



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

12.1.2015

B8-0016/2015

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the case of the two Italian ‘*marò*’
(2015/2512(RSP))

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on behalf of the S&D Group

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**European Parliament resolution on the case of the two Italian ‘*marò*’
(2015/2512(RSP))**

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to the European Convention on Human Rights and Fundamental Freedoms and the Protocols thereto,
 - having regard to the Universal Declaration of Human Rights of the United Nations,
 - having regard to the UN Convention on the Law of the Sea (UNCLOS), in particular Article 97 thereof,
 - having regard to the declarations of the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission on the case of the Italian marines (*marò*) Massimiliano La Torre and Salvatore Girone,
 - having regard to the statement by the spokesperson for United Nations Secretary-General Ban Ki-moon of 6 January 2015 inviting the two countries – Italy and India – to try to reach a reasonable and mutually acceptable solution,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas on the night of 15 February 2012 the Italian commercial vessel *Enrica Lexie*, en route from Singapore to Djibouti, came across the fishing trawler *St Anthony* off the coast of Kerala, India;
- B. whereas six naval fusiliers (*marò*) were on board the *Enrica Lexie* to protect the ship from potential attacks by pirates; whereas, fearing a pirate attack, warning shots were fired at the approaching boat, and two Indian fishermen, Ajesh Pinky and Selestian Valentine, were tragically killed;
- C. whereas on 19 February 2012 members of the Indian police force boarded the vessel, confiscated the fusiliers’ weapons and arrested the two marines, who had been identified as those responsible for opening fire on the fishing boat;
- D. whereas these events have caused diplomatic tensions, given the legal uncertainty surrounding the case of the two Italian marines; whereas even after three years, charges have still not been brought by the Indian authorities;
- E. whereas one of the soldiers, Massimiliano Latorre, left India to spend four months at home after he suffered a cerebral ischemia;

- F. whereas, according to international law, in cases of collision or other naval incidents on the high seas, criminal or disciplinary proceedings against the master or any other person in the service of the ship can only be initiated by either the flag state or the state of which the person is a national, including in the context of the global fight against piracy;
- G. whereas on 15 October 2014 the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, was critical of the behaviour of the Indian authorities, encouraging the government to find a quick and satisfactory solution in conformity with UNCLOS and with international law;
- H. whereas on 16 December 2014 the new EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, expressed her disappointment at the lack of leniency shown in response to Massimiliano Latorre's plea for an extension of his stay in Italy for medical treatment;
- I. whereas the two *marò* are European citizens, and whereas on 15 February 2012 they were on board an Italian commercial vessel, en route on the high seas off the coast of the State of Kerala and performing their functions as a part of international counter-piracy activities;
1. Expresses great sadness at the tragic death of the two Indian fishermen and extends its condolences;
 2. Stresses that the consequences of the event of 15 February 2012 should nevertheless be treated strictly within the rule of law, fully respecting the human and legal rights of those allegedly involved;
 3. Expresses great concern at the detention without charge of the Italian marines; stresses that the marines must be released; stresses that the lengthy delay and restrictions on the marines' freedom of movement are unacceptable and represent a serious breach of their human rights;
 4. Regrets the manner in which the issue has been handled and supports the efforts of all parties involved to work urgently towards a reasonable and mutually acceptable solution;
 5. Recalls that under international maritime law, penal and disciplinary proceedings against a defendant should be instituted before the authorities of the flag state, which in this case is also the state of which the defendants are nationals; likewise recalls that no other national authorities are entitled to exercise jurisdiction or carry out investigative measures;
 6. Encourages the EU High Representative for Foreign Affairs and Security Policy to take any necessary action to protect the two Italian marines in order to achieve a quick and satisfactory resolution to the case;
 7. Reminds the Commission of the importance of stressing the human rights situation in the framework of relations with India and hence of considering further measures to

facilitate a positive resolution to the case;

8. Recalls that the rights and security of EU citizens in third countries should be safeguarded by the EU diplomatic representation, which should work actively for the defence of the fundamental human rights of EU citizens in detention in any third country;
9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Member States, the United Nations Secretary-General, and the President and Government of India.