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The case of the two Italian ‘marò’

European Parliament resolution of 15 January 2015 on the case of the two Italian ‘marò’ (2015/2512(RSP))

(2016/C 300/08)

The European Parliament,

- having regard to the Treaty on European Union,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to the European Convention on Human Rights and Fundamental Freedoms and the additional protocols thereto,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights, in particular Articles 9, 10 and 14 thereof,
 - having regard to the declarations of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the case of the Italian marines (*marò*) Massimiliano Latorre and Salvatore Girone,
 - having regard to its resolution of 10 May 2012 on maritime piracy⁽¹⁾,
 - having regard to the statement by the spokesperson for United Nations Secretary-General Ban Ki-moon of 6 January 2015 inviting the two countries — Italy and India — to try to reach a reasonable and mutually acceptable solution,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on the night of 15 February 2012 the Italian commercial vessel *Enrica Lexie*, en route from Singapore to Djibouti, came across the fishing trawler *St Anthony* off the coast of Kerala, India;
- B. whereas six Italian marines (*marò*) were aboard the *Enrica Lexie* to protect the ship from potential attacks by pirates; whereas, fearing a pirate attack, warning shots were fired at the approaching boat, and two Indian fishermen, Valentine alias Jelastine and Ajeesh Pink, were tragically killed;
- C. whereas on 19 February 2012 members of the Indian police force boarded the vessel, confiscated the marines’ arms and arrested the two who had been identified as those responsible for opening fire on the fishing boat;
- D. whereas these events have caused diplomatic tensions, given the legal uncertainty surrounding the case of the two Italian marines; whereas even after three years, charges have still not been brought by the Indian authorities;

⁽¹⁾ OJ C 261 E, 10.9.2013, p. 34.

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- E. whereas one of the soldiers, Massimiliano Latorre, left India to spend four months at home after he suffered a cerebral ischemia and is still in need of medical care, and whereas Mr Girone is still in the Italian embassy in India;
- F. whereas, with both sides citing international law, Italy asserts that the incident took place in international waters and that the marines should be tried in Italy or in an international court; whereas, however, India maintains that it can try the marines because the incident took place in coastal waters under Indian jurisdiction;
- G. whereas on 15 October 2014 the then EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, made a statement on the behaviour of the Indian authorities, encouraging the government to find a quick and satisfactory solution in conformity with the International Convention on the Law of the Sea and with international law;
- H. whereas on 16 December 2014 the new EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, expressed her disappointment at the lack of leniency shown in response to Massimiliano Latorre's plea for an extension of his stay in Italy for medical treatment;
- I. Whereas that on the 14 January 2015 the Supreme Court of India granted an extension to allow sergeant Latorre to spend extra time in Italy for medical purposes;
- J. whereas the two *marò* are European citizens, and whereas on 15 February 2012 they were on board an Italian commercial vessel, en route off the coast of the State of Kerala and performing their functions as a part of international counter-piracy activities, to which the EU is strongly committed;
1. Expresses great sadness at the tragic death of the two Indian fishermen and extends its condolences;
 2. Stresses that the consequences of the event of 15 February 2012 should nevertheless be treated strictly within the rule of law, fully respecting the human and legal rights of those allegedly involved;
 3. Expresses great concern at the detention without charge of the Italian marines; stresses that the marines must be repatriated; stresses that the lengthy delay and restrictions on the marines' freedom of movement are unacceptable and represent a serious breach of their human rights;
 4. Regrets the manner in which the issue has been handled and supports the efforts of all parties involved to work urgently towards a reasonable and mutually acceptable solution in the interest of all the families — Indian and Italian — as well as of both countries;
 5. Hopes, considering the positions taken by Italy, as a Member State, as regards the events related to the incident, that jurisdiction will fall to the Italian authorities and/or international arbitration;
 6. Encourages the EU High Representative for Foreign Affairs and Security Policy to take any necessary action to protect the two Italian marines in order to achieve a quick and satisfactory resolution to the case;

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7. Reminds the Commission of the importance of stressing the human rights situation in the framework of relations with India and hence of considering further measures to facilitate a positive resolution to the case;
 8. Recalls that the rights and security of EU citizens in third countries should be safeguarded by the EU diplomatic representation, which should work actively for the defence of the fundamental human rights of EU citizens in detention in any third country;
 9. 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, the EU Member States, the United Nations Secretary-General, and the President and Government of India.
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