



EUROPEAN PARLIAMENT

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Plenary sitting

18.1.2011

B7-0065/2011

MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on Brazil: extradition of Cesare Battisti

Hannes Swoboda, Gianni Pittella, David-Maria Sassoli
on behalf of the S&D Group

European Parliament resolution on Brazil: extradition of Cesare Battisti

The European Parliament,

- having regard to its resolution of 5 February 2009 on the refusal to extradite Cesare Battisti from Brazil¹,
- having regard to its recommendation to the Council of 12 March 2009 on the European Union-Brazil Strategic Partnership² and in particular paragraph 1(n) where the mutual recognition of the definitive judgements is expressly mentioned,
- having regard to the Framework Agreement for Cooperation between the European Community and the Federative Republic of Brazil,
- having regard to Treaty of the European Union, and its principles on democracy and rule of law on which the European Union is founded,
- having regard to Rule 122 of its Rules of Procedure,

A. whereas the partnership between the EU and Brazil rests on mutual confidence on the respect of democracy, the rule of law and fundamental rights,

B. whereas the Italian citizen Cesare Battisti has been declared guilty in 7 trials and sentenced in absentia to life imprisonment, in final judgements handed down by the Italian courts, of four murders and of involvement in an armed group, robbery, possession of fire-arms,

C. whereas Cesare Battisti went into hiding until he was arrested in Brazil in March 2007,

D. whereas Cesare Battisti lodged an application with the European Court of Human Rights in respect of his extradition to Italy, and whereas that application was declared inadmissible in December 2006,

E. whereas the provisions and rules of the Extradition Treaty of 1989 between Italy and the Federative Republic of Brazil aim at defining the modalities of the cooperation between the authorities of the two States in the field of extradition in the full respect of the guarantees provided in the respective law systems,

F. whereas on 18 November 2009 the Brazilian Supreme Court decided to grant the

¹ OJ C 67 E, 18.3.2010, p. 146

² OJ C 87 E, 1.4.2010, p. 168

extradition of Cesare Battisti and authorized the President of the Federative Republic of Brazil in office at the time to release the prisoner to Italy, in conformity with the rules of the Extradition Treaty between Italy and Brazil,

G. whereas economic, trade and political relations between Brazil and the European Union are excellent and buoyant and are founded, inter alia, on shared principles such as respect for human rights and the rule of law,

H. whereas on 18 November 2009 the Brazilian Supreme Court decided to concede the extradition of Cesare Battisti and authorized the then incumbent President of the Federative Republic of Brazil to release the prisoner to Italy, in conformity with the rules of the Extradition Treaty between Italy and Brazil,

I. whereas the President in office at the time decided to refuse the extradition of Cesare Battisti on 31 December 2010,

I. whereas this decision is being challenged by the Italian Government before the Brazilian Supreme Court,

J. whereas the lawyers of Cesare Battisti formally applied to the same Court for his immediate release,

1. Acknowledges that the respect of legality and independence of the judicial power, including the fair treatment of the citizens who have been condemned, is incorporated into the basic values of the European Union and of its Member States as well as of Brazil;

2. Points out that the partnership between the European Union and the Federative Republic of Brazil is based on the mutual understanding that both parties uphold the rule of law and fundamental rights, including the right of defence and the right to a fair and equitable trial;

3 Expresses the confidence that, in the light of such considerations, competent Brazilian authorities will exercise their right and duty to process the new request of the Italian government to review the decision on the extradition of the terrorist, Battisti, exploring ways leading to a correct interpretation of the bilateral treaty on extradition;

4. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Vice-President of the European Commission / High Representative for Foreign Policy, the Brazilian Government, the President of the Federative Republic of Brazil, the President of the Brazilian Congress and the President of the Delegation for relations with Mercosur.