



Plenary sitting

B8-0096/2016

19.1.2016

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 135 of the Rules of Procedure

on EU citizens under detention in India, notably Italian, Estonian and UK citizens
(2016/2522(RSP))

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on behalf of the ECR Group

B8-0096/2016

European Parliament resolution on EU citizens under detention in India, notably Italian, Estonian and UK citizens (2016/2522(RSP))

The European Parliament,

- having regard to its previous resolutions on India

- having regard to Rule 135(2) of its Rules of Procedure

A. Whereas on 12 October 2013, the 35-strong crew (including 14 Estonians and 6 Britons) of the US-registered and privately-owned ship *MV Seaman Guard Ohio*, were arrested in Tamil Nadu accused of illegally possessing weapons in Indian waters;

B. Whereas the crew were apparently on an anti-piracy mission, carried out no aggressive acts against Indian citizens and have consistently denied any wrongdoing;

C. Whereas the charges were quashed soon after but Indian authorities appealed and the Supreme Court ordered a retrial; whereas the men have been unable to leave India or work during this period;

D. Whereas senior, extensive and regular engagement has taken place between the British and Indian authorities including at ministerial and Prime Ministerial level; whereas this has included request for the early return of the six Britons among the crew, mentioning their families' financial hardship and mental anguish;

E. Whereas on 12 January 2016 each of the 35 sailors and guards was given the maximum sentence of 5-years "rigorous imprisonment" and fined 3,000 rupees (€40); whereas the men are now in Palayamokotti Prison, Tamil Nadu; whereas they are in the process of lodging an appeal against the sentences within the prescribed 90 days;

F. Whereas this turn of events has evoked surprise and consternation from many quarters;

G. Whereas, in an entirely separate case, on 15 February 2012 Italian marines on an anti-piracy mission on board the *MT Enrica Lexie* opened fire in the direction of an approaching boat, resulting in the deaths of two Indian fishermen, apparently thought to be pirates;

H. Whereas two Italian marines were arrested and have remained on bail since then but have not been charged;

I. Whereas the UN-linked International Tribunal for the Law of the Sea (ITLOS), in an interim order on 24 August 2015, asked India and Italy to suspend court proceedings pending international arbitration and called together a five-member arbitration tribunal; whereas a preliminary ruling is expected by the end of February 2016;

1. Respects India's sovereignty over its territory and jurisdiction and recognises the integrity of the Indian legal system;

2. Shares India's well-founded concern and sensitivity, based on recent experience, in relation to terrorism;
3. Emphasises that the two cases under discussion are different in nature;
4. Recognises, however, that all the personnel involved were reportedly engaged in anti-piracy duties and that on-board protection teams have proved to be the single most effective anti-piracy measure and deserve the support of the international community, including India;
5. Calls on the governments concerned to accept the forthcoming ruling of ITLOS in the case of the Italian marines; recognises the possibility of a tragic mistake that resulted in the deaths of two Indian citizens; urges that this issue be rapidly resolved between Italy and India and that compensation for the bereaved families should be considered;
6. Urges the Indian authorities to act sympathetically in these cases, as among friends; to resolve legal proceedings as swiftly as possible; and to release all personnel concerned pending conclusion of judicial processes in order to minimise adverse effects on those involved and their families;
7. Draws attention to the fact that, under Indian Law, the President of India and the Governors of States have been given the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute sentences and respectfully requests initiation of such action;
8. Urges India and the European countries concerned to ensure that the two incidents should not be allowed to negatively affect wider relations; emphasises the importance of a close economic, political and strategic relationship between India and the European countries as well as the EU;
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, and the Government and Parliament of India.