



Plenary sitting

B8-1258/2016

22.11.2016

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 the case of Guy Minhui - Jailed publisher in China
(2016/2990(RSP))

Ignazio Corrao, Fabio Massimo Castaldo, Isabella Adinolfi
on behalf of the EFDD Group

B8-1258/2016

European Parliament resolution on the case of Guy Minhai - Jailed publisher in China (2016/2990(RSP))

The European Parliament,

- having regard to its previous resolutions on China, in particular the its reports of 16th December 2015 on EU-China Relations and of 13th March 2014 on EU priorities for the 25th session of the UN Human Rights Council
- having regard to the Statement by the High Representative/Vice-President's Spokesperson “on the disappearance of individuals associated with the Mighty Current publishing house in Hong Kong” of the 7th January 2016,
- having regard to the last EEAS statement “EU Concerns about the Human Rights situation in China” of the 29th January 2016,
- having regard to its previous resolution on the case of the missing book publishers in Hong Kong of 3rd February 2016;
- having regard to the 12-country joint statement delivered at the UN Human Rights Council in March 2016;
- having regard to the special status of Hong Kong, as a Special Administrative Region within the People's Republic of China (PRC),
- having regard to the Hong Kong Basic Law, notably the articles regarding personal freedoms and freedom of press,
- having regard to Human Rights Watch, World Report 2016: China- Hong Kong
- having regard to the EU-China Dialogue on Human Rights, set up in 1995 and following the conclusions of the 34th meeting (30th November - 1st December 2015) where “both sides consider human rights to be an important part of their bilateral relations”,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to Rule 135 of its Rules of Procedure,
 - A. Whereas Gui Minhai went missing in late 2015 together with other five Hong Kong resident booksellers who vanished in a string of incidents known as the “Causeway Bay Books disappearances”;
 - B. Whereas all the book publishers who disappeared were active in a number of Hong Kong publishing houses which criticized PRC's government and its policies;

- C. Whereas Gui Minhai is a Swedish national and a European citizen; whereas the Swedish authorities have asked full support to the PRCs' authorities in order to protect the rights of their citizen;
- D. Whereas in January 2016, Gui Minhai was abducted from Thailand by China's security officials, brought to mainland China where he reappeared three month later in custody, and releasing a media statement confessing a past drunk driving offence; whereas the confession raised serious concerns on Gui Minhai's own will to surrender to the authorities and follow the course of justice in China, whilst waiving protection as a Swedish citizen;
- E. Whereas subsequent state media reports said Gui Minhai was being investigated for other unspecified "criminal activities," and that others have been investigated in connection with him; whereas neither Gui Minhai's family nor the Swedish government has been informed of any formal charges against him, nor the formal place of his detention, rendering him forcibly disappeared;
- F. Whereas in June 2016, one of the booksellers, Lam Wing Kee, in a press conference revealed details about his detention in China by accusing the authorities of having questioned him about the publisher's operations, including information about the books' authors and readers, and forced him to read from a scripted confession;
- G. Whereas enforced disappearances violate a range of fundamental human rights protected under international law, including prohibitions against arbitrary arrest and detention; torture and other cruel, inhuman, or degrading treatment; and extrajudicial execution;
- H. Whereas the UN Committee against Torture has strongly criticized the PRC's government for its illegal detentions in secret places and the practice of torture and ill-treatment within the PRC criminal justice system;
1. Is deeply worried and concerned by the practice of the PRC's government of enforced disappearances, and in particular the disappearance of Gui Minhai who is also a European citizen;
 2. Condemns the use of torture or ill-treatment against detainees or accused people to obtain forced confession for alleged crimes, as seen during the speech of Gui Minhai on CCTV the 17th January;
 3. Calls on the Council of State of the PRC and the PRC Police Authorities and the Hong Kong Government to provide immediately all information about the location of Gui Minhai's prison and of the other disappeared book publishers;
 4. Urges the PRC government to immediately and unconditionally release the five booksellers, allow them to return to Hong Kong or other places of their choice, unless the Chinese government formally indicts them as being in violation of internationally recognised crimes (i.e. meeting definitions according to international standards) and in accordance with international fair trial standards. In the meantime, that the booksellers

be allowed to meet on a regular basis as well as with their family and lawyers, that they only be detained in recognised places of detention.

5. Condemns PRC's snatching of foreign nationals from abroad; urges the governments of China and Hong Kong to explain how Gui Minhai and the other arrested booksellers disappeared from Hong Kong and Thailand;
6. Deplores the interference of PRC's security authorities in Hong Kong affairs, despite the provisions of the Hong Kong Basic Law, and deplores that Hong Kong citizens can be put under trial in a different jurisdiction such as the PRC's;
7. Urges the governments of China and Hong Kong to reform the judicial and the security systems in order to avoid the continuous use of political trials and arbitrary arrests and any other possible repressive measures that limit basic rights of accused, investigated and convicted people; reaffirm the respect, protection and commitment to implement rights to freedom of expression and other human rights in Hong Kong;
8. Urges the Hong Kong government to publicly condemn any contempt for due process, uphold commitments to Hong Kong's high degree of autonomy, rule of law and accountability, taking precautions to protect the personal freedom and safety of all in Hong Kong.
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 governments and parliaments of the Member States, to the government and parliament of China and Hong Kong.