

**P6\_TA(2004)0050**

## **Guantanamo**

### **European Parliament resolution on Guantanamo**

*The European Parliament,*

- having regard to its previous resolutions on the Guantanamo detainees' rights to a fair trial and, in particular, its recommendation to the Council of 10 March 2004<sup>(1)</sup>,
  - having regard to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas both the United States of America and the Member States have repeatedly reaffirmed their commitment to the democratic values which are the foundation of both the transatlantic community and solidarity: freedom, democracy, the rule of law and human rights,
- B. whereas approximately 580 people remain detained in Guantanamo Bay alone,
- C. whereas, according to eye-witnesses, many detainees at Guantanamo Bay have been regularly subjected to harsh and coercive treatment,
- D. whereas three released British detainees have described, in a 115-page report published on 4 August 2004, the conditions under which interrogations were conducted,
- E. whereas the US Supreme Court has taken the decision to refuse indefinite detention without due process for Guantanamo Bay detainees,
- F. whereas EU institutions, Member States and public opinion are concerned about conditions at the Guantanamo Bay Naval Base and have called for the detainees to be treated in accordance with the rule of law, regardless of their nationality or origin,
1. Reaffirms that, in the face of the threat of terrorism, one of the prime duties of democracies is to protect their citizens with resolve, to fight terrorism firmly and tenaciously and to detect and dismantle any terrorist networks; strongly reaffirms that this fight cannot be waged in breach of international law and at the expense of established basic, shared values such as respect for human rights, the rule of law and the relevant Geneva Conventions;
  2. Notes with satisfaction that some detainees have been granted increasing entitlement to private conversations with independent lawyers; insists, however, that every detainee should be treated in accordance with international humanitarian law and tried without delay in a fair and public hearing by a competent, independent and impartial tribunal, in application and demonstration of the very values we stand for;
  3. Reiterates the recommendations it made to the Council on 10 March 2004 as regards the legal consideration of detainees held in Guantanamo Bay and the possible impact on the EU-US partnership;
  4. Calls on the US administration to allow an impartial and independent investigation into allegations of torture and mistreatment for all persons deprived of their liberty in US custody;
  5. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the CFSP, the parliaments of the Member States and the President and Congress of the United States of America.

<sup>(1)</sup> Texts Adopted, P5\_TA(2004)0168.