

(2004/C 58 E/198)

WRITTEN QUESTION E-2582/03
by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Course of events involving the whistleblower at the European Court of Auditors 2: complications for assessment arising from simultaneous need to investigate superiors

1. Does the Commission regard it as a relevant or irrelevant fact that, according to his own testimony and to the recommendation of a disciplinary committee, a conscientious whistleblower acted in good faith and in the interests of a European institution?
2. Can the Commission indicate the number of occasions on which a legally empowered authority of a European institution has, on its own responsibility, ignored the recommendation of the disciplinary committee? Does the Commission deem the disregarding by the competent authority of a (repeated) recommendation of the disciplinary committee to constitute contempt of that committee?
3. Has the Commission subsequently asked the Secretary-General whether, when taking his decision to dismiss the official, he took account of the complaints lodged by the whistleblower against the former Member of the Court of Auditors, Mrs Nikolaou, which the European Anti-Fraud Office (OLAF) and the legal authorities have already investigated or are still investigating?
4. Has the Commission asked OLAF why, in that institution's Press Release No 18, no details were given of the services rendered by the whistleblower as the person whose information had resulted in the initiation of a legal investigation into the conduct of the former Member of the Court of Auditors, Mrs Nikolaou?
5. Given the recommendation of the disciplinary committee, does the Commission conclude that an honest whistleblower is required to infringe the provisions of the first paragraph of Article 21 of the Staff Regulations of Officials, pursuant to which he must assist his superiors, in instances where the contested illegal acts appear to have been committed by persons who are actually amongst those superiors?
6. Does the Commission feel that it is responsible for the future of officials employed by EU institutions who have honestly tried to terminate what they regard as wrongdoing by drawing attention thereto? How does it interpret its responsibility?

Joint answer
to Written Questions E-2581/03 and E-2582/03
given by Mr Kinnock on behalf of the Commission

(30 September 2003)

Each Institution of the European Union is an employer in its own right and each of the Institutions therefore manages disciplinary matters relating to its own staff, under the provisions of the Staff Regulations and subject to the judgements of the European Court of Justice. As the case referred to by the Honourable Member concerns a person who was employed by the Court of Auditors, the Commission is not able to answer questions about this specific case. The Honourable Member may wish to address his questions to the Court of Auditors.

(2004/C 58 E/199)

WRITTEN QUESTION E-2605/03
by Elizabeth Lynne (ELDR) to the Commission

(28 August 2003)

Subject: Recognition of qualifications for language teachers

Is the Commission aware that a British teacher of English having all adequate qualifications and teaching experience in the United Kingdom is required to pass the CAPES exam (Certificat d'aptitude pédagogique à l'enseignement du second degré, a very difficult exam, particularly for a foreigner) in order to be able to have a full-time teacher position in the French education system?

Would this not be in contravention of Council Directive 89/48/EEC ⁽¹⁾ of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training?

Is the proposed Directive on recognition of professional qualifications ⁽²⁾ going to eliminate this anomaly, particularly since French teachers are able to teach in the United Kingdom without such an additional examination?

⁽¹⁾ OJ L 19, 24.1.1989, p. 16.

⁽²⁾ COM(2002) 119 final.

Answer given by Mr Bolkestein on behalf of the Commission

(10 October 2003)

The Court of Justice has just delivered a judgment in a case concerning a preliminary ruling (Case C-285/01 'Burbaud'), which may provide some clarification of Community rules governing the issue raised by the Honourable Member. The Commission is currently examining the judgment and will provide the Honourable Member with an answer as soon as this analysis has been completed.

(2004/C 58 E/200)

WRITTEN QUESTION E-2607/03

by Olivier Dupuis (NI) to the Commission

(25 August 2003)

Subject: Thich Tri Luc, a monk kidnapped in Phnom Penh and rediscovered in a Vietnamese prison

Exactly a year ago I notified the Commission of the disappearance of the Buddhist monk Thich Tri Luc, a member of the Unified Buddhist Church of Vietnam (UBCV), a banned organisation, who had been kidnapped in Phnom Penh after seeking asylum in Cambodia. Aged 49, Thich Tri Luc (secular name Pham Van Tuong) had fled from Vietnam to escape religious persecution. The ten years that followed his first arrest in 1992 were a series of harassments, imprisonment and house arrest for supporting the UBCV. The status of refugee, granted by the Phnom Penh office of the UN High Commissioner for Refugees in June 2002, did not prevent his kidnapping in the night of 25 July by unidentified individuals. Both Vietnam and Cambodia had denied having any information on his abduction and disappearance and the HCR was unable to obtain any information as to his plight. Thich Tri Luc has now resurfaced, not as a free person protected by the United Nations, but as a prisoner awaiting trial behind bars in a Vietnamese jail. According to the Vietnamese Human Rights Committee, 'after a year without news his family has received a short message from the People's Court in Ho Chi Minh City inviting them to attend the trial of Pham Van Tuong'. Scheduled for 1 August, the trial has been postponed without setting a date. His family does not know where he is being held, or the charges against him, and has not been allowed to visit him. During this illegal and secret imprisonment, which has lasted 12 months, Thich Tri Luc has been subjected not only to serious psychological and physical pressure but has also been denied the right to a fair trial, as he has been unable to contact a lawyer and prepare his defence. As he is both a prisoner of conscience and a member of a Church that is still banned he is likely to receive a very long prison sentence.

Does the Commission know that Thich Tri Luc was kidnapped and forcibly repatriated in spite of his refugee status, and that he has been detained in secret in Vietnam for over a year? Is it aware of the charges against Thich Tri Luc, and has it asked for its representative in Hanoi to be allowed to visit him in prison and attend his trial? What representations will the Commission be making to prevent the continual violation by the Cambodian and Vietnamese authorities of international laws governing the status of refugees, particularly the principle of 'non-refoulement' of persons whose freedom is at threat in their own country because of their religion, race or political opinions? Should not these violations by the Hanoi and Phnom Penh authorities induce the Commission to adopt sanctions under the human rights clause in the EU's Cooperation Agreements with Vietnam and Cambodia?