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Session document

6 February 2002

B5-0074/2002 }
B5-0083/2002 }
B5-0091/2002 }
B5-0097/2002 }

RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50(5) of the Rules of Procedure by

- Jannis Sakellariou, Pasqualina Napoletano, Ieke van den Burg and Anna Terrón i Cusí on behalf of the PSE Group
- Bob van den Bos, Cecilia Malmström and Lousewies van der Laan on behalf of the ELDR Group
- Neil MacCormick, Heidi Anneli Hautala, Matti Wuori, Alima Boumediene-Thiery, Pierre Jonckheer, Heide Rühle, Patricia McKenna, Marie Anne Isler Béguin, Inger Schörling, Paul A.A.J.G. Lannoye and Elisabeth Schroedter on behalf of the Verts/ALE Group
- Mihail Papayannakis, Sylviane H. Ainardi, Armando Cossutta and André Brie on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- GUE/NGL (B5-0074/2002),
- PSE (B5-0083/2002),
- ELDR (B5-0091/2002),
- Verts/ALE (B5-0097/2002),

on the situation of the detainees in Guantanamo Bay

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European Parliament resolution on the situation of the detainees in Guantanamo Bay

The European Parliament,

- having regard to its resolution of 4 October 2001 on the extraordinary European Council of 21 September 2001,
 - having regard to UN Security Council Resolutions 1368 of 12 September 2001 and 1373 of 28 September 2001,
 - having regard to the Presidency Conclusions of the Laeken European Council of 14 and 15 December 2001,
 - having regard to the Geneva Convention relative to the treatment of prisoners of war, adopted on 12 August 1949,
- A. having regard to the situation of the over 5000 captured fighters, of whom the United States have airlifted 158 to Camp X-Ray in Guantanamo Bay, Cuba, and whereas the treatment and the pictures taken in this camp have attracted international attention,
- B. having regard to the public statements made by the International Committee of the Red Cross (ICRC) after their recent visits to detainees in Guantanamo,
- C. whereas a handful of states, including EU Member States, have revealed that they have citizens among the detainees and are sending delegations to the base to verify several suspects' citizenship,
- D. whereas there is ongoing uncertainty about the legal status of the detainees,
- E. whereas only John Walker, the American al-Qaeda member captured in Afghanistan, is held in a civilian detention centre and will be tried in a Virginia court with full legal representation, rather than in a secretive military tribunal,
- F. recalling the provisions of Article 5 of the Geneva Convention, which state that the detainees' legal status and entitlement to be called prisoners of war (PoWs), if disputed, must be determined by a competent tribunal,
1. Reaffirms the need to continue the fight against terrorism on the basis of the principles of the UN Charter and ensuing Security Council resolutions, and renews its solidarity with the United States in combating terrorism;
 2. Invites the US authorities to guarantee humane treatment for all detainees in Guantanamo as well as those in US bases in and around Afghanistan, and to guarantee respect for

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international humanitarian law and human rights norms and principles;

3. Calls on the United States to honour its obligations under international law and to ensure respect for the human rights of all persons in its custody, regardless of the nature of the crimes they are suspected of having committed;
4. Recalls that the detainees are protected under the third Geneva Convention of 1949 as combatants or they are not and then qualify as civilians protected under the fourth Geneva Convention of 1949; calls for a fifth revision of the Geneva Conventions in order to cover terrorist and armed insurgents in situations where there has been no declaration of war;
5. Invites therefore the UN and its Security Council to pass a resolution establishing a tribunal to deal with Afghanistan, with the aim of clarifying the prisoners' legal status;
6. Recalls that, in case of uncertainty regarding the status of detainees, universally recognised international law grants them the status of prisoners of war (POW's), until a competent tribunal has determined their status;
7. In its President to forward this resolution to the Council, the Commission, the US Government, the UN Secretary-General and the President of the ICRC.