

Situation of prisoners at Guantánamo

European Parliament resolution on the situation of prisoners at Guantánamo

The European Parliament,

- having regard to the Parliamentary Assembly of the Council of Europe resolution of 25 April 2005 on the lawfulness of detentions by the United States in Guantánamo Bay,
- having regard to the report by the UN Commission on Human Rights of 15 February 2006 on Guantánamo, calling for the Guantánamo detention centre to be shut down without further delay and for the remaining detainees to be either tried or released,
- having regard to the conclusions and recommendations of the UN Committee against Torture concerning the United States of America published on 19 May 2006,
- having regard to the publication of the list of 759 past and present prisoners of Guantánamo Bay by the US Defence Department on 15 May 2006, with no indication whether the list contains all the detainees,
- having regard to the most recent figures from the US Government relating to numbers in detention at Guantánamo, according to which approximately 275 detainees have been released, with 465 detainees remaining, 133 of which are marked for release,
- having regard to its previous resolutions on the rights of detainees at Guantánamo to a fair trial and, in particular, its resolution of 7 February 2002 on the detainees in Guantánamo Bay¹, its recommendation to the Council of 10 March 2004 on the Guantánamo detainees' right to a fair trial² and its resolution of 16 February 2006 on Guantánamo³,
- having regard to its resolution of 18 May 2006 on the annual report on human rights in the world in 2005 and the EU's policy on the matter⁴,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), adopted by the United Nations General Assembly on 10 December 1984,
- having regard to the EU Guidelines on the fight against torture and on the death penalty, and its Guidelines on human rights dialogues with third countries, adopted in 2001,
- having regard to the informal meeting of EU Foreign Ministers held in Vienna on 27-28 May 2006,
- having regard to the calls from the German Chancellor, the British Prime Minister and the UN Secretary-General, amongst others, for the closure of the Guantánamo detention

¹ OJ C 284 E, 21.11.2002, p. 353.

² OJ C 102 E, 28.4.2004, p. 640.

³ *Texts Adopted*, P6_TA(2006)0070,

⁴ *Texts Adopted*, P6_TA(2006)0220.

centre,

- having regard to Rule 103(4) of its Rules of Procedure,
- A. mindful that the International Covenant on Civil and Political Rights provides that no-one should be subjected to arbitrary detention and that deprivation of liberty must be based on grounds and procedures established by law, and urging all parties to apply its provisions,
- B. whereas reports of abuse of detainees in US custody, suicide attempts by detainees and a prison revolt at Guantánamo Bay are of significant concern; noting that the United States has taken only limited steps to investigate and, where there is evidence, punish the personnel implicated,
- C. whereas the suicides of three detainees at Guantánamo Bay on 10 June 2006 have raised further international concerns about the detention facilities,
- D. welcoming the fact that some detainees have been given the right to have access to private conference with independent lawyers,
- 1. Reiterates its call on the US Administration to close the Guantánamo Bay detention facility and 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 a competent, independent and impartial court of law or international tribunal;
- 2. Condemns all forms of torture and ill-treatment and reiterates the need to comply with international law;
- 3. Calls on the US authorities to implement the recommendations of the UN Committee against Torture and to ensure that 'special interrogation techniques', including methods involving sexual humiliation, 'water boarding', 'short shackling' and using dogs to induce fear, that constitute torture or cruel, inhuman or degrading treatment, are not used;
- 4. Calls on the US Government to grant unimpeded access to the detainees at Guantánamo Bay for the respective UN bodies and international human rights organisations; notes that the International Committee of the Red Cross has been the only international organisation to have official access to the detainees;
- 5. Notes that 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 and recreation;
- 6. Takes the view that improvements in detention conditions do not tackle the real problem, which is that a violation of the rule of law, international law and human rights standards is the real concern;
- 7. Regrets the apparent plans in the US Defence Department to delete a line in the regulations for the treatment of detainees that prohibits humiliating treatment and to delete the explicit reference to the Geneva Conventions and UNCAT in the US army's rule book for interrogations;
- 8. Notes that the USA defines the fight against terror as 'war', yet does not acknowledge the rights of detainees, which are based upon the Geneva Conventions; takes the view that,

despite the particular nature of the fight against terror, international law must be applied;

9. Notes that the construction of the new camp 6, which is to be opened in August 2006 and will feature the most modern equipment but no windows, does not indicate the likelihood of an early closure of the site;
10. Calls on the US authorities to ensure that all allegations of torture and other ill-treatment involving US personnel are subject to prompt, thorough and credible investigation and trial;
11. Calls on the US Government to clarify whether minors have been or are still held in Guantánamo in contravention of the UN Convention on the Rights of the Child;
12. Calls on the US authorities to ensure that released detainees are not returned to any state where they could face a risk of being tortured or subjected to cruel, inhuman and degrading treatment;
13. Stresses that contemporary terrorism, particularly global terrorism directed against states and their populations, poses a threat to the basic and fundamental human rights our societies enjoy; reiterates its belief that the fight against terrorism, which is one of the priorities of the EU and the US, cannot be waged at the expense of established basic, shared values such as respect for human rights and the rule of law;
14. Takes the view that disregarding international law in the proclaimed 'war against terror' severely weakens credibility and power in the fight against terror;
15. Calls on the EU to have a common approach for the EU-US Summit and to institute a joint action calling on the US Government to close the Guantánamo Bay detention centre and act in accordance with international law regarding the treatment of detainees;
16. Suggests, following the advice of the delegation of Members of the European Parliament that recently visited Guantánamo, that an ad hoc delegation be sent to Guantánamo when Parliament considers it necessary and appropriate;
17. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the CFSP, the parliaments of the Member States, the United Nations Secretary-General, the Secretary-General and President of the Parliamentary Assembly of the Council of Europe and the President and Congress of the United States of America.