

Thursday 21 January 2016

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EU citizens under detention in India, notably Estonian and UK seamen

European Parliament resolution of 21 January 2016 on Estonian and UK seamen under detention in India (2016/2522(RSP))

(2018/C 011/12)

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), and in particular Articles 9, 10 and 14 thereof,
 - having regard to the United Nations Convention on the Law of the Sea (UNCLOS),
 - having regard to Rule 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 12 October 2013 the 35-strong crew (including 14 Estonians and 6 Britons, as well as Indians and Ukrainians) of the US-based, Sierra Leone-flagged and privately owned ship the *MV Seaman Guard Ohio* were arrested in Tamil Nadu state (India) and charged with illegally possessing weapons in Indian waters;
- B. whereas the crew were apparently on an anti-piracy mission, carried out no aggressive acts against Indian citizens, and have consistently denied any wrongdoing;
- C. whereas the charges were quashed soon after, but the Indian authorities appealed and the Supreme Court ordered the trial to proceed; whereas the men have been unable to leave India or work during this period;
- D. whereas extensive and regular engagement at the highest levels has taken place between the Indian authorities and their British and Estonian counterparts, including at ministerial and prime ministerial level; whereas this has included requesting the early return of the 14 Estonians and six Britons among the crew, drawing attention to their families' financial hardship and mental anguish;
- E. whereas on 12 January 2016 each of the 35 sailors and guards was handed a maximum sentence of five years' 'rigorous imprisonment' and fined INR 3 000 (EUR 40); whereas the men are now in Palayamkottai prison in Tamil Nadu; whereas they are considering an appeal against the sentences within the prescribed 90 days;
- F. whereas this turn of events has evoked surprise and consternation in many quarters;
1. Respects India's sovereignty over its territory and jurisdiction and recognises the integrity of the Indian legal system;
 2. Shares India's well-founded concern and sensitivity, based on recent experience, in relation to terrorism;
 3. Is aware that the personnel involved were reportedly engaged in anti-piracy duties and that on-board protection teams have proved to be the single most effective anti-piracy measure and deserve the support of the international community, including India;
 4. Calls on the Indian authorities to ensure that the case of the *MV Seaman Guard Ohio* crew is dealt with on a basis of full respect for the human and legal rights of the defendants, in line with the obligations enshrined in the various human rights charters, treaties and conventions that India has signed up to;

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5. Urges the Indian authorities to act sympathetically in this case, to resolve the legal proceedings as swiftly as possible, and to release all personnel concerned pending conclusion of the judicial processes, in order to minimise the adverse effects on those involved and their families;
 6. Recommends that India consider signing the Montreux Document of 18 September 2008, which, inter alia, defines how international law applies to the activities of private military and security companies (PMSCs);
 7. Underlines the long-standing excellent relations existing between the EU and its Member States and India; urges India and the European countries concerned to ensure that this incident does not have a negative effect on wider relations; emphasises the importance of a close economic, political and strategic relationship between India and the EU Member States as well as the EU;
 8. Calls on the EU and India to increase cooperation in matters of maritime security and counter-piracy, including through the development of international doctrine and standard operating procedures, in order to fully exploit the potential offered by India's role in the region; strongly believes, moreover, that this will contribute to preventing similar contentious cases from occurring in the future;
 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, and the Government and Parliament of India.
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