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MOTION FOR A RESOLUTION

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

pursuant to Rule 115 of the Rules of Procedure

by Angelika Beer, Joost Lagendijk, H el ene Flautre

on behalf of the Verts/ALE Group

on Afghanistan

European Parliament resolution on Afghanistan

The European Parliament,

- having regard to the United Nations Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,
 - having regards to the letter of the President of the European Parliament, Hans-Gert Pöttering, to President Hamid Karzai of Afghanistan of 18 January 2008,
 - having regard to its numerous previous resolutions on Afghanistan,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas on January 22 after three months of detention a court in the northern Afghan province of Balkh sentenced the 23-year-old Parwez Kambakhsh to death for circulating an article about women's rights in Islam he had downloaded from the internet; whereas a panel of three judges ruled that the article constituted "blasphemy" and sentenced Kambakhsh to death in accordance with Sharia (Islamic) law,
- B. whereas Parvez Kambakhsh has allegedly been beaten and threatened with execution until he signed a confession, he was denied legal representation and his sentence was given to him without a hearing; whereas the regional prosecutor, Hafizullah Khaliqyar publicly threatened with imprisonment all journalists who support Parvez Kambakhsh,
- C. whereas Article 34 of Afghanistan's Constitution clearly defends the right to freedom of expression, in line with the Universal Declaration of Human Rights; whereas article 34 states: "... freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this Constitution",
- D. whereas the Balkh court, in choosing to argue for the authority of Sharia law, under Article 130 of the Constitution, has ignored the Constitution's stated aim of defending the fundamental freedoms of the people of Afghanistan, including freedom of expression,
- E. whereas the case of Parvez Kambakhsh is only one example of a worrying process of undermining the freedom of expression; whereas journalists in Afghanistan are increasingly faced with police intimidation, death threats and abduction, disrespect and violence by local authorities and militant groups,
- F. whereas President Karzai's refused to sign the new mass media law on 15 December 2007 following its approval in the two houses of parliament;
- G. whereas the case sheds a light on the grave deficiencies which continue to rid Afghanistan's judicial system,

1. Condemns in the strongest terms the arrest of Parwiz Kambakhsh and the decision by the primary court of Balkh province to sentence Parvez to death on charges of blasphemy;
2. Calls for the immediate release of Parwiz Kambakhsh;
3. Urgently calls on the President and Government of Afghanistan to show their commitment to human and democratic rights by doing everything in their power to prevent the execution of Parwiz Kambakhsh and to get his case reviewed as soon as possible;
4. Urges the President and the Government to recognise that press freedom and democracy cannot prevail in Afghanistan if courts are permitted to misuse the Sharia to override the constitutionally guaranteed freedom of expression;
5. Calls on the President and Parliament of Afghanistan to take appropriate steps to speed up the creation of a judiciary system which is capable of guaranteeing the respect for the basic rights guaranteed by the constitution;
6. Criticizes the long-time neglect within the international re-construction efforts for the establishment of a professional legal and detention system to replace tribal and other customary forms of justice;
7. Calls on those Member States which contribute forces to the International Security Assistance Force (ISAF) to follow the Canadian example and to suspend transfers of detainees from ISAF to the Afghan authorities until it can be guaranteed that they will not be subject to torture and ill-treatment;
8. Calls on the Government to fulfil Afghanistan's constitutional commitment to the United Nations Universal Declaration of Human Rights and to ensure that the freedom of expression is respected and upheld for all citizens in Afghanistan;
9. Expresses its concern about the delay of the new mass media law; urgently calls on the President and Government to accelerate the entry into force of this law which should remove the possibilities of courts to refer to Article 130 of the Constitution in cases related to freedom of expression and the media;
10. Reiterates its opposition against the death penalty in all circumstances as an inherently cruel and unusual form of punishment and a violation of fundamental human rights and calls on its interparliamentary delegation with Afghanistan to raise this question with its partners with priority;
11. Instructs its President to forward this resolution to the Council and the Commission, to the governments and parliaments of the Member States and of the Islamic Republic of Afghanistan.