

EUROPEAN PARLIAMENT

15 December 1999

B5-0335/1999 }
B5-0341/1999 }
B5-0347/1999 }
B5-0368/1999 }
B5-0369/1999 }

}RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50 of the Rules of Procedure

by the following Members:

García Orcoyen, Salafranca and Gemelli, on behalf of the PPE Group
Díez González, Imbeni, Fava, Ruffolo and Sacconi, on behalf of the PSE Group
Mrs Malmström, on behalf of the ELDR Group
Mrs Frassoni and Mr Wuori, on behalf of the Verts/ALE Group
Di Lello, Puerta, Manisco and González Alvarez, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- Verts/ALE (B5-0335/1999)
- PSE (B5-0341/1999)
- ELDR (B5-0347/1999)
- PPE-DE (B5-0368/1999)
- PPE-DE (B5-0369/1999)

on the death sentences passed on two European citizens, Nabil Nanakli in the Yemen and Derek Rocco Barnabei in Virginia, USA

The European Parliament,

- having regard to its previous resolutions on the abolition of the death penalty and the need for an immediate moratorium on executions on those countries where the death penalty still applies, and in particular its resolutions of 8.10.1998 and 18.11.1999,

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- having regard to the memorandum tabled by the EU Presidency at the 54th UN General Assembly,
- A. whereas the abolition of the death penalty constitutes a contribution to the enhancement of human dignity and to the progressive development of human rights,
- B. having regard to the constitution of Yemen of 1 October 1994, and the country's signature of the UN Charter and the Universal Declaration of Human Rights,
- C. whereas an irrevocable death sentence was passed on 21 November 1999 by a Yemeni court on Nabil Nanakli, a European citizen, on a charge of terrorist crimes,
- D. having regard to the concern shown by the Spanish Muslim community, and its efforts to establish documentary evidence and place Mr Nanakli in the hands of the Spanish courts,
- E. having regard to the case of Derek Rocco Barnabei, sentenced to death by the Virginia State Court for the murder of a young woman in 1993, and who is scheduled to be executed at the beginning of the year 2000,
- F. whereas according to the condemned man's lawyers there is abundant proof of his innocence and this is supported by the findings of various experts, who reject the possibility that he was involved in any way; whereas in the opinion of leading US legal specialists, there has been a grave judicial error made in his case,
- G. whereas any sentence passed by a court should have the purpose of re-educating the guilty party, so that, having served his sentence, he can rejoin civil society as a fully rehabilitated, new person, able to lead a normal life amongst and with his fellow citizens,
- 1. Calls upon those countries where the death penalty is carried out to take the necessary steps towards definitive abolition;
- 2. Calls on the Council and its President-in-Office to exploit all possible ways and means of preventing the execution of Mr Nanakli and Mr Barnabei;
- 3. Asks that in the view of abundant evidence which might reverse his sentence, the relevant courts should offer Derek Rocco Barnabei a retrial, and that the death sentence therefore be suspended;
- 4. Appeals urgently to the Governor of the State of Virginia to refrain from signing any new warrant of execution against Derek Rocco Barnabei and calls for commutation of the death penalty to which he has been condemned;
- 5. Repeats its request to the Council that it consider including the abolition of the death penalty as part of the human rights clause in agreements with third countries;

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6. Calls on its delegation for relations with the USA to raise the issue at its next meeting with the members of Congress;
7. Instructs its President to forward this resolution to the Council and the Commission, the chairman of the UN Human Rights Commission, the Prime Minister of Yemen, the Government of the United States and the Governor of the State of Virginia.

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