

ORAL QUESTION WITH DEBATE O-0087/06

pursuant to Rule 108 of the Rules of Procedure

by Caroline Lucas, Jill Evans and Bart Staes, on behalf of the Verts/ALE Group, Tobias Pflüger and Luisa Morgantini, on behalf of the GUE/NGL Group, Vittorio Prodi, on behalf of the ALDE Group to the Council

Subject: Right to refuse to participate in illegal war

The invasion of Iraq was not covered by international law. It could not be defended as an act of legal defence as defined in the UN Charter and it was not mandated by a resolution of the UN Security Council. Saddam Hussein was a terrible dictator, but his government did not have weapons of mass destruction, nor was he hosting terrorists to attack the USA or any other country. Ever since the war started, the world has been confronted with acts of warfare which are in contravention of the binding rules of international humanitarian law as codified in the Geneva Conventions and elsewhere. As it stands, an increasing number of military personnel whose deployment or assignment would otherwise force them to contribute to the war in Iraq are refusing to be deployed or redeployed and are accused of 'desertion' and therefore need to ask for asylum in third countries.

In this context:

1. Is the Council aware of the 21 June 2005 decision of the German 'Bundesverwaltungsgericht' in Leipzig in the case of Major Florian Pfaff, which recognised his right to refuse specific orders based on his conscience, after he disagreed with the German Bundeswehr providing support for the US invasion in Iraq because this would violate international law?
2. Is the Council preparing new legislation as a follow-up to Council Directive 2004/83/EC¹, to make available to military personnel the right to be recognised as refugees in EU countries in cases where they desert from an 'illegal war'?
3. What measures is the Council undertaking - in and beyond the European Security and Defence Policy and its missions - to prevent the EU, its Member States and its personnel getting involved in an 'illegal war' and/or acts of illegal warfare?
4. In the preparation and implementation of ESDP-missions, both those in cooperation with NATO and those independently deployed, what measures are being taken to prevent military personnel deployed committing, or being forced to commit, practices which could constitute war crimes?

Tabled: 18.07.2006

Forwarded: 19.07.2006

Deadline for reply: 09.08.2006

¹ OJ L 304, 30.9.2004, p. 12.