Resolution on the return and resettlement of the Guantánamo detention facility inmates

2009/2516(RSP) - 04/02/2009 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 3 February 2009, the European Parliament adopted by 542 votes to 55 with 51 abstentions, a resolution on the return and resettlement of the Guantánamo detention facility inmates. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, GUE/NGL, UEN, and Greens/ALE, groups. It strongly welcomes the decision by US President Barack Obama to close the detention facility at Guantánamo Bay, as well as other related executive orders, which mark an important change in the policy of the United States towards respect for humanitarian and international law. Parliament encourages the new administration to take further steps in this direction. A list published by the US authorities includes 759 past and present prisoners at Guantánamo, showing that 525 prisoners have been released, while 5 have died in custody, and there are now some 250 inmates at Guantánamo, of whom a number remain in Guantánamo simply because there is no country to which they can safely return - these are men who have never been charged and will not be charged by the United States with any crime.

Parliament recalls that the main responsibility for the whole process of closing the Guantánamo Bay detention facility and for the future of its inmates rests with the United States. It affirms nonetheless that the responsibility for respect for international law and fundamental rights rests with all democratic countries, particularly the Union and its Member States, which together represent a community of values. The United States is invited to ensure that Guantánamo detainees are granted their human rights and fundamental freedoms, on the basis of international and US constitutional law, and:

- that any detainee against whom the United States has sufficient evidence is properly tried without delay in a fair and public hearing by a competent, independent, impartial tribunal and, if convicted, imprisoned in the United States,
- that any detainee who is not to be charged and who chooses voluntarily to be repatriated is returned to his home country as quickly and expeditiously as possible,
- that any detainee who is not to be charged but cannot be repatriated owing to a real risk of torture or persecution in his home country is given the opportunity to be admitted to the United States, offered humanitarian protection on the United States mainland and afforded redress.

Parliament calls on Member States, should the US administration so request, to cooperate in finding solutions, to be prepared to accept Guantánamo inmates in the Union, in order to help reinforce international law, and to provide, as a priority, fair and humane treatment for all. It recalls that Member States have a duty of loyal cooperation to consult each other regarding possible effects on public security throughout the Union.