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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 executions in Libya

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European Parliament resolution on the executions in Libya

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 (on the report of the Third Committee (A/62/439/Add.2)),

- having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 3 June 1998,

- 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(5) of its Rules of Procedure,

- A. whereas the European Union is strongly committed to the abolition of the death penalty and is striving to achieve universal acceptance of this principle,
- B. whereas the Libyan government has resisted moves towards the abolition of the death penalty. In December 2007 and 2008, Libya was among the minority of states that voted against successful UN General Assembly resolutions calling for a worldwide moratorium on executions.
- C. Whereas, Cerene, a newspaper closely affiliated with Saif al-Islam al-Gaddafi, son of Libyan leader Muammar al-Gaddafi, reported that 18 people on 30 of May, including nationals of Chad, Egypt and Nigeria, were executed in Tripoli and Benghazi after being convicted of premeditated murder.
- D. Whereas Amnesty International said they feared the accused had not had 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, including the peaceful exercise of the right to freedom of expression and association.
- F. Whereas more than 200 people are currently on death row in Libya; including a large number of foreign nationals.
- G. Whereas this large number of foreign national are often not provided with interpretation or translation assistance during legal proceedings, which are conducted in Arabic, or given access to their own government's consular representatives.
- H. Whereas foreign nationals are also at a disadvantage compared to Libyans in seeking commutation of their death sentences because they generally have limited financial means and lack a family network in Libya that can assist them by negotiating with the family of their alleged victim. In cases of qisas (retribution for murder) and diya (financial compensation or blood money), the murder victim's next-of-kin may agree to pardon the person convicted and

under sentence of death in return for financial compensation.

- I. whereas the relations between Libya and the EU were suspended until 2004, when the EU followed the UN in the decision to lift sanctions against Libya;
- J. whereas as of today Libya and the European Union are not linked by contractual relations and that the EU has been holding an informal dialogue with Libya and a series of consultations with a view to signing an Framework agreement, as well as on stipulating an agreement on migration issues,
- K. whereas the main obstacle in the relations between the EU and Libya is the lack of progress and results in the dialogue on human rights, fundamental freedoms and democracy, including the protection of migrants and refugees, as well as the Libyan regime aggressive external policy notably towards European States,
- L. whereas a deal between Switzerland and Lybia has been struck to end the crisis between the countries. Both parties agreed to the establishment of an "arbitration tribunal" in Germany, according to a copy of the deal. Representatives of the German and Spanish governments also signed the agreement.
- M. whereas the main obstacle in the field of EU-Libya cooperation in the fields of migration and asylum is the fact that Libya is not a signatory of the Geneva Convention on refugees and that it has no national asylum system to screen and register refugees and grant them asylum status, visit detention facilities and provide medical and humanitarian assistance, a work that has been done by UNCHR,
- 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 Libyan authorities have ordered the closure of the 26 staff UNHCR office present in Tripoli since 1991 because its representative had allegedly "committed illegal activities", because the regime does not recognize the existence of a UNHCR office on its lands, not being a signatory to the 1951 convention on refugees and has not signed any cooperation agreement with the UNHCR
- P. whereas Italy has signed with Libya an agreement on migration on the basis of which immigrants detected in the Mediterranean have repeatedly and automatically been sent back to Libya without giving them a possibility to request asylum, which has been criticised by UNHCR as a violation of the Geneva Convention,
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 on 30 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 the respect for the principle of 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;
 5. Urges Libyan authorities to make steps forward towards a moratorium on executions; expresses deep concern on the closure of the UNHCR office in Libya; urges Libyan authorities to ratify without delay the Geneva Convention on refugees and to allow to the UNHCR to run and expert its activities in Libya and establish a national asylum system;

6. Calls Commission and Council to act under the terms of article 265 TFEU and article 218 (10) TFEU providing that the EP shall be "immediately and fully informed at all stages of the procedure" on the negotiations with Libya;
7. Affirms that any cooperation or agreement with Libya shall be conditional on the ratification by Libya of the Geneva conventions, the establishment of a national asylum system, the respect of human rights and fundamental freedoms for migrants and refugees and the reopening of the UNHCR office;
8. Welcomes the release of Swiss citizen Max Goeldi;
9. Instructs its President to forward this resolution to the Commission, the Council, the Member States, UNHCR, UNGA, the United Nations High Commission for Refugees and the Libyan authorities.