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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by H el ene Flautre, Ra il Romeva i Rueda and Cem  zdemir

on behalf of the Verts/ALE Group

on the imprisonment and trial of five Bulgarian nurses and a Palestinian doctor
on charges related to the 1999 HIV/AIDS case at the Benghazi children's
hospital

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European Parliament resolution on the imprisonment and trial of five Bulgarian nurses and a Palestinian doctor on charges related to the 1999 HIV/AIDS case at the Benghazi children's hospital

The European Parliament,

- having regard to the guidelines to EU policy towards third countries on the death penalty adopted in 1998,
 - having regard to the European Union Annual Reports on Human Rights, in particular those for the years 2005 and 2006,
 - having regard to its resolutions on the accession of Bulgaria to the EU, and in particular those of 30 November 2006 (paragraph 25), 15 December 2005 (paragraph 32) and 13 April 2005 (paragraph 39),
 - having regard to the relevant Council conclusions,
 - having regard to the reports of the Presidency of the EU Council to the European Council on the implementation of the EU's strategic partnerships with the Mediterranean states of December 2005 and December 2006,
 - having regard to all its previous resolutions on the issue,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas on 9 February 1999 the Libyan authorities detained a number of Bulgarian medics working at the 'Al-Fatih' hospital in Benghazi, and whereas on 7 February 2000 a trial against six Bulgarian nationals, one Palestinian and nine Libyans started at the Libyan People's Court on a charge of deliberately infecting 393 children with the HIV virus, with the conspiracy charge later being dropped,
- B. whereas on 6 May 2004 the court sentenced five Bulgarian nurses and a Palestinian doctor to death by firing squad; whereas on 25 December 2005 the Libyan Supreme Court delivered its decision on the appeal against the death sentence and ordered a new trial; whereas a new trial was held from 11 May 2006, which confirmed the death sentences on 19 December 2006,
- C. whereas there is strong evidence that torture has been used in prison against the defendants in order to extract false confessions; whereas numerous other flagrant violations of the defendants' rights have also been committed,
- D. whereas in 2003, following a demand by the Libyan authorities, renowned international experts on HIV/AIDS provided a report which categorically concluded that the spread

of the HIV virus was due to an in-hospital infection which had started before the arrival of the accused in Libya; whereas recent publications provide strong scientific evidence about the origin and timing of the Benghazi infection; whereas all this strong evidence of the innocence of the accused has been disregarded and not taken into account,

- E. whereas in November 2004 the EU launched an 'HIV Action Plan for Benghazi', which includes technical and medical assistance to the infected children and the affected families, as well as support for the Libyan authorities to combat the AIDS disease; whereas EUR 2 million from the Community budget have been provided to fund the plan; whereas the implementation of this Action Plan is well under way, with support from the Commission and from EU Member States; whereas a large number of the infected children have received treatment in hospitals in Member States,
- F. whereas in January 2006 a Benghazi International Fund was established as a non-profit, non-governmental body created to help develop the local medical infrastructure in Benghazi, to improve the treatment of the patients and to provide assistance to the affected families,
 - 1. Recalls that the EU considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights; stresses, at the same time, that the EU has now moved beyond this commitment and now espouses abolition for itself and third countries;
 - 2. Condemns the verdict of the Criminal Court in Libya on 19 December 2006, convicting, in a re-trial, and sentencing to death five Bulgarian nurses, Kristiana Vulcheva, Nasya Nenova, Valentina Siropulo, Valya Cherveniyashka and Snezhana Dimitrova, and one Palestinian doctor, Ashraf al-Haiui, who have already spent eight years in prison in connection with the 1999 HIV/AIDS case at the Benghazi hospital;
 - 3. Notes that the EU cannot accept this verdict and trusts that the matter will now be referred to a higher authority with a view to finding a just and fair solution in a timely manner;
 - 4. Reiterates its serious concern with regard to the basis on which the accused persons were prosecuted, their treatment while in custody and the lengthy delays in the process;
 - 5. Underlines that, as from January 2007, the Benghazi trial directly concerns five citizens of the European Union;
 - 6. Expresses its full solidarity to the victims of the HIV/AIDS infection in Benghazi and notes the measures taken by the international community to provide assistance to the children;
 - 7. Invites the Libyan authorities concerned to take the necessary measures to review and annul the death sentence, and open the way to an early resolution of the case on a humanitarian basis, thus meeting the necessary prerequisites for the continuation of the common policy of engagement with Libya;

8. Calls on the Commission, the Council and the Member States to continue to provide assistance for the implementation of the HIV Action Plan and to support the Benghazi International Fund, in order to alleviate the suffering of the infected children and their families and to help the Libyan authorities to prevent and fight the spread of the HIV infection in the country;
9. Calls on the Commission and the Council, in the event of further negative developments, to consider a revision of the common policy of engagement with Libya in all relevant fields, as the Union deems appropriate;
10. Calls on the Commission and the Council to keep Parliament informed about developments in the case;
11. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Government of Libya, the Parliamentary Assembly of the Council of Europe and the Secretary-General of the United Nations.