

European Parliament resolution of 17 June 2010 on executions in Libya

The European Parliament ,

- having regard to its previous resolutions on the abolition of the death penalty and its previous resolutions on annual reports on human rights in the world, notably that of 2008, and the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
 - having regard to United Nations General Assembly Resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 calling for a moratorium on the use of the death penalty (on the report of the Third Committee (A/62/439/Add.2)),
 - having regard to the EU guidelines on the death penalty of 16 June 1998, and the revised and updated version of 2008,
 - having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
 - having regard to international conventions on the protection of human rights and fundamental freedoms,
 - having regard to the EU migration and asylum policy and the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
 - having regard to the informal dialogue taking place between the EU and Libya with a view to strengthening relations and to the current EU-Libya cooperation on migrations (two projects implemented under the Aeneas programme and Migrations and Asylum instrument) and HIV-AIDS (Action Plan for Benghazi),
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the abolition of the death penalty is part and parcel of the fundamental values of the European Union; whereas the European Parliament is strongly committed to the abolition of the death penalty and is striving to achieve universal acceptance of this principle,
- B. whereas the Libyan Government has resisted moves towards the abolition of the death penalty; in December 2007 and 2008, Libya was among the minority of states that voted against successful UN General Assembly resolutions calling for a worldwide moratorium on executions,
- C. whereas Libya was recently elected to the UN Human Rights Council, which implies increased responsibility in the area of human rights,
- D. whereas Cerene , a newspaper closely associated with Saif al-Islam al-Gaddafi, son of Libyan leader Muammar al-Gaddafi, reported that 18 people, including nationals of Chad, Egypt and Nigeria, were executed in Tripoli and Benghazi on 30 May after being convicted of premeditated murder; whereas their identities have not been made public by the Libyan authorities,

E. whereas there is a fear that death sentences are handed down at the end of proceedings which fail to comply with international standards for fair trials,

F. whereas the International Covenant on Civil and Political Rights, to which Libya is a party, and in particular Article 6.2 thereof, requires State Parties that have not abolished the death penalty to apply it "only for the most serious crimes",

G. whereas the Libyan courts continue to impose the death sentence, mostly for murder and drug-related offences, although it may also be imposed for a wide range of other offences, including the peaceful exercise of the right to freedom of expression and association,

H. whereas there are no official statistics available on the number of people sentenced to death and executed annually in Libya; whereas, according to various sources, more than 200 people, including foreign nationals, are currently on death row in Libya,

I. whereas foreign nationals are not often provided with access to their own consular representatives and with interpretation or translation assistance during legal proceedings,

J. whereas Article 19(2) of the Charter of Fundamental Rights of the European Union bans any removal, expulsion or extradition to a State where there is a serious risk that the person concerned would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,

K. whereas, since the lifting of international sanctions on Libya in 2003, the European Union has developed a policy of gradual engagement with Libya, and at the end of 2007 started the process of negotiating a framework agreement,

L. whereas the EU has been holding an informal dialogue and a series of consultations with Libya with a view to signing a framework agreement, including on migration issues; whereas the ongoing negotiations have been marked to date by at least seven rounds of negotiations between the two parties which did not result in any substantial progress or clear commitments from Libya to respect for international human rights conventions,

M. whereas the main obstacle in the relations between the EU and Libya is the lack of progress in the dialogue on human rights, fundamental freedoms and democracy, notably the lack of ratification of the Geneva Convention, as well as the Libyan regime's aggressive external policy, not least towards European states; whereas Libya has no national asylum system covering screening and registration of refugees, granting them asylum status, visits to detention facilities and provision of medical and humanitarian assistance, work that has been done by UNCHR,

N. whereas according to UNHCR 9 000 refugees – mainly Palestinians, Iraqis, Sudanese and Somalis – have been registered in Libya, of whom 3 700 are asylum seekers, mainly from Eritrea; whereas refugees constantly risk being deported to their states of origin and transit without the Geneva Convention criteria being respected, putting them at risk of persecution and death; whereas cases of mistreatment, torture and killing have been reported in detention centres for refugees, as well as the abandonment of refugees on the deserted borders between Libya and other African countries,

O. whereas on 8 June 2010 the Libyan authorities ordered the closure of the 26-strong UNHCR office, which has been present in Tripoli since 1991, because its representatives had allegedly "committed illegal activities",

P. whereas Libya, like countries that have signed association agreements, has been allocated a National Indicative Programme of EUR 60 million for the period 2011-2013 to enable it to offer further healthcare aid and combat illegal immigration,

1. Reiterates its longstanding opposition to the death penalty in all cases and under all circumstances; recalls the EU's strong commitment to working towards abolition of the death penalty everywhere, and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;

2. Strongly condemns the execution of the 18 people on 30 May 2010 and expresses its condolences and its solidarity with the families of the deceased;

3. Asks Libya to disclose the names of the 18 people executed, including those of the foreign nationals;

4. Calls on the Libyan authorities to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trials in accordance with international law, including access to a lawyer of their choosing, and the respect for the principle of presumption of innocence;

5. Urges the Libyan authorities to make progress towards a moratorium on executions;

6. Expresses deep concern at the closure of the UNHCR office in Libya;

7. Urges the Libyan authorities to ratify the Geneva Convention on Refugees without delay and to allow and facilitate the running of UNHCR's activities in Libya, including the establishment of a national asylum system;

8. Calls on Member States that deport migrants to Libya, in cooperation with Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), to stop doing so immediately where there is a serious risk that the person concerned would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment;

9. Calls on the Commission and the Council to take action under the terms of Articles 265 and Article 218(10) TFEU, which provide that the EP shall be "immediately and fully informed at all stages of the procedure" on the negotiations with Libya; reiterates its call to be fully informed regarding the negotiation mandate of the Commission in this regard;

10. Affirms that any cooperation or agreement between the EU and Libya must be conditional on the ratification and implementation by Libya of the Geneva Convention on Refugees and of other major human right conventions and protocols;

11. Welcomes the fact that a reform of the penal code is being undertaken by a committee chaired by former Supreme Court President Dr Abdulrahman Abu Tuta, and hopes that it will soon be able to present a report; calls on the Libyan authorities to launch a free and

democratic national debate on the death penalty with a view to joining the worldwide shift in favour of its abolition;

12. Welcomes the release of Swiss citizen Max Goeldi;

13. Instructs its President to forward this resolution to the Council, the Commission, the Member States, UNHCR, UNGA, the United Nations High Commission for Refugees and the Libyan authorities.