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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

par Pasqualina NAPOLETANO, Elena VALENCIANO

on behalf of the PES Group

on Philippines: EU's citizen, Francisco Larrañaga condemned to death penalty in Philippines

European parliament resolution on Philippines: EU citizen, Francisco Larranaga, condemned to death penalty in Philippines

The European Parliament,

- Having regard to its previous resolutions calling for the abolition of the death penalty and for a moratorium on executions in the meantime,

- having regard to the EU guidelines on the death penalty adopted by the Council on 6 June 1998,

- having regard to the Commission Communication of 8 May 2001 on the European Union's role in promoting human rights and democratisation in third countries (COM(2001) 252), which identifies the abolition of the death penalty as one of the thematic priorities for assistance under the European Initiative for Democracy and Human Rights,

- having regard to the letters addressed by the former and current Presidents of the European Parliament, Pat Cox and Josep Borrell, to the President of Philippines Gloria Macapagal-Arroyo asking for a revision of the trial of the case of Francisco Larrañaga,

- having regard to Rule 115 of the Rules of Procedure,

- A. Whereas former Philippines President Estrada implemented a moratorium on the death penalty in March 2000,
 - B. whereas current President Macapagal Arroyo announced the lifting of this moratorium as of 1 January 2004,
 - C. whereas about a thousand prisoners are currently being held under sentence of death in the Philippines, amongst which the European citizen Francisco Larrañaga found guilty of rape and murder, in the absence of substantive evidence
 - D. having regard to the well documented alleged violations of international fair trial standards in the judgment of the Supreme Court dated 3 February 2004, condemning Francisco Larrañaga to death penalty,
 - E. whereas the death sentence on Francisco Larrañaga was confirmed in July 2005 and there are no further possibilities for appeal,
1. Endorses all international initiatives which would lead to the abolition of capital punishment worldwide namely United Nations Commission on Human Rights resolution n. 2005/59 on "The question of the death penalty" and The Second Optional Protocol to the International Covenant on Civil and Political Rights, and reiterates its call for the universal abolition of the death penalty, and in the meantime for the establishment of a moratorium on executions;
 2. Calls on the President of the Philippines to reverse her decision to end the moratorium on the death penalty;

3. Notes the view of the Supreme Court of the Philippines in its decision of 3rd February 2005 in which it states “In accordance with Article 83 of the Revised Penal Code as amended by Section 25 of RA No.7659, upon the finality of this decision let the records of this case be forwarded forthwith to the office of the President for the possible exercise of Her Excellency’s pardoning power”
4. Asks the President of the Philippines to grant an absolute pardon to Francisco Larrañaga,
5. Calls on the Council and the Commission to consider the abolition of the death penalty and a universal moratorium on executions as an essential element in relations between the EU and third countries, raising this issue when concluding or renewing agreements with third countries;
6. Instructs its President to forward this resolution to the Council, the Commission and the government of the Philippines.