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Parliamentary questions for oral answer

Discussion of the communication on the activities of the Committee of Ministers

1. Mr Nachbar,

Noting how much the numbers of competing courts weaken the law in practice, as procedures become both incomprehensible and uncertain,

To ask the Chairperson of the Committee of Ministers,

Whether, where the setting up by the European Union of a "Human Rights Agency" is concerned, the role of which will only confuse further the situation of the European courts, the solution might not be the long envisaged one of European Union accession to the European Convention on Human Rights, thereby unifying the system for the protection of human rights and fundamental freedoms to which the twenty-five EU member states and the 21 states which are the other members of the Council of Europe have already subscribed individually.

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2. Mr Bartumeu Cassany,

Noting press reports that Andrzej Marek, a Polish journalist, had just been arrested to serve a prison sentence of 3 months imposed for libel because of two articles published in 2001, and noting that according to Reporters Without Borders and the Committee to Protect Journalists, Poland is the only European Union state to make defamation a criminal offence,

Whereas the Assembly is currently working on the decriminalisation of defamation,

To ask the Chairperson of the Committee of Ministers,

As the experts in the thematic monitoring procedure on freedom of expression took the view that the situation in Poland gave rise to concern in this respect (cf CM/Monitor (2003) 8 final 2, para 6), what action does the Committee of Ministers intend to take in order to bring this situation to an end.

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3. Mr Pourgourides,

In the light of the investigations into secret detention facilities in Council of Europe member states, launched at various levels by a number of member states, and given that some of them have now been completed and are the subject of reports,

To ask the Chairperson of the Committee of Ministers,

Whether, in the context of Mr Marty's work, he thinks he can ensure, with the support of the Committee of Ministers, publication of the findings of these investigations, which have so far remained confidential.

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4. Mr Jurgens,

Considering that the report on human rights violations in the Chechen Republic, being debated at the current session, has highlighted the responsibility of the Committee of Ministers and condemned its repeated failure to act, and that, in view of the very serious situation facing the Russian Federation in Chechnya, it is quite incomprehensible and inadmissible that the Committee of Ministers should not take a more active stand and should, on the contrary, choose not to monitor the situation regularly,

To ask the Chairperson of the Committee of Ministers,

Whether the Committee of Ministers can take steps to ensure that Assembly Recommendation 1710 (2005) on the "Honouring of obligations and commitments by the Russian Federation", in which the Assembly asks the Committee of Ministers to "ensure that the discussion of the human rights crisis in and around Chechnya remains a regular item on the agenda (of the Committee of Ministers and Ministers' Deputies), and, in particular, ensure that monitoring of the human rights situation (...) continues, inter alia, under the auspices of the Secretary General, and that the results of such monitoring are published", at long last receives a reply from the Committee of Ministers and what measures the Chairperson of the Committee of Ministers intends to take to ensure that Assembly recommendations are acted on by the executive body.

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5. Mr Çavuşoğlu,

Noting that the Ministry of the Interior of the State of Baden Württemberg in Germany decided to use a new form of questionnaire in the interrogation process for the foreigners of Muslim faith who would like to acquire German citizenship as of 1 January 2006;

Considering that the content of the questionnaire represents an illegitimate intrusion by the State to political opinion and personal lives of individuals;

Noting that several political groups in Germany have expressed their opposition to this practice, qualifying it as discriminatory and that certain German politicians pointed out that, according to these criteria, one would have to take citizenship away from many Germans, including the Pope,

To ask the Chairperson of the Committee of Ministers,

How he considers that the Committee of Ministers will react to this discriminatory procedure.

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6. Mr Tekelioğlu,

Recalling that it has been 10 years since Mr Özdemir Sabancı, a prominent Turkish businessman and his colleagues, Mr Haluk Görgün and Ms Nilgün Haşefe were murdered in Istanbul on 9 January 1996, that they were murdered cold bloodedly by a gang of terrorists, including Fehriye Erdal who is a member of an extreme left wing terrorist organisation "the Revolutionary People's Liberation Front" (DHKP/C), an organisation which is responsible for the murder of many innocent civilians, including a former prime minister and which is included in the European Union's terrorist organisations list in May 2002;

Considering that when Fehriye Erdal was captured in Belgium in 1999, Turkey requested her extradition from Belgian authorities, referring to the provisions of the European Convention on Extradition to which both Turkey and Belgium are parties that this request was rejected by Belgium on grounds of lame excuses such as the murder weapon was not a full automatic gun, but a semi-automatic one;

Noting also that, although frustrated by this attitude, Turkey requested the extradition of the terrorist once again from Belgium in April 2004 that Belgium did not even answer this request and that while denying her extradition to Turkey, Belgium refuses to try Fehriye Erdal in its courts;

Further considering that combating terrorism and legal co-operation between member states are areas where the Council of Europe has made significant and meaningful contribution to international codification efforts that there are a number of Council of Europe conventions and protocols on prevention of terrorism and mutual legal assistance to which Belgium is a signatory and that, just a couple of days ago, that the Belgian Ambassador signed the latest Council of Europe Convention on Prevention of Terrorism;

Noting further that, although Belgium is either party, or signatory to all Council of Europe conventions and protocols on prevention of terrorism and mutual legal assistance, it refuses to abide by the letter and the spirit of these conventions and that, above all, Belgium fails to implement the basic principle of "try or extradite" in the case of Fehriye Erdal,

To ask the Chairperson of the Committee of Ministers,

If he will set out his opinion on the non-implementation of Council of Europe conventions by member states and the effect of this non-implementation on the effectiveness of these legal instruments and inform the Assembly whether he has any plans to prevent the damage that such policies can have on the credibility of the Council of Europe's convention system.

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7. Mr Van den Brande,

To ask the Chairperson of the Committee of Ministers,

Whether the Committee of Ministers intends to propose that the draft Memorandum of Understanding between the Council of Europe and the European Union be submitted to the Parliamentary Assembly and the European Parliament for their approval, with a view to their respective Presidents also signing the final document.

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8. Mr de Puig,

To ask the Chairperson of the Committee of Ministers,

If the Committee of Ministers will formally seek the opinion of the Parliamentary Assembly of the Council of Europe on the proposed Memorandum of Understanding between the Council of Europe and the European Union, before finalising this text.