

Death sentence imposed on medical personnel in Libya

European Parliament resolution on the conviction and imprisonment by Libya of five Bulgarian nurses and a Palestinian doctor

The European Parliament,

- having regard to the EU Annual Reports on Human Rights, in particular those for the years 2005 and 2006,
 - having regard to its resolutions on the accession of Bulgaria to the European Union, and in particular to paragraph 25 of its resolution of 30 November 2006¹, paragraph 32 of its resolution of 15 December 2005² and paragraph 39 of its resolution of 13 April 2005³,
 - having regard to the Conclusions of the General Affairs and External Relations Council of 11 October 2004 expressing grave concern over the plight of the imprisoned medical personnel, its decision to provide assistance to the Libyan health services, the EU Presidency Statement of 19 December 2006 on the decision of the Criminal Court in Libya sentencing to death five Bulgarian nurses and a Palestinian doctor, Commissioner Ferrero-Waldner's statement on the Libyan Court verdict also of 19 December 2006 on the Benghazi case, and the statements by the President of the European Parliament of 30 November 2006 and 20 December 2006,
 - having regard to the reports from the Presidency to the European Council on the implementation of the EU's strategic partnerships with the Mediterranean States of December 2005 and December 2006,
 - having regard to the Guidelines to EU Policy Towards Third Countries on the Death Penalty,
 - having regard to rule 103(4) of the Rules of Procedure,
- A. whereas on 9 February 1999 the Libyan authorities detained a number of Bulgarian medical personnel working at the 'Al-Fatih' hospital in Benghazi, and whereas on 7 February 2000 a trial against six Bulgarians, one Palestinian and nine Libyans started at the Libyan People's Court on a charge of deliberately infecting several hundred children with the HIV virus,
- B. whereas on 6 May 2004 the Court sentenced five Bulgarian nurses and a Palestinian doctor to death by firing squad; whereas on 25 December 2005 the Libyan Supreme Court issued its ruling on the appeal against the death sentence and ordered a new trial; whereas a new trial was held from 11 May 2006 and the death sentences were confirmed on 19 December 2006,

¹ Texts Adopted, P6_TA(2006)0511.

² OJ C 286 E, 23.11.2006, p. 511.

³ OJ C 33 E, 9.2.2006, p. 404.

- C. whereas there is strong evidence that torture was used in prison against the defendants in order to extract false confessions; and whereas numerous other flagrant violations of the defendants' rights were also committed,
 - D. whereas in 2003, following a demand by the Libyan authorities, a number of renowned international experts on HIV/AIDS provided a report which categorically concluded that the spread of the HIV virus was due to an in-hospital infection which had started before the arrival of the defendants in Libya; whereas recent publications provide strong scientific evidence about the origin and timing of the Benghazi infection; whereas all this strong evidence of the innocence of the defendants has been disregarded and ignored,
 - E. whereas in November 2004 the EU launched an 'HIV Action Plan for Benghazi', which includes technical and medical assistance to the infected children and the affected families, as well as support for the Libyan authorities to combat HIV/AIDS; whereas EUR 2 500 000 have been provided from the Community budget to fund the plan; whereas the implementation of this Action Plan is well under way, with support from the Commission and from EU Member States; and whereas a large number of the infected children have received treatment in hospitals in Member States,
 - F. whereas in January 2006, a Benghazi International Fund was established as a non-profit-making non-governmental body to help develop the local medical infrastructure in Benghazi, to improve the treatment of the patients and to provide assistance to the affected families,
1. Condemns the verdict of the Libyan Criminal Court of 19 December 2006, convicting, after a re-trial, and sentencing to death five Bulgarian nurses, Kristiana Vulcheva, Nasya Nenova, Valentina Siropulo, Valya Cherveniyashka and Snezhana Dimitrova, and a Palestinian doctor, Ashraf al-Haiui, who have already spent eight years in prison in connection with the 1999 HIV/AIDS case at the Benghazi hospital;
 2. Reiterates its radical opposition to the death penalty and recalls that the EU considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights; stresses, at the same time, that the EU has taken this commitment further and now espouses abolition of capital punishment in third countries;
 3. Reiterates its serious concern with regard to the basis on which the defendants were prosecuted, their treatment while in custody and the lengthy delays in the process;
 4. Stresses that, as from January 2007, the Benghazi trial directly concerns five citizens of the European Union;
 5. Invites the competent Libyan authorities to take the necessary measures to review and quash the death sentence, and pave the way for an early resolution of the case on a humanitarian basis, thus meeting the necessary prerequisites for the continuation of the common policy of engagement with Libya;
 6. Calls on Colonel Qadhafi to exercise his powers and bring about the release of the imprisoned medical personnel as a matter of urgency;

7. Calls on the Commission and the Council to take steps with the Libyan Government to secure an early release of the imprisoned medical personnel;
8. Expresses its full solidarity with the victims of the HIV/AIDS infection in Benghazi and notes the measures taken by the international community to provide assistance to the children affected;
9. Calls on the Commission, the Council and the Member States to continue to provide assistance for the implementation of the HIV Action Plan and to support the Benghazi International Fund, in order to alleviate the suffering of the infected children and their families and to help the Libyan authorities to prevent and fight the spread of the HIV infection in the country;
10. Emphasises its resolve to follow this case closely and calls on the Commission and the Council to keep the European Parliament informed of any developments;
11. Calls on the Commission and the Council to consider, in the absence of a positive outcome to the case, a revision of the common policy of engagement with Libya in all relevant fields, as the Union deems appropriate;
12. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the General People's Committee and the General People's Congress of Libya, the Parliamentary Assembly of the Council of Europe, the Secretary-General of the United Nations and the United Nations Human Rights Council.