



Plenary sitting

B8-0427/2017

13.6.2017

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on Pakistan, notably the situation of human rights defenders and the death penalty
(2017/2723(RSP))

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on behalf of the GUE/NGL Group

B8-0427/2017

European Parliament resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP))

The European Parliament,

- having regard to the resolutions of the United Nations General Assembly (UNGA), in particular that of 18 December 2014 on the moratorium on the use of the death penalty (A/RES/69/186),
 - 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 Article 2 of the Charter of Fundamental Rights of the European Union,
 - having regard to the European Union Guidelines on the Death Penalty,
 - having regard to the World Day and the European Day against the Death Penalty, held on 10 October of each year, and on the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
 - having regard to United Nations 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 UNAG, in particular that of 18 of December 2014, recalling the UN's commitment to the abolition of the death penalty,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Pakistan is a party,
 - having regard to Protocols 6 and 13 to the European Convention on Human Rights,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the Charter of the United Nations,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas in December 2014, after an attack by Taliban gunmen on the Army Public School in Peshawar, the Government of Pakistan announced a National Action Plan to combat terrorism; whereas the plan set out some action points, including “the implementation of death sentences of those convicted in cases of terrorism”,
- B. whereas the Government of Pakistan partially lifted a moratorium on executions of civilians which had been in place since 2008, to allow executions of people convicted of

terrorism-related offences; whereas three months later, the government ended the moratorium completely to resume executions for all capital offences,

- C. whereas in January 2015, the Parliament authorized the establishment of military courts for two years to try civilians accused of “terrorism motivated by religion or sectarianism”; whereas on 22 March 2017, the Parliament extended the mandate of the military courts for another two years,
- D. whereas the death penalty is being used against activists on political grounds in Pakistan and Gilgit-Baltistan area, and more than 100 activists from various political parties are arrested under the anti-terrorist laws in Pakistan,
- E. whereas since that period, hundreds of people have been executed, even convicts not sentenced on terrorist charges,
- F. whereas in 2010, the people of Ali Abad, the main city of Hunza Valley, protested for fair compensation for all the genuine victims of the Atta Abad Lake, and the police opened fire, killing two protesters, the father and his son; whereas there was immediately very strong protests and people rebelled, and the activist Baba Jan tried to cool down the temperature of the mood of the people by organising pacific rallies and demonstrations,
- G. whereas Baba Jan and 12 demonstrators are sentenced to life since 2014 by the antiterrorist court, whereas never before demonstrators have received such a sentence for protesting,
- H. whereas the political climate is ‘notably repressive’ against political activists in Pakistan, whereas Pakistani authorities used anti-terrorism laws and excessive force to prevent demonstrations,
- I. whereas on the pretext of implementation of the national plan against terrorism, numerous non governmental organizations (NGOs) have been intimidated, harassed and in some cases their offices sealed,
- J. whereas the European Union (EU) 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,
- K. whereas on 18 December 2014 the UNGA voted for the fifth time for a resolution in favour of a universal moratorium on the death penalty with a view to its abolition,
 - 1. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; calls on Pakistan to reinstitute the moratorium on executions and commute all death sentences to terms of imprisonment,
 - 2. Reminds the Pakistani government of their obligations to ensure respect for the fundamental rights of freedom of thought and freedom of expression and other international and regional human rights instruments,

3. Calls on the Government of Pakistan to reverse the decision to extend the tenure of the military courts, and to abrogate military jurisdiction for any offence other than breaches of military discipline, those that only military personnel may commit,
4. Calls on the EU to ensure that in proceedings related to offences where the death penalty might be imposed, that the most rigorous internationally recognized standards for fair trial are respected,
5. Urges the Pakistani authorities to ensure that no execution is carried out while appeals are pending and that genuine consideration is given to all clemency applications by persons under sentence of death, including by ensuring that clemency procedures are an integral part of the overall system for ensuring justice and fairness in the legal process,
6. Calls to withdraw its appeal at the Supreme Court and plead at the Supreme Court for the release of Baba Jan and the other activists,
7. Calls for the publication of the judicial commission report on the original incident of Ali Alab and the implementation of the recommendations, this judicial commission was established by the GB government itself to investigate the whole incident. Its report was never published,
8. Urges the EU to continue fighting against the use of the death penalty and to strongly support the moratorium as a step towards abolition, to continue to push for abolition worldwide, and to strongly urge countries still carrying out capital punishment to comply and immediately apply the moratorium,
9. Calls on the Pakistani authorities to guarantee the independence of the courts, the rule of law and due process in line with international standards on judicial proceedings, including by taking into account the recent recommendations of the UN Special Rapporteur on the independence of judges and lawyers,
10. Expresses its grave concern about the recent mass trials leading to a vast number of death sentences; calls for an immediate and definitive end to such practices, which violate international human rights standards,
11. Is particularly concerned by the increasing use of the death penalty under the pretext of the fight against terrorism and condemns in particular the use of the death sentence to suppress opposition,
12. Recalls that the death penalty is incompatible with values such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, on which the Union is founded, and that any Member State reintroducing the death penalty would therefore be in violation of the Treaties and of the EU Charter of Fundamental Rights,
13. Instructs its President to forward this resolution to the Council, the Commission, the Commission Vice-President / EU High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of Pakistan and the Secretary-General of the United Nations.