

## **P7\_TA(2011)0342**

### **India, in particular the death sentence on Davinder Pal Singh**

#### **European Parliament resolution of 7 July 2011 on India, in particular the death sentence on Davinder Pal Singh**

*The European Parliament,*

- having regard to United Nations General Assembly Resolution 63/168, which calls for the implementation of United Nations General Assembly Resolution 62/149 of 18 December 2007, whereby 106 countries voted in favour of a resolution calling for a worldwide moratorium on death sentences and executions, with 34 abstentions and only 46 votes against the resolution,
  - having regard to United Nations General Assembly Resolution 65/206 of 21 December 2010 on a moratorium on the use of the death penalty,
  - having regard to the EU Guidelines on the Death Penalty,
  - having regard to its resolution of 27 September 2007 on a universal moratorium on the death penalty<sup>1</sup>,
  - having regard to the 1994 Cooperation Agreement between the European Community and the Republic of India,
  - having regard to the EU-India Thematic Dialogue on Human Rights,
  - having regard to Article 2 of the Charter of Fundamental Rights of the European Union,
  - having regard to its resolution of 7 October 2010 on the World day against the death penalty<sup>2</sup>,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas in 2011 – up to May – executions have taken place in only nine countries, which is a clear indication that there is increasing global recognition of the cruel and inhumane nature of capital punishment,
- B. whereas India has not implemented the death penalty since 2004,
- C. whereas clearance has been given for the execution of two convicts,
- D. whereas, on the recommendation of the Union Home Ministry, the President of India, Pratibha Patil, has rejected the review petitions filed under Article 72 of the Indian Constitution on behalf of Davinder Pal Singh Bhullar, of Punjab, and Mahendra Nath Das, of Assam,

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<sup>1</sup> OJ C 219E, 28.8.2008, p. 306.

<sup>2</sup> Texts adopted, P7\_TA(2010)0351.

- E. whereas Mahendra Nath Das was sentenced to death in 1997 after being convicted of murder charges, whereas all legal remedies have been exhausted and whereas his execution has been suspended until 21 July 2011 by the Gauhati High Court in Assam (north-east India), as the Indian Government has sought time to respond to the Court,
- F. whereas Davinder Pal Singh Bhullar was sentenced to death on 29 August 2001 after being found guilty of involvement in the 1993 bombing of the Youth Congress Office in New Delhi,
- G. whereas the circumstances surrounding the return of Davinder Pal Singh Bhullar to India from Germany and the prolonged stay on death row of Mahendra Nath Das raise questions,
- H. 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 in terms of promoting and protecting human rights,
1. Expresses grave concern that the Government of India may revive the application of the death penalty after a seven-year *de facto* moratorium, thereby bucking the worldwide trend towards the abolition of capital punishment;
  2. Reiterates its firm support for the UN General Assembly's call to establish a moratorium on executions with a view to abolishing the death penalty;
  3. Urgently appeals to the Government of India not to execute Davinder Pal Singh Bhullar or Mahendra Nath Das, and to commute their death sentences;
  4. Calls on the Indian authorities to deal with the cases of Davinder Pal Singh Bhullar and Mahendra Nath Das case in a particularly transparent manner;
  5. Calls on the Government and Parliament of India to adopt legislation introducing a permanent moratorium on executions with the goal of abolishing the death penalty in the near future;
  6. Instructs its President to forward this resolution to the President, Government and Parliament of India, India's Minister for Law and Justice, India's Home Minister, the UN High Commissioner for Human Rights, the High Representative of the Union for Foreign Affairs and Security Policy, the Commission, and the governments and parliaments of the Member States.