in advance of this year's Olympics;
 11. Calls upon the European Union to bear in mind the disappearance on 22 September 2007 of Gao Zhisheng, a noted human rights attorney and friend of Hu Jia's, who has come to represent the plight of the many thousands of human rights defenders currently imprisoned in China and calls on the EU Delegation in Beijing to monitor this case and all the other cases of dissidents under arrest and to put pressure for their release;
 12. Instructs its President to forward this resolution to the Council, the Commission, the parliaments of the Member States, the governments and parliaments of the applicant

countries, the President and Prime Minister of the People's Republic of China and the International Olympic Committee.