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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 Urszula Gacek

on behalf of the PPE-DE Group

on the resettlement of prisoners at Guantánamo

European Parliament resolution on the resettlement of prisoners at Guantánamo

The European Parliament,

- having regard to President Obama’s executive order of January 2009 ordering the closure of the detention centre at Guantánamo Bay within one year,
 - having regard to its resolution on Guantánamo of 16 February 2006¹,
 - having regard to the most recent figures from the US Government of 245 individuals in detention at Guantánamo,
 - having regard to the meeting of EU Foreign Ministers held in Brussels on 26 January 2009,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the closure of the detention centre at Guantánamo Bay as ordered by President Obama leads to the question of the resettlement of the remaining prisoners,
- B. whereas many prisoners are known terrorists or suspected of being terrorists and/or aiding terrorist organisations, including individuals held in relation to the terrorist attacks on New York and Washington, DC on 11 September 2001,
- C. whereas at least 60 former inmates at Guantánamo Bay have returned to terrorism since their release, including Mr Said al-Shihri, who after being deemed a non-threat and released and rehabilitated by the Saudi authorities is now the deputy head of al-Qa’ida in Yemen,
- D. whereas it was a US presidential order which created the detention centre and a US presidential order which has commanded its closure; whereas the European Union did not have any authority over or run the detention centre or force the imprisonment of anyone here,
1. Welcomes the US Administration order to close the Guantánamo Bay detention facility within one year and President Obama’s statements to the effect that all current or future prisoners would be treated in accordance with international law;
 2. Notes, however, that the final destiny and resettlement of the prisoners at Guantánamo was and is a problem created by the United States and therefore the ultimate responsibility to solve this issue rests solely with the United States;
 3. Welcomes the commitment of the US administration to release, or bring to a fair trial, those imprisoned there; calls, where there is enough evidence, for a free and fair trial to

¹ OJ C 290E, 29.11.2006, p. 423.

take place and those found guilty to be held under US law and incarcerated in the United States;

4. Calls on the United States to do everything in its power to return inmates first to their country of origin when released, and to refrain from applying pressure on Member States to take inmates against a Member State's will; notes that, for those individuals who are unable to return to their countries of origin or a third-party state, it is the responsibility of the United States to accept these individuals;
5. Asks those Member States where an inmate once held residence or where family members currently reside to consider accepting those individuals who have been cleared of terrorist activities and are deemed no longer a threat;
6. While welcoming the acceptance of some Member States to receive former inmates, strongly stresses and underlines that it is the sovereign right of each Member State to decide if it wishes to accept former inmates; stresses that it is also the right of each Member State to introduce restrictions on the right of free movement on the grounds of public security;
7. Notes that it is above all the right and duty of each Member State to protect its citizens from the threat of terrorist activities and those individuals connected to these activities, and this includes the right to refuse or arrest upon arrival those individuals, according to each Member State's national legislation;
8. Calls on the Council and the Commission, while respecting civil liberties, to use all possible means to prevent further terrorist activities on European soil and to reinforce the goal of safety and security for all European citizens;
9. Instructs its President to forward this resolution to the Council, the High Representative for the CFSP, the parliaments of the Member States, and the President and Congress of the United States of America.