



10.3.2010

B7-0191/2010 }  
B7-0193/2010 }  
B7-0194/2010 }  
B7-0197/2010 }  
B7-0198/2010 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

ALDE (B7-0191/2010)

S&D (B7-0193/2010)

PPE (B7-0194/2010)

GUE/NGL (B7-0197/2010)

Verts/ALE (B7-0198/2010)

on South Korea – death penalty declared legal

**Christian Ehler, José Ignacio Salafranca Sánchez-Neyra,  
Elżbieta Katarzyna Łukacijewska, Cristian Dan Preda, Bernd Posselt,  
Eija-Riitta Korhola, Monica Luisa Macovei, Filip Kaczmarek, Sari Essayah,  
Mario Mauro, Laima Liucija Andrikienė, Tunne Kelam, Martin Kastler**  
on behalf of the PPE Group

**Hannes Swoboda, David Martin, George Sabin Cutaş, Peter Simon**  
on behalf of the S&D Group

**Marielle De Sarnez**  
on behalf of the ALDE Group

**Barbara Lochbihler, Gerald Häfner, Heidi Hautala, Sandrine Béliet**  
on behalf of the Verts/ALE Group

**Marie-Christine Vergiat**  
on behalf of the GUE/NGL Group

RC\808474EN.doc

PE439.707v01-00}  
PE439.709v01-00}  
PE439.710v01-00}  
PE439.713v01-00}  
PE439.714v01-00} RC1

## European Parliament resolution on South Korea – death penalty declared legal

*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 in those countries where the death penalty is still applied,
  - having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty (on the report of the Third Committee (A/62/439/Add.2)),
  - having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 3 June 1998,
  - having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the European Union is strongly committed to the abolition of the death penalty and is striving to achieve universal acceptance of this principle,
- B. whereas, on 25 February 2010, the Constitutional Court of the Republic of Korea ruled by a 5-4 majority that capital punishment is constitutional, and whereas, however, the judges also underlined that the issue of whether to retain or abolish the death penalty should be debated in the National Assembly rather than in the course of constitutional proceedings,
- C. whereas the Constitutional Court adopted its ruling by a vote of 5 in favour to 4 against, and whereas the 1996 ruling was adopted by 7 votes to 2,
- D. whereas the Constitutional Court took its decision in response to a petition filed by a 72-year-old Korean man convicted of killing four tourists in 2007, who claimed that capital punishment infringed his constitutional guarantee of dignity,
- E. whereas the Republic of Korea has more than 55 prisoners facing confirmed death sentences,
- F. whereas the last execution in the Republic of Korea took place in December 1997; whereas, under the newly inaugurated President Kim Dae-jung, who had himself been sentenced to death in 1980 before being pardoned, capital punishment ceased to be applied, and whereas for the last 13 years the Republic of Korea has belonged to the group of nations that are ‘abolitionist in practice’,
- G. whereas in 2006 the National Human Rights Commission proposed a draft law on abolition of the death penalty,

RC\808474EN.doc

PE439.707v01-00}  
PE439.709v01-00}  
PE439.710v01-00}  
PE439.713v01-00}  
PE439.714v01-00} RC1

- H. whereas on 18 December 2007 the UN General Assembly adopted, by a large majority, a resolution asking countries that practise the death penalty to ‘establish a moratorium on executions with a view to abolishing the death penalty’, the content of which was reaffirmed in a second resolution adopted on 18 December 2008,
1. Recognises that the Republic of Korea has not carried out any executions since 1998, making it a *de facto* abolitionist country; welcomes improvements in the protection and promotion of human rights there;
  2. Is deeply disappointed at the decision by the Republic of Korea’s Constitutional Court to uphold the death penalty, but notes that the ruling was adopted by a very small majority, unlike the 7-2 verdict in 1996;
  3. Expresses its support for movements fighting for the abolition of the death penalty in the Republic of Korea;
  4. Reiterates its general opposition to the death penalty, which is at odds with a modern criminal justice system and, contrary to popular belief, does not reduce crime rates;
  5. Encourages the Republic of Korea to institute a legal moratorium on all executions until Parliament has passed a law abolishing the death penalty;
  6. Calls on the Government of the Republic of Korea to support the UN resolution on the abolition of the death penalty, and to decide to co-sponsor or vote in favour of a resolution to be submitted to the General Assembly;
  7. Notes with satisfaction that a clear majority of the world’s countries – representing more than two-thirds of the international community – have now completely abolished capital punishment *de jure* or instituted *de facto* moratoria on executions;
  8. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Government of the Republic of Korea and the National Human Rights Committee of Korea (NHRCK).