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Human rights: Guantanamo

European Parliament resolution on the detainees in Guantanamo Bay

The European Parliament,

- having regard to the Geneva Convention relative to the treatment of prisoners of war, adopted on 12 August 1949,
 - having regard to the conclusions and plan of action of the extraordinary European Council meeting of 21 September 2001,
 - having regard to the Presidency Conclusions of the Laeken European Council of 14 and 15 December 2001,
- A. whereas the United States has airlifted 158 of its Afghanistan war captives to the Guantanamo Bay prison camp, and whereas their treatment and the pictures taken in this camp have attracted international attention,
- B. whereas European Union Member States have expressed their concern about conditions at the base, and have called for the prisoners to be treated according to "the rule of law",
- 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 the US Government has declared that the prisoners from Afghanistan held at Guantanamo Bay are in an uncharted legal limbo, but taking note that the US army is providing conditions consistent with the Geneva Convention and has accepted most of the recommendations of the International Committee of the Red Cross to improve the situation of the detainees,
- E. whereas the US Defence Department has announced that detainees will be questioned for intelligence information; following questioning, a decision will be made as to what is to be done with them, some may be tried by a military commission, others could be tried in the US criminal court system, and others may be returned to their countries of nationality for prosecution,
- F. recalling the provisions of Article 5 of the Geneva Convention, which state that a detainee's legal status and entitlement to treatment as a prisoner of war, if disputed, must be determined by a competent tribunal,
- G. noting the fact that the prisoners have been treated humanely and that representatives of the International Committee of the Red Cross and of the British Government sent to the US base in Guantanamo have stated that the detainees are being treated in compliance with international humanitarian law,

- H. recalling that enforcement of international humanitarian law is a priority of the European Union's international action, and noting that the President of the International Committee of the Red Cross has welcomed the inclusion of compliance with international humanitarian law among the priorities of the current Spanish Presidency of the Council,
1. Reaffirms its unwavering solidarity with the United States in combating terrorism with full regard for individual rights and freedom;
 2. Agrees that the prisoners currently held in the US base in Guantanamo do not fall precisely within the definitions of the Geneva Convention and that the standards set out in these conventions must be revised to respond to the new situations created by the development of international terrorism;
 3. Believes that all the detainees regardless of their nationality or origin should have the same treatment;
 4. Calls therefore on 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;
 5. Believes that these difficulties would have been much easier to resolve with a fully functioning international criminal court with jurisdiction over acts of terrorism;
 6. Instructs its President to forward this resolution to the Council, the Commission, the US Government, the US Congress and the United Nations.