

# EUROPEAN PARLIAMENT

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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Ryszard Czarnecki

on behalf of the UEN Group

on the death penalty - Troy Anthony Davies case</Titre>

**European Parliament resolution on the death penalty - Troy Anthony Davies case</Titre>**

*The European Parliament,*

- having regard to Rule 115(5) of its Rules of Procedure,
  - A. whereas on 28 August 1991 Troy Anthony Davis was sentenced to death by a jury for the murder of police officer Mark Allen McPhail,
  - B. whereas Troy Anthony Davis maintains that he did not commit this crime and that he is innocent,
  - C. whereas there are no physical evidences showing that Troy Anthony Davies committed this murder and the weapon used in this crime has never been found,
  - D. whereas since that judgment, seven of nine original witnesses have either changed or recanted their testimony,
  - E. whereas witnesses admit that their investigation and trial testimonies had been made under police coercion,
  - F. whereas three new testimonies in affidavits appeared in this case showing that Troy Anthony Davis may be not guilty,
  - G. whereas two of the jurors who sentenced Davis to death signed sworn affidavits saying that based on the recanted testimony, he should not be executed,
  - H. whereas on 17 March 2008 Georgia Supreme Court denied a new trial for Troy Anthony Davis,
    1. Considers that in this case there are many significant doubts as to whether Troy Anthony Davis who is facing capital punishment is guilty;
    2. Considers that questions which are raised should be examined and determined by the courts;
    3. Is of the opinion that as there are serious uncertainties as to whether Troy Anthony Davis is guilty, the executive body should not proceed with his execution until every doubt is examined and his responsibility proven;
    4. Asks the State Board of Pardons and Paroles in Georgia (USA) to consider commuting death penalty for Troy Anthony Davis;
    5. Instructs its president to forward this resolution to the Council and the Commission, the State Board of Pardons and Paroles in Georgia (USA), and the Governor of the State of Georgia (USA).