



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

5.7.2011

B7-0470/2011

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 122 of the Rules of Procedure

on India, in particular on the execution of death sentences

Charles Tannock
on behalf of the ECR Group

European Parliament resolution on India, in particular on the execution of death sentences

The European Parliament,

- having regard to its previous resolutions on India and the EU-India FTA,
- having regard to Articles 2 and 3(5) of the Charter of Fundamental Rights of the European Union,
- having regard to the International Covenant on Civil and Political Rights, in particular Articles 7 and 14 thereof,
- having regard to the EU-India Thematic Dialogue on Human Rights,
- having regard to Art. 122(5) of its rules of procedure,

- A. Whereas Davinder Pal Singh Bhullar, an Indian national, was sentenced to death on 25 August 2001 by a special Terrorist and Disruptive Activities Act (TADA) Court (New Delhi) for his involvement in a car bombing in New Delhi on 11 September 1993, which killed 9 people and grievously injured many more;
- B. Whereas Mr Singh Bullar claims his confession was made under duress;
- C. Whereas Mr Singh Bullar's conviction was confirmed by the Indian Supreme Court on 22 March 2002 under its first-ever 'split judgment' case, and was again confirmed on 17 December 2002, when a Curative Petition was dismissed;
- D. Whereas the Indian government has linked Mr Singh Bullar to the Khalistan Liberation Force, a terrorist organisation which aims to create an independent Sikh homeland in India;
- E. Whereas Mr Singh Bullar previously sought political asylum in Germany, but this was rejected in 1995, although that rejection was declared illegal by the Frankfurt administrative court in 1997;
- F. Whereas Mr Singh Bhullar was refused clemency after his petition for mercy was rejected by Indian President Pratibha Patil on 25 May 2011;
- G. Whereas India, when presenting its candidacy for the Human Rights Council, ahead of the elections of 20 May 2011, pledged to uphold the highest standards to promote and protect human rights;

H. Whereas the Supreme Court of India ruled in 1983 that the death penalty should be imposed only in "the rarest of cases";

1. Urges the Indian authorities to maintain adherence to the highest international judicial standards, which include the right to a fair trial and the right to a lawyer, and to refrain from the use of torture or any other cruel and degrading treatment;
2. Given the seriousness of its consequences, calls on the Indian authorities to deal with Mr Singh Bhullar's case in a particularly transparent manner and to clarify the circumstances of his initial arrest and police detention;
3. Instructs its President to forward this resolution to India's Prime Minister, India's Minister for Law & Justice, India's Home Minister, the Council, the Commission, the governments and parliaments of the EU Member States, the Secretary-General of the Commonwealth, the Secretary-General of the UN and the President of the UN General Assembly.