

Thursday 9 September 2010

Human rights in Syria, in particular the case of Haythan Al - Maleh

P7_TA(2010)0316

European Parliament resolution of 9 September 2010 on human rights in Syria, in particular the case of Haythan Al-Maleh

(2011/C 308 E/16)

The European Parliament,

- having regard to its previous resolutions on Syria, in particular those of 8 September 2005 on political prisoners in Syria ⁽¹⁾, 15 June 2006 on human rights in Syria ⁽²⁾, 24 May 2007 on human rights in Syria ⁽³⁾, and 17 September 2009 on Syria: the case of Muhannad Al-Hassani ⁽⁴⁾,
 - having regard to its report containing Parliament's recommendation to the Council on the conclusion of a Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, adopted on 10 October 2006,
 - having regard to its report on EU policies in favour of human rights defenders adopted on 17 June 2010,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Syria is a party,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975, which was ratified by Syria on 18 September 2004,
 - having regard to the UN Declaration on Human Rights Defenders of 1998,
 - having regard to the European Union Guidelines on Human Rights Defenders,
 - having regard to the Joint Declaration of the Paris Summit for the Mediterranean of 13 July 2008,
 - having regard to the Declaration by High Representative Catherine Ashton on Syrian human rights cases of 27 July 2010,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. mindful of the importance of the political, economic and cultural ties that exist between the European Union and Syria,
- B. whereas Mr Haythan Al-Maleh, an 80 year-old Syrian human rights lawyer, was arrested by officers of the General Intelligence Service on 14 October 2009, held incommunicado until his interrogation by the Military Prosecutor on 20 October 2009, and sentenced by the Second Military Court of Damascus on 4 July 2010 to three years of imprisonment on the grounds of 'transferring false and exaggerated news that weaken national sentiments' under Articles 285 and 286 of the Syrian Criminal Code, despite the fact that military tribunals should not have competence to try civilians,

⁽¹⁾ OJ C 193 E, 17.8.2006, p. 349.

⁽²⁾ OJ C 300 E, 9.12.2006, p. 519.

⁽³⁾ OJ C 102 E, 24.4.2008, p. 485.

⁽⁴⁾ OJ C 224 E, 19.8.2010, p. 32.

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- C. whereas, according to reports by trial monitoring missions organised by international civil society organisations, the trial of Mr Al-Maleh failed to meet international standards of fairness, including the right to be presumed innocent and the right to defence,
- D. whereas Mr Al-Maleh, who suffers from arthritis, diabetes and thyroid problems, is being deprived of regular access to medication; whereas his health seriously deteriorated during summer 2010,
- E. whereas other prominent Syrian human rights defenders, including Mr Muhannad Al-Hassani and Mr Ali Al-Abdullah, remain imprisoned in the country,
- F. whereas the prosecution and conviction of Mr Al-Maleh on charges relating to public statements he made on the legal and political systems in Syria and of Mr Muhannad Al-Hassani on charges relating to his professional activities as a lawyer, including his observation of and reporting on public hearings before the State Security Court, amount to a form of punishment for exercising their legitimate right to freedom of expression as provided for by the ICCPR, to which Syria is a party,
- G. whereas the practices of harassment, restriction of freedom of movement and arbitrary arrest are regularly used by the Syrian authorities against human rights defenders in the country; whereas these practices are at odds with Syria's important role in the region,
- H. whereas the continued application of the Emergency Law is effectively limiting citizens in the exercise of their right to freedom of expression, association, and assembly,
- I. whereas the Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, has still to be signed; whereas the signing of this Agreement has been delayed at Syria's request since October 2009; whereas respect for human rights constitutes an essential part of this Agreement,
- J. whereas the partnership between participant countries in the Union for the Mediterranean is based on the commitment to fully respect democratic principles, human rights, and fundamental freedoms, as enshrined in international human rights law,
1. Expresses its deepest concerns about the situation of Mr Haythan Al-Maleh and calls on the Syrian authorities to immediately and unconditionally release him, and to guarantee his physical and psychological well-being under all circumstances;
 2. Calls on the Syrian Government to reconsider all cases of prisoners of conscience in accordance with the national Constitution and the country's international commitments, and to immediately release all prisoners of conscience, including Mr Muhannad Al-Hassani, Mr Ali Al-Abdullah, Mr Anour Al-Bunni and Mr Kamal Labwani;
 3. Calls on the Syrian authorities to put an end to any persecution or harassment of human rights defenders and their families, and to ensure that human rights defenders are free to carry out their activities without any hindrance or intimidation;
 4. Calls on the Syrian authorities to abide by international human rights standards and international commitments which the country freely entered into and which guarantee freedom of opinion and of expression and the right to a fair trial, and to ensure that detainees are well-treated and not subjected to torture or other ill-treatment and are granted prompt, regular and unrestricted access to their families, lawyers and doctors;
 5. Calls on the Syrian authorities to ensure the transparent functioning of the judicial system, with special regard to the Supreme State Security Court;

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6. Reiterates its call for the repeal of the state of emergency in Syria, established more than 40 years ago;
7. Sees the prospect of signing the Association Agreement as offering a significant opportunity for addressing ongoing human rights violations and strengthening the reform process in Syria; calls on the Council and the Commission to make full use of this crucial leverage by adopting a bilateral Human Rights and Democracy Action Plan which clearly set out the specific human rights improvements it expects from the Syrian authorities;
8. Stresses that, in accordance with Article 218 of the TFEU, Parliament should be fully informed at all stages of the negotiations on international agreements; calls therefore on the Commission to report back to Parliament on the state of discussions with the Syrian authorities relating to the signing of the Association Agreement;
9. Welcomes the continuing dialogue between the European Union and Syria and hopes that the ongoing efforts will lead to improvements not only in the economic and social situation in Syria, which is already the case, but also politically and in the field of human rights;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and the Government and Parliament of the Syrian Arab Republic.

The lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content

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Declaration of the European Parliament of 9 September 2010 on the lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content

(2011/C 308 E/17)

The European Parliament,

— having regard to Rule 123 of its Rules of Procedure,

- A. whereas negotiations concerning the Anti-Counterfeiting Trade Agreement (ACTA) are ongoing,
- B. whereas Parliament's co-decision role in commercial matters and its access to negotiation documents are guaranteed by the Lisbon Treaty,
 1. Takes the view that the proposed agreement should not indirectly impose harmonisation of EU copyright, patent or trademark law, and that the principle of subsidiarity should be respected;
 2. Declares that the Commission should immediately make all documents related to the ongoing negotiations publicly available;
 3. Takes the view that the proposed agreement should not force limitations upon judicial due process or weaken fundamental rights such as freedom of expression and the right to privacy;
 4. Stresses that economic and innovation risks must be evaluated prior to introducing criminal sanctions where civil measures are already in place;