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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 122 of the Rules of Procedure

on the execution of 18 people in Libya and the closure of UNHRC in Tripoli

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European Parliament resolution on the execution of 18 people in Libya and the closure of UNHRC in Tripoli

The European Parliament,

- having regard to its previous resolutions on the abolition of the death penalty and the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
- having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty
- having regard to the EU Guidelines on the death penalty of 16 June 1998, and its revised and updated version of 2008,
- having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
- having regard to international conventions on the protection of human rights and fundamental freedoms,
- having regard to the EU migration and asylum policy and the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
- having regard to the informal dialogue taking place between the EU and Libya with a view to strengthening relations and the current EU-Libya co-operation on migrations (two projects implemented under the Aeneas programme and Migrations and Asylum instrument) and HIV-AIDS (Action Plan for Benghazi)
- having regard to Rule 122 of its Rules of Procedure,

A. whereas the abolition of the death penalty is a fundamental value of the European Union and a corner stone of its foreign policy;

B. whereas Libya has resisted moves towards the abolition of the death penalty as it voted against UN General Assembly resolutions of December 2007 and December 2008 which called for a worldwide moratorium;

C. whereas *Cerene*, a newspaper closely affiliated with Saif al-Islam al-Gaddafi, son of Libyan leader Muammar al-Gaddafi, reported that, on 28 May 2010, 18 people, including nationals of Chad, Egypt and Nigeria, were executed in Tripoli and Benghazi after being convicted of premeditated murder; whereas their identities have not been made public by the Libyan authorities;

D. Whereas according to Amnesty International there is a fear that death sentences are handed down after proceedings which fail to comply with international standards for fair trials;

E. Whereas the Libyan courts continue to impose death sentences, mostly for murder and drug-related offences, although it may also be imposed for a wide range of other offences, notably the peaceful exercise of the right to freedom of expression and association;

F. Whereas there are no official statistics available on the number of people sentenced to death and executed annually in Libya;

G. Whereas more than 200 people, including foreign nationals, are currently on death row in Libya; stressing in this respect that foreign nationals are not often provided with access to their own consular representatives and with interpretation or translation assistance during legal proceedings;

H. whereas article 19(2) of the Charter of Fundamental Rights of the European Union bans any removal, expulsion or extradition to a State where there is a serious risk that the person concerned would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment;

I. whereas, since the lifting of international sanctions on Libya in 2003, the European Union has developed a policy of gradual engagement with Libya and started at the end of 2007 the process of negotiating a Framework agreement;

J. whereas the ongoing negotiations have been marked by at least five rounds of negotiations between the two parties which did not result in any substantial progress or clear commitments from Libya towards respect for international human rights conventions;

K. whereas any EU-Libya cooperation on migration and asylum, which is considered as an essential part of the Framework agreement, should necessarily require full adherence by Libya to international standards in terms of protection of migrants and refugees;

L. whereas Libya is not party to the 1951 Geneva Convention on refugees and did not sign any cooperation agreement with the UNHRC or recognize the existence of this body on its territory;

M. whereas Libya has no national asylum system to screen, register refugees and to grant them asylum status, visit detention facilities as well as medical and humanitarian assistance;

N. whereas, according to UNHCR 9,000 refugees - mainly Palestinians, Iraqis, Sudanese and Somalis - have been registered in Libya, while 3,700 are asylum seekers, mainly from Eritrea; whereas refugees constantly risk to be deported to States of origin and transit without that the Geneva Convention criteria are respected, putting them at risk of persecution and death; whereas cases of mistreatment, torture and killing have been reported in detention centres for refugees, as well as the abandonment of refugees in the deserted borders between Libya and other African countries;

O. whereas on 8 June 2010 the closure of the UNHRC office present in Tripoli since 1991 has been ordered by Libyan authorities because its representative had allegedly "committed illegal activities";

P. whereas in June 2009 Italy and Libya signed a Treaty of Friendship which included an agreement on migration allowing Italy to send immigrants back to Libyan shores, skipping procedures for filing potential asylum applications; whereas this agreement clearly contradicts Italy's international human rights obligations;

1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances; recalls the EU's strong commitment to working towards abolition of the death penalty everywhere and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;

2. Strongly condemns the execution of the 18 people which took place on 28 May 2010 and expresses its condolences and its solidarity with the families of the deceased;

3. Calls on the Libyan authorities to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trials in accordance with international law, including access to a lawyer of their choosing and respect for the principle of the presumption of innocence;

4. Notes with satisfaction that a clear majority of the world's countries – representing more than two-thirds of the international community – have now completely abolished capital punishment de jure or instituted de facto moratoria on executions; calls in this context on the Libyan authorities to take all necessary measures so as to engage in steps towards a moratorium on executions;

5. Expresses its deep concern about the closure of the UNHCR office in Libya and urges the Libyan authorities to ratify without delay the Geneva Convention on refugees and to grant the necessary authorisation to UNHCR in order to allow it to run its activities in this country without any obstruction;

6. Calls on Member States which deport migrants to Libya, in cooperation with Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) to stop immediately these practises;

7. Urges the Commission to make sure that Italy strictly complies with its obligations under the international law and the Charter of Fundamental Rights;

8. Stresses that any EU-Libya cooperation and agreement shall be conditional on Libya's full adherence and implementation to major international human rights conventions and to their protocols, its ratification of the 1951 Geneva Convention on refugees and its full respect for fundamental freedoms of migrants and refugees;

9. Insists on the fact that the Commission must strictly comply with article 218 TFEU and thus, provide the European Parliament with immediate and full information at all stages of the negotiations of the Framework agreement with Libya; reiterates its call to be fully informed about the negotiating mandate of the Commission in this regard;

10. Calls in particular on the Commission, in the framework of the ongoing negotiations with

Libya, to insist on the necessary cooperation of Libya with UN Special Procedures, notably with the Special Rapporteurs on the Human Rights of Migrant, on Torture and on the promotion and protection of the right to freedom of opinion and expression;

11. Calls on EU Member States to endorse the UNHRC recommendations aiming at resettling refugees on the European territory;

12. Instructs its President to forward this resolution to the Commission, the Council, the Member States, the United Nations High Commission for Refugees, the Libyan authorities and its Delegation for relations with the Maghreb countries and the Arab Maghreb Union ;