



EUROPEAN PARLIAMENT

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Plenary sitting

7.6.2011

B7-0361/2011

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 122 of the Rules of Procedure

on the Guantanamo: death penalty decision imminent

Charles Tannock, Jan Zahradil

on behalf of the ECR Group

European Parliament resolution on the Guantanamo: death penalty decision imminent

The European Parliament,

- having regard to the Geneva Convention relative to the Treatment of war prisoners, adopted on 12 August 1949,
 - having regard to the conclusion and plan of action of the extraordinary European Council meeting on 21 September 2001,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas Guantánamo defendants face charges including terrorism, torture, hijacking and murder and are considered as the most dangerous terrorists,
 - B. whereas by April 2011 the number of prisoners at Guantánamo Bay had dropped to 172 after the US administration negotiated repatriation deals with several countries,
 - C. whereas European Union Member States have on various occasions expressed their concerns about conditions at the base and therefore called for the prisoners to be treated according to "the rule of law",
 - D. whereas Guantánamo tribunals have been a source of controversy as there were serious differences between Military Commissions and regular US criminal law,
 - E. whereas in 2009 these rules were amended by the Obama Administration and the Democratic-controlled Congress in order to ban certain controversial interrogation techniques, enhance fairness and protect defendants' rights,
 - F. whereas the US military has made significant efforts to ensure that detainees are held in better conditions than before, in particular with respect to medical care, nutrition, the expression and exercise of their religious rights,
 - G. whereas the US Administration has recently lifted the two-year freeze on new military trials for detainees at the Guantánamo Bay prison,
 - H. whereas Khalid Sheikh Mohammed, the alleged organizer of the 9/11 attacks, and four alleged co-conspirators will be tried shortly in a military commission at Guantánamo Bay,
1. Reaffirms its firm solidarity with the United States in combating terrorism with full regard for individual rights and freedom;
 2. Insists that every prisoner should be treated in accordance with international humanitarian

law and, if charged, tried without delay in a fair and public hearing by an independent and impartial court of law with adequate legal safeguards;

3. Agrees that the prisoners currently held in the US base in Guantánamo do not fall precisely within the definitions of the Geneva Convention and that the standards set out in these conventions must be revised to respond to the new situations created by the development of international terrorism and asymmetric attacks by non-state actors;
4. Calls for reforms leading to a fully functioning international criminal court with jurisdiction over acts of terrorism;
5. Is convinced that ultimately regular criminal trials under civilian jurisdiction are the best way to resolve the status of Guantánamo;
6. Instructs its President to forward this resolution to the Council, the Commission, the US Government, the US Congress and the United Nations.