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*Plenary sitting*

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**B8-0093/2016**

19.1.2016

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 135 of the Rules of Procedure

on EU citizens under detention in India, notably Italian, Estonian and UK citizens  
(2016/2522(RSP))

**Urmas Paet, Beatriz Becerra Basterrechea, Petras Auštrevičius, Izaskun Bilbao Barandica, Marielle de Sarnez, Pavel Telička, Ilhan Kyuchyuk, Ramon Tremosa i Balcells, Ivo Vajgl, Paavo Väyrynen, Dita Charanzová, Nedzhmi Ali, Martina Dlabajová, José Inácio Faria, Fredrick Federley, Nathalie Griesbeck, Marian Harkin, Filiz Hyusmenova, Ivan Jakovčić, Petr Ježek, Kaja Kallas, Louis Michel, Javier Nart, Maite Pagazaurtundúa Ruiz, Frédérique Ries, Robert Rochefort, Johannes Cornelis van Baalen, Hilde Vautmans, Valentinas Mazuronis**  
on behalf of the ALDE Group

**B8-0093/2016**

**European Parliament resolution on EU citizens under detention in India, notably Italian, Estonian and UK citizens (2016/2522(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 additional protocols thereto,
  - having regard to the Universal Declaration of Human Rights,
  - having regard to the UN Convention on the Law of the Sea,
  - having regard to the Montreux Document of 17 September 2008,
  - having regard to the written answer of 5 October 2015 given by the Vice-President/ the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament,
  - having regard to the European parliament resolution on the case of the two Italian 'marò' (2015/2512(RSP)),
  - having regard to all the statements of both the Commission and its Vice-President/ the High Representative of the Union for Foreign Affairs and Security Policy on the case of the Italian 'marò' Massimiliano Latorre and Salvatore Girone,
  - having regard to its resolution of 10 May 2012 on maritime piracy,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas on 12 October 2013 the privately contracted anti-piracy ship *MV Seaman Guard Ohio* was intercepted within Indian territorial waters;
- B. whereas the 35 crew members including six UK nationals, 14 Estonian nationals, three Ukrainian nationals, and 12 Indian nationals were arrested and interrogated after they failed to produce papers authorising them to carry weapons in India's territorial waters;
- C. whereas on 10 July 2014, the Madras High Court dismissed the charges against the crew and armed guards;
- D. whereas on 1 July 2015, the Indian Supreme Court heard an appeal against the 2014 judgment; whereas on this day the Supreme Court announced that it would not accept for consideration the case and returned it to the Trial Court of Tamil Nadu;
- E. whereas on 11 January 2016, the Tuticorin District Principal Sessions Court sentenced all

- 35 crew members to five years of 'rigorous imprisonment' and a fine of 3,000 rupees each;
- F. whereas of the 25 total private security personnel on board the *MV Seaman Guard Ohio*, 20 personnel are EU citizens;
  - G. whereas Human Rights at Sea (HRAS) CEO David Hammond stated that 'this appears to be a travesty of justice for the ordinary crew-members who we understand were not aware of instructions being passed down from the employer, and who were otherwise simply doing their job';
  - H. whereas AdvanFort, the US company who had employed the crew, has previously called on the Indian government to release the men, saying that any arms and ammunition aboard the ship were used solely to safeguard commercial ships against piracy and were stored legally;
  - I. whereas David Cameron, Prime Minister of the UK, made a personal appeal for release of the crew in late 2015 to Narendra Modi, Prime Minister of India;
  - J. whereas the case of two Italian navy officers arrested by India in 2012 whilst on anti-piracy operations has been seriously delayed;
  - K. whereas on 10 May 2012 Parliament adopted a resolution on maritime piracy, paragraph 30 of which states that 'on the high seas, according to international law, in all cases including actions taken in the fight against piracy, the national jurisdiction of the flag state applies on the ships concerned, as well as to the military staff deployed on board' and notes that 'no arrest or detention of a ship may be ordered, even as a measure of investigation, by any authorities other than those of the flag state';
  - L. whereas the EU has a central role in respect for human rights both within Europe and at the international level;
1. Deplores the delay in the proceedings of the *MV Seaman Guard Ohio* crew;
  2. Expresses great dismay at the excessively harsh verdict reached with regards to the *MV Seaman Guard Ohio* crew by the Tuticorin District Principal Sessions Court on 11 January 2016;
  3. Strongly asks for the *MV Seaman Guard Ohio* crew to be allowed to return to their homeland;
  4. Expresses concern at the treatment of the convicted crew in local prisons and the details of the outstanding 'rigorous imprisonment';
  5. Calls on India to respect its obligations enshrined in a series of human rights charters, treaties and conventions that it has signed up to;
  6. Supports the affected Member States' efforts to find a solution to the cases, but believes that the EU also has a duty to step in to protect the rights of its citizens;

7. Urges the VP/HR, Federica Mogherini, to take all necessary action to seek the satisfactory resolution of the two cases as a matter of urgency;
8. Calls on the Commission and the Council to treat these cases with the utmost importance in their bilateral relations with India;
9. Notes the loosely regulated practices surrounding private anti-piracy missions; encourages India, in this respect, to sign on to the Montreux Document of 18 September 2008 which defines how international law applies to the activities of private military and security companies (PMSCs) when they are operating in an armed conflict zone and contains a set of good practices designed to help states take measures nationally in order to fulfil their obligations under international law;
10. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Government and Parliament of India;