



EUROPEAN PARLIAMENT

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Plenary sitting

16.4.2013

B7-0182/2013

MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on Guantanamo: hunger strike by prisoners
(2013/2601(RSP))

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on behalf of the ALDE Group

B7-0182/2013

European Parliament resolution on Guantanamo: hunger strike by prisoners (2013/2601(RSP))

The European Parliament,

– having regard to international treaties and standards on human rights and fundamental freedoms, and notably to the absolute prohibition of torture, ill-treatment, enforced disappearances and summary executions, the right not to be imprisoned without trial and the right to a fair trial,

- having regard to its previous resolutions on Guantánamo and notably: resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up of the European Parliament TDIP Committee report; resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy; resolution of 9 June 2011 on Guantánamo: imminent death penalty decision;

- having regard to the statement of 5 April 2013 by UN High Commissioner for Human Rights;

- having regard to the 11th of April joint open letter signed by 26 international human rights NGOs urging the US President to fulfil his 2009 promise to close Guantánamo Bay;

– having regard to Rule 122(5) of its Rules of Procedure,

A Whereas a large group of detainees at Guantánamo Bay prison have joined an hunger strike started the 6th of February to denounce their detention conditions and the continued imprisonment in Guantánamo;

B Whereas lawyers report accounts by detainees of dramatic weight loss among many of the hunger strikers, force-feeding, putting protesters in isolation and at least one suicide attempt and whereas some of the prisoners could soon die;

C Whereas guards have allegedly deprived prisoners of supplies and disturbed them during prayers, lowered the temperature in cell blocks, moved them from Camp 6 to the more isolated Camp 5 as a form of punishment for striking, notably those who lose consciousness, while some of them are put in isolation;

D Whereas according to US authorities, 11 detainees are being force-fed, 3 were treated at hospital and nobody is in medical danger;

E Whereas an Emergency motion was filed in the US District Court for the District of Columbia on 26 March 2013 alleging that guards at Guantánamo have denied drinking water and sufficient clothing to undermine the hunger strike action,

F Whereas on 27 March a delegation of the International Committee of the Red Cross made a

fact-finding visit to Guantánamo and subsequently met privately with the US administration;

G Whereas 86 prisoners have been cleared for release but are still imprisoned in Guantánamo Bay and whereas only 3 prisoners now at Guantánamo have been found guilty of any crime;

H Whereas the UN High Commissioner for Human Rights has underlined that the continued indefinite incarceration of many of the detainees amounts to arbitrary detention and is in clear breach of US own commitments and of international laws and standards that it is obliged to uphold;

I Whereas in January the Office charged with the closure of Guantánamo has been shut down, while the Congress has blocked up to now all efforts by the Obama administration to close Guantánamo; whereas the US administration has stated that it remains committed to the closure of Guantánamo;

J Whereas e-mails from defence lawyers in the military justice system at Guantánamo were turned over to prosecutors, in the order of hundreds of thousands of emails; whereas a significant loss of confidential and privileged material took place as a consequence of a severe computer server crash in the Office of Military Commissions; whereas the Chief Defence Counsel ordered defence lawyers to stop using computers for privileged and confidential work; whereas this new disclosure is the latest in a series of revelations of courtroom monitoring, hidden surveillance devices, searches of legal bins and interception of client-lawyer confidential communication; whereas the chief Guantánamo judge consequently decided a 2 months postponement of the hearing in the ongoing death penalty USS Cole trial against the suspect Abd al Rahim al Nashiri;

1. Reiterates its call to the US authorities to close the Guantánamo Bay detention camp immediately; calls for those inmates who have been cleared for released to be released, transferred to their home countries or other countries for resettlement, and for the remaining detainees to be charged in a civil court with fair trial standards;

2. Expresses concern for the health and life of the Guantánamo detainees engaging in the non-violent action of hunger strike; believes that the protest, as well as the allegations on the violation of the lawyer-client confidentiality of communication principle once again raise the issue of the profound injustice of the Guantánamo detention system, the lack of access to fair justice and the violation of international human rights law;

3. Agrees with the UN High Commissioner for Human Rights that while international law requires that there must not be impunity for acts of terrorism, crimes or atrocities, human rights are universal and apply to all persons, including those suspected of having committed the most serious crimes and that people deprived of their liberty must be treated with humanity and with respect for their inherent dignity;

4. Calls on the United States administration to allow full and unfettered access to the United Nations Human Rights Council experts, including the opportunity to meet privately with detainees, as well as to NGOs and media as appropriate;

5. Calls the Commission, the Council and the High Representative for Foreign Affairs and Security Policy to take action towards the US authorities to express the EU most serious concern on the situation in Guantánamo and to call for its urgent closure;
6. Expresses concern at the unrest that has taken place in Guantánamo as a consequence of moving hunger strikers to a different camp and of the frustration and lack of perspective of detainees in relation to the promised closure of Guantánamo;
7. Expresses the wish to send an EU - EP delegation to Guantánamo and calls on the US authorities to allow such a delegation to take place;
8. Instructs its President to forward this resolution to the US President, the US Congress and Senate, the US Secretary of State, the Office of the Military Commissions, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the UN Secretary-General, the UN High Representative for Human Rights, the President of the UN General Assembly and the governments of the UN member states.