



Plenary sitting

B8-1007/2015

5.10.2015

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-0761/2015

pursuant to Rule 128(5) of the Rules of Procedure

on the death penalty
(2015/2879(RSP))

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on behalf of the GUE/NGL Group

**European Parliament resolution on the death penalty
(2015/2879(RSP))**

The European Parliament,

- having regard to its previous resolutions on the abolition of the death penalty, in particular that of 7 October 2010 on the World Day Against the Death Penalty¹, and on the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
 - having regard to Protocols 6 and 13 to the European Convention on Human Rights,
 - having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
 - having regard to the EU Guidelines on the Death Penalty,
 - having regard to the International Covenant on Civil and Political Rights and in particular Article 6(2) thereof and the Second Optional Protocol thereto,
 - having regard to the declarations of the United Nations Office on Drugs and Crime (UNODC) and of the United Nations International Narcotics Control Board (INCB) on the abolition of the death penalty in particular for drug-related offences,
 - having regard to the Final Declaration for the 5th World Congress Against the Death Penalty adopted in Madrid on 15 June 2013,
 - having regard to UN General Assembly Resolution 62/149 of 18 December 2007, which calls for a moratorium on the use of the death penalty, and to the five resolutions adopted by the UN General Assembly, in particular that of 18 of December 2014, recalling the UN's commitment to the abolition of the death penalty,
 - having regard to the World Day and the European Day Against the Death Penalty held on 10 October each year and having regard to the fact that in 2015 the World Day Against the Death Penalty is dedicated to ending executions for drug crimes,
 - having regard to the question to the Council on the death penalty (O-000103/2015 – B8-0761/2015),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life enshrined in the Universal Declaration of Human Rights; whereas the conditions on death row inflict extreme psychological suffering and execution is a physical and mental assault;
- B. whereas the death penalty is often used against the underprivileged, the mentally ill and

¹ OJ C 371 E, 20.12.2011, p. 5.

members of national and cultural minorities in particular; whereas in some places, the imposition of the death penalty is rooted in discrimination based on sexual orientation or beliefs;

- C. whereas the European Union has a strong and principled position against the death penalty, which establishes the global abolition of capital punishment as a key objective of its human rights policy;
- D. whereas 101 countries have abolished the death penalty for all crimes; whereas, in 2014, at least 22 countries carried out executions and at least 2 466 people were sentenced to death, which is 28 % more than in 2013; whereas the five countries in the world where the death penalty is most often used are China (with more than 1 000 executions according to NGOs), Iran (with 289 officially recognised executions and more than 454 unofficial executions according to NGOs), Saudi Arabia (at least 90 executions), Iraq (at least 61 executions) and the USA (35 executions);
- E. whereas eight states impose the death penalty for homosexuality (Mauritania, Sudan, Iran, Saudi Arabia, Yemen, Pakistan, Afghanistan and Qatar) and provinces of Nigeria and Somalia officially implement the death penalty for same-sex sexual acts;
- F. whereas on 18 December 2014 the UN General Assembly voted for the fifth time (with 117 votes in favour, 38 against and 34 abstentions) for a resolution in favour of a universal moratorium on the death penalty with a view to its abolition;
- G. whereas the last 12 months have seen a global resurgence in the use of the death penalty for drug offences, with a number of states executing people for drug-related offences at a significantly increased rate, (as in the case of Iran and Saudi Arabia), seeking to re-introduce the death penalty for drug offences, (as in the case of Oman), or ending long-standing death penalty moratoria, (as in the case of Indonesia and Pakistan); whereas, of the 14 countries which apply the death penalty for drug offences, 12 are Asian or Middle-Eastern countries; whereas, in 2015, 14 people have been executed in Indonesia for drug trafficking, including 12 foreigners; whereas dozens of people are awaiting execution on death row, including European citizens such as French national Serge Atlaoui;
- H. whereas Iran has reportedly executed 394 drug offenders in the first six months of 2015, compared with 367 in the whole of 2014; whereas at least 112 drug offenders are awaiting execution on Pakistan's death row; whereas independent audits of UNODC's operations in Pakistan and Iran and recent NGO reports have raised concerns about the implementation of human rights guidance by the UN agency's country offices and about a direct correlation between counter-narcotics funding and death sentences handed down for drug charges in those countries;
- I. whereas rape, murder, apostasy, armed robbery and drug trafficking are punishable by the death penalty in Saudi Arabia; whereas half of all executions carried out in Saudi Arabia this year have been for drug offences, compared with only 4 % of the overall number in 2010; whereas the death penalty is applied by beheading and the bodies are sometimes then crucified; whereas, on 27 May 2014, Ali Mohammed al-Nimr was sentenced to death by beheading, followed by crucifixion, for participating in a terrorist organisation, despite the fact that his confession was obtained under torture while he

was a minor;

- J. whereas the state of Nebraska decided to abolish the death penalty in 2015; whereas, in 2015, 19 people have already been executed in the USA by lethal injection, including two people with intellectual disabilities: Warren Lee Hill on 27 January 2015 in Georgia and Robert Ladd on 29 January 2015 in Texas; whereas, on 17 March 2015, Cecil Clayton, a 74-year-old man with a severe brain injury was executed in Missouri; whereas the African-American prisoner, Mumia Abu-Jamal, also known as the ‘voice of the voiceless’, who was on death row from 1982 until 2011, following an unfair and racially motivated trial, until his sentence was commuted to life imprisonment, is still facing a very difficult situation because the state of Pennsylvania is denying him access to healthcare, which puts his life in danger; whereas Hank Skinner is still on death row in Texas despite the fact that DNA testing in his case has cast considerable doubt on his guilt;
 - K. whereas the Egyptian Government has carried out mass political trials over the past year and has sentenced more than 100 people to death, including deposed President Mohammed Morsi; whereas Irish citizen Ibrahim Halawa and others are facing a potential death sentence in Egypt for participating in a protest;
 - L. whereas the resurgence of speech in favour of the death penalty in the EU, including from some members of governments, is an alarming phenomenon;
 - M. whereas the EU and its Member States must take a coherent stand against the death penalty in all their actions and funding, especially in connection with countries which apply the death penalty;
1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity;
 2. Condemns all executions wherever they take place; is deeply concerned about the imposition of the death penalty on minors, the underprivileged and on persons with mental or intellectual disabilities and calls for an immediate and definitive end to such practices, which violate international human rights standards;
 3. Recalls that the full abolition of the death penalty remains one of the main objectives of EU human rights policy; recalls, furthermore, that this target will only be achieved by close cooperation between states and cooperation on education, awareness-raising, efficiency and effectiveness; strongly supports a moratorium as a step towards abolition; continues to push for worldwide abolition; strongly urges countries still carrying out capital punishment to comply with international minimum standards and to publish clear and accurate figures on the number of sentences and executions;
 4. Is alarmed by the number of executions in Saudi Arabia; expresses its extreme concern and abhorrence at the sentencing to death by beheading, followed by crucifixion, of Ali Mohammed al-Nimr by the Saudi authorities, following an unfair and politically motivated trial; urges the Saudi authorities to immediately release Ali Mohammed al-Nimr and quash this barbaric sentence and to comply with international human rights standards; urges the Member States, therefore, to step up their pressure on the Saudi

regime to pardon Ali Mohammed al-Nimr and abolish the death penalty;

5. Is alarmed by the fact that China still carries out the highest number of executions per year and that these executions are still classified as a 'state secret'; urges the Government of China to put an end to these practices and to publish a list of persons who have already been executed;
6. Is alarmed as well by the increasing rate of executions in Iran and by the fact that, according to NGOs, most of them are extrajudicial or not recognised by the authorities; urges the government to put an end to this practice and to publish a transparent list of persons who have already been executed;
7. Condemns once again the use of the death penalty in Iraq; shares the concerns of the UN about the increase in executions since the re-introduction of the death penalty in 2005 and the lack of a juridical system in the country; highlights the fact that by August 2014, 1 724 prisoners had been condemned to death according to official sources; stresses the fact that the lack of justice in Iraq today must be viewed in the context of an almost absolute collapse of law and order since the US/UK invasion, including war crimes, atrocities, and the killing of civilians by mercenaries and military forces of the US occupation;
8. Condemns once again the use of the death penalty in the USA, notably the sentences which are the result of unfair and racially motivated trials, and the execution of people with intellectual disabilities; welcomes the fact that Nebraska decided in 2015 to abolish the death penalty and urges the United States once again to end this practice; is particularly alarmed by the situation of Mumia Abu-Jamal and by the fact that he has no access to healthcare; highlights the fact that in 2011 the federal justice system recognised that Mumia Abu-Jamal had not had a fair trial, and calls therefore for his immediate release and access to medical care in accordance with international law; calls also for the release of Hank Skinner and Emma Clancy; urges the EU to insist on respect for human rights standards in its dialogue with the USA and to end any agreement with them in the event that they breach international law;
9. Is extremely alarmed by the resurgence of pro-death penalty speeches in Europe and by the extrajudicial executions being implemented by the British Government in Syria; stresses that the fight against terrorism can never justify overriding international law; calls therefore for an immediate and independent international investigation and for those responsible to be brought to justice; calls also for an independent general investigation on the use of extrajudicial execution by the Member States, particularly in the context of the fight against terrorism, and urges all parties to put an immediate end to these practices which are in contravention of international law and could be considered a de facto re-establishment of the death penalty;
10. Is particularly concerned by the increasing use of the death penalty in the context of the fight against terrorism in a number of countries such as Egypt and Nigeria, and by the possibility of the death penalty being re-introduced as is the case in Chad and Tunisia; highlights the fact that the death penalty will never reduce terrorism and that the fight against it should never be at the expense of human rights;
11. Condemns the decision to end long-standing death penalty moratoria in several

countries such as Pakistan and Indonesia and urges these countries to put an end to this practice and reverse their decisions;

12. Calls on the states concerned to stop criminalising homosexuality and calls on Brunei Darussalam not to apply the death penalty for homosexuality in 2016, as is currently prescribed; urges the EU and its Member States to maintain the fight against the criminalisation of homosexuality as a key priority, in line with the EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons;
13. Expresses serious concern at the fact that European-funded counter-narcotics programmes in retentionist states may be encouraging capital convictions and executions, in particular by setting targets and indicators of increased seizures, arrests and sentencing, and harsher punishments;
14. Reiterates its recommendation to the Commission and the Member States that the abolition of the death penalty for drug-related offences should be made a precondition for financial assistance, technical assistance, capacity building and other support for drug enforcement policy;
15. Calls on the Commission and the Member States to reaffirm the categorical principle that European aid and assistance may not facilitate law enforcement operations that lead to death sentences and the execution of those arrested;
16. Regrets the lack of transparency around counter-narcotics aid and assistance provided by the Commission and Member States to drug enforcement operations in countries which aggressively apply the death penalty for drug offences;
17. Requests that the Commission publish an annual account of its funding for counter-narcotics programmes in countries which maintain the death penalty for drug offences, along with a narrative summary of where this funding has been directed, what human rights safeguards have been applied to ensure that it does not enable death sentences, and the extent to which recipient states have complied with European conditions;
18. Urges the Commission to implement without any further delay the operational guidelines laid down in Article 10 of the IcSP Regulation, to apply these strictly to the cocaine and heroin route programmes and, in the event of non-compliance and inconsistency with the guidelines, to immediately suspend these programmes;
19. Calls on the Commission and the Member States to make future funding to UNODC counter-narcotics programmes conditional on UNODC demonstrating how the core principles of its human rights guidance will be applied in administering that funding, and specifically how that funding will be frozen or withdrawn should the recipient state persist in sentencing drug offenders to death; insists on the fact that any EU or Member State counter-narcotics programmes should be carried out under the auspices of the UN, particularly the United Nations Office on Drugs and Crime and the UN International Narcotics Control Board (INCB);
20. Urges the Commission to comply with the recommendation in the EU Action Plan on Drugs (2013-2016) that a 'human rights guidance and assessment tool' should be

developed and implemented to ensure human rights are ‘effectively mainstreamed into EU External Drugs Action’;

21. Urges the EU and its Member States to provide guidance for a comprehensive and effective European death penalty policy with regard to dozens of European nationals facing execution in third countries, which should include strong and reinforced mechanisms in terms of identification, delivery of legal assistance and diplomatic representation;
22. Applauds and further encourages the activities of non-governmental organisations working for the abolition of the death penalty worldwide; calls on the Commission to continue to support projects in this field, in particular popular education projects and pedagogic actions, as a priority;
23. Asks that the Human Rights Subcommittee of its Foreign Affairs Committee (AFET) prepare a report on the death penalty, which should assess, in particular, the human rights impact of EU counter-narcotics funding and of EU security and counter-terrorism cooperation and make recommendations to ensure that such funding does not contribute to increased use of the death penalty in the future;
24. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.