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Guantánamo: hunger strike by prisoners

European Parliament resolution of 23 May 2013 on Guantánamo: hunger strike by prisoners (2013/2654(RSP))

The European Parliament,

- having regard to its previous resolutions on Guantánamo,
 - having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy¹,
 - having regard to the international, European and national instruments on human rights and fundamental freedoms and on the prohibition of arbitrary detention, enforced disappearance and torture, such as the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966 and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto,
 - having regard to the Joint Statement of the European Union and its Member States and the United States of America, of 15 June 2009, on the closure of the Guantánamo Bay detention facility and future counterterrorism cooperation, based on shared values, international law, and respect for the rule of law and human rights,
 - having regard to the statement of 5 April 2013 by the UN High Commissioner for Human Rights, Navi Pillay, on the Guantánamo detention regime, in which she said that 'the continuing indefinite incarceration of many of the detainees amounts to arbitrary detention and is in clear breach of international law',
 - having regard to the principles of the United Nations Charter and to the Universal Declaration of Human Rights,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas many of the 166 remaining prisoners at Guantánamo Bay have engaged in hunger strikes to protest about current conditions at the detention facility;
- B. whereas 86 of the remaining prisoners have been cleared for release but are still being held indefinitely;
- C. whereas the European Union and the United States share fundamental values of freedom, democracy and respect for international law, the rule of law and human rights;
- D. whereas at least 10 detainees participating in the hunger strike have been force-fed in order to keep them alive; whereas international agreements among doctors require that respect be shown for an individual's informed and voluntary decision to participate in a hunger strike;

¹ Texts adopted, P7_TA(2012)0126.

- E. whereas the European Union and the United States of America share the common value of freedom of religion; whereas there have been numerous reports of Korans belonging to the detainees being mishandled by American military personnel during cell searches;
 - F. whereas the EU-US Joint Statement of 15 June 2009 noted the commitment by President Obama to order the closure of the Guantánamo Bay detention facility by 22 January 2010 and welcomed the ‘other steps to be taken, including the intensive review of its detention, transfer trial and interrogation policies in the fight against terrorism and increased transparency about past practices in regard to these policies’;
 - G. whereas the US is closing its only civilian flight into Guantánamo, which means that the only flight available is a military flight requiring individuals to obtain permission from the Pentagon to board, thus limiting access for the press, lawyers and human rights workers;
1. Notes the close transatlantic relationship based on shared core values and respect for basic, universal and non-negotiable human rights, such as the right to a fair trial and the ban on arbitrary detention; welcomes the close transatlantic cooperation on a wide range of international human rights issues;
 2. Calls on the US authorities to treat detainees with due respect for their inherent dignity and to uphold their human rights and fundamental freedoms;
 3. Expresses concern for the well-being of the detainees on hunger strike and those being force-fed, and calls on the US to be respectful of their rights and decisions;
 4. Urges the US to reconsider the closing of its only civilian flight into Guantánamo Bay, which would limit access for the press and civil society members;
 5. Urges the US to oversee proper care of, and respect for, religious material while still following mandatory search procedures;
 6. Stresses that prisoners still in detention should be entitled to a regular review of the lawfulness of their detention in line with Article 9 of the International Covenant on Civil and Political Rights, which states that ‘anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful’;
 7. Reiterates its indignation and outrage at all mass terrorist attacks, its solidarity with the victims of such attacks and its sympathy for the pain and suffering of their families, friends and relatives; reiterates, however, that the fight against terrorism cannot be waged at the expense of established basic shared values, such as respect for human rights and the rule of law;
 8. Expresses its regret at the fact that the US President’s commitment to close Guantánamo by January 2010 has not yet been implemented; reiterates its call on the US authorities to review the military commissions system with a view to ensuring fair trials, to close Guantánamo, and to prohibit in all circumstances the use of torture, ill-treatment and indefinite detention without trial;

9. Views with regret the US President's decision of 7 March 2011 to sign the executive order on detention and the revocation of the ban on military tribunals; is convinced that normal criminal trials under civilian jurisdiction are the best way to resolve the status of Guantánamo detainees; insists that detainees in US custody should be charged promptly and tried in accordance with international standards of the rule of law or else released; emphasises, in this context, that the same standards concerning fair trials should apply to all, without discrimination;
10. Instructs its President to forward this resolution to the Convening Authority for Military Commissions, the US Secretary of State, the US President, the US Congress and Senate, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.