

EUROPEAN PARLIAMENT

2004



2009

Session document

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110 of the Rules of Procedure

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replacing motion (B7-0417/2010) tabled by EPP-ED Group

replacing motion (B7-435/2010) tabled by PSE Group

replacing motion (B7-418/2010) tabled by ALDE Group

replacing motion (B7-436) tabled by Verts/ALE

replacing motion (B7-437) tabled by ECR Group

replacing motion (B7-438) tabled by GUE/NGL Group

replacing motion (B7-414) tabled by EFD Group

on : Venezuela, notably the case of Maria Lourdes Afiuni

The European Parliament

- having regard to its previous resolutions on the situation in Venezuela and, in particular, those of 11 February 2011, 7 May 2009, 23 October 2008 and 24 May 2007,
 - having regard to Rule 122 (5) of its Rules of Procedure,
- A. considérant que la séparation des pouvoirs et l'indépendance de celles-ci constituent la base de l'état démocratique et de droit,
- B. whereas Maria Lourdes Afiuni, Judge of Control of Caracas, on December the 10th 2009, acting under Venezuelan laws and following an opinion of the Working Group on Arbitrary Detention of the United Nations, granted parole (under severe restrictions including the passport withdrawal) to Eligio Cedeño, in pre-trial detention since February 2007,
- C. Whereas the pretrial detention period is limited to two years under Venezuelan law and whereas Judge Afiuni in issuing the decision upheld fundamental rights protected under Venezuelan and international law;
- D. whereas Judge Afiuni was immediately arrested, without previous imputation, at the Court by officials of the DISIP (Directorate of Intelligence and Prevention) and on December the 12th moved to INOF (Instituto Nacional de Orientación Femenina), a maximum security prison, where she still remains more than six months later, under conditions which continue to endanger to her physical and moral well-being as up to 24 inmates where convicted by her for crimes such as homicides, drug trafficking and kidnapping. Since her detention she has been subjected to insults, threats, verbal and physical aggressions and attacks to her life,
- E. whereas on December the 11th, President Hugo Chávez in a speech broadcasted on TV, called her a bandit, asking the attorney general to apply the maximum penalty and even urging the National Assembly to pass a new law to aggravate sentences for this type of behaviour and to be enforced retroactively,
- F. whereas art. 26 of the Venezuelan Constitution states that the judiciary should be autonomous and independent,(EFD C) et que le Président de la République du Venezuela doit être garant de l'indépendance de la magistrature
- G. considérant les déclarations du président de la République contre la juge, elle a été accusée d'abus de pouvoir, corruption, conspiration et évasion organisée, et malgré le fait que le fiscal a montré qu'elle n'avait pas reçu d'argent et donc ne pouvait pas y avoir de corruption, elle reste toujours en prison
- H. whereas Judge Afiuni's situation has prompted a string of reports, resolutions and statements condemning the Venezuelan authorities, and in solidarity with her as lawyers and magistrates from around the world, NGOs such as Amnesty International or Human Rights Watch, the United Nations High Commissioner for Human Rights have had expressed their concern on Maria Lourdes Afiuni's situation, stating that she is jailed because of her integrity and fight for the independence of judiciary and the Inter-American Commission on Human Rights requesting precautionary measures to ensure her personal safety,

- I. Considérant que le cas de la juge Afiuni n'est pas un cas isolé d'attaques du pouvoir politique contre le pouvoir judiciaire, certains juges ayant été déchargés de leurs responsabilités, d'autres ayant choisi l'exil;
- J. whereas the democratic deterioration in Venezuela is manifest in other areas as well, particularly the freedom of press, including on the internet, which has been constantly attacked by the Government and against which all sort of measures have been taken, including shutting down of newspaper, radiochannels, websites and televisionstations,
- K. considérant que la liberté des médias est d'une importance primordiale pour la démocratie et pour le respect des libertés fondamentales, compte tenu du rôle essentiel qu'elle joue en garantissant la liberté d'exprimer ses opinions et ses idées, en respectant dûment les droits des minorités, y compris ceux des oppositions politiques, et en contribuant à faire participer effectivement les individus aux processus démocratiques, de façon à permettre des élections libres et équitables,
- L. Whereas in view of the next legislative elections on 26 September, the Electoral National Council, at the request of the government, has modified the electoral circuits to elect 167 deputies of the National Assembly, changes that affect up to 80% of the states governed by the opposition,
- M. whereas measures such as arbitrary confiscation and expropriation, more than 760 enterprises since 2005, some of which affect EU interests, undermine the basic social and economic rights of citizens,
- N. having regard to the tense political situation in Venezuela, reflected in the harassment, threats, intimidation and political and criminal persecution directed at the democratic opposition, its representatives, its democratically elected mayors and governors, the student movement, members of the army and the judiciary powers, dissidents of Chavez official policy, journalists and the media, which has ended with many of them in prison by political reasons,
1. Déploire les attaques sur l'indépendance du pouvoir judiciaire et exprime sa préoccupation face à l'arrestation de la juge Afiuni and considers it as a violation of her basic personal rights and a very serious threat to the independence of the judicial power, as the basic pillar of the rule of law ;
 2. Demande sa mise en liberté and calls on the Venezuelan government to be committed to the values of the rule of law facilitating a fair, rapid process with all the legal guaranties;
 3. Exprime ses inquiétudes concernant les conditions de réclusion de la juge, dont les conditions de détention menacent son intégrité physique et morale et demande aux autorités pénitentiaires d'appliquer strictement et immédiatement les mesures et recommandations dictées par la Commission Interaméricaine des Droits de l'Homme, le 11 janvier dernier, vis-à-vis les conditions d'arrestation de Mme Afiuni,
 4. Condemns the public statements made by the President of the Republic of Venezuela, insulting and denigrating the Judge, demanding a maximum sentence and requesting the modification of the law to enable the application of a greater penalty; these statements

aggravate the circumstances of her detention and constitute an attack on the judicial independence by the President of a nation who should be its first guarantor;

5. Reminds the Government of the Bolivarian Republic of Venezuela of its obligation to respect freedom of expression and opinion and freedom of the press and respect the independence of the judiciary as it is bound to do under its own Constitution and under the different international and regional conventions and charters to which Venezuela is a signatory; Believes that the Venezuelan media should guarantee pluralistic coverage of Venezuelan political and social life;
6. Demande à la haute représentante/vice-présidente de la Commission d'entamer des demandes auprès des autorités vénézuéliennes pour montrer la préoccupation de l'UE vis-à-vis du respect des droits de l'homme et de la démocratie, de l'état de droit dans ce pays sud-américain et de défendre fermement les intérêts et les propriétés des citoyens et sociétés des pays membres de l'UE,
7. Points out that, under the Organisation of American States' Inter-American Democratic Charter, in a democracy, in addition to clear and necessary legitimacy of origin, grounded in and obtained at the polls, legitimacy of exercise must also be complied with, and this must be founded on respect for pluralism, the established rules, the constitution in force, the laws and the rule of law as a guarantee of a fully functioning democracy, and this must of necessity include respect for peaceful and democratic political opposition, especially where that opposition has been elected in the polls and enjoys a popular mandate;
8. Calls upon the Venezuelan Government, with a view to the parliamentary elections on 26 September, to respect the rules of democracy and the principles of freedom of expression, assembly, association and election as well as to invite the European Union and International organism to observe these elections;
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the Government and National Assembly of Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.