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Plenary sitting

9.3.2015

B8-0244/2015

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in Venezuela
(2015/2582(RSP))

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on behalf of the ALDE Group

**European Parliament resolution on the situation in Venezuela
(2015/2582(RSP))**

The European Parliament,

- having regard to its previous resolutions on the situation in Venezuela, in particular that of 27 February 2014 on the situation in Venezuela¹ and that of 18 December 2014 on the persecution of the democratic opposition in Venezuela²,
 - having regard to its resolution of 20 April 2012 on the legal security of European investments outside the European Union³,
 - having regard to the press statements of 23 February 2015 by the spokesperson for Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the arrest of Caracas Mayor Antonio Ledezma and the situation in Venezuela,
 - having regard to the statement by the Inter-American Commission on Human Rights (IACHR) of 24 February 2015,
 - having regard to the opinion of 26 August 2014 of the Working Group on Arbitrary Detention of the Commission on Human Rights of the General Assembly of the United Nations,
 - having regard to the statement of 20 October 2014 by the UN High Commissioner for Human Rights on the detention of protesters and politicians in Venezuela,
 - having regard to the International Covenant on Civil and Political Rights, to which Venezuela is a party,
 - having regard to the Amnesty International Report 2014/2015 entitled ‘The State of the World’s Human Rights’, released on 25 February 2015, and to the Human Rights Watch report on Venezuela entitled ‘New Military Authority to Curb Protests’, released on 12 February 2015,
 - having regard to the Inter-regional Framework Cooperation Agreement concluded in 1999 between the EU and Mercosur,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas on 19 February 2015 Antonio Ledezma, twice democratically elected Mayor of the Metropolitan District of Caracas and veteran opposition leader, was arbitrarily detained by officers of the Bolivarian Intelligence Service (Sebin), who failed to

¹ Texts adopted, P7_TA(2014)0176.

² Texts adopted, P8_TA(2014)0106.

³ OJ C 258E, 7.9.2013, p. 84.

produce an arrest warrant or any evidence of his having committed an offence; whereas following his detention, Antonio Ledezma was charged with conspiracy and association to commit crimes and imprisoned at the Ramo Verde military prison;

- B. whereas holding civilians in custody in a military prison is incompatible with international standards; whereas Venezuela has the obligation to guarantee the life, humane treatment and safety of all persons deprived of liberty, and to guarantee conditions of detention that are in line with applicable international standards;
- C. whereas the presumption of innocence can be considered to have been violated when a person facing criminal charges is subject to pre-trial detention without proper justification, as in that case the detention becomes a punitive rather than precautionary measure;
- D. whereas according to local and international organisations, one year after the peaceful demonstrations more than 1 700 protesters await trial, more than 69 remain jailed, and at least 40 people have been killed in the protests, their murderers remaining unaccountable; whereas the protesters have been met with excessive force and systematic violence on behalf of the police, members of the National Guard and violent and uncontrolled armed pro-government groups;
- E. whereas the intimidation and mistreatment of imprisoned opposition leaders and students who participated in the 2014 protests have increased; whereas Leopoldo López, Daniel Ceballos and other opposition politicians remain arbitrarily detained, María Corina Machado was unlawfully and arbitrarily removed from office, deprived of her mandate and expelled from the Venezuelan Parliament, and the Venezuelan Government is threatening to lift the immunity of the parliamentarian Julio Borges;
- F. whereas members of the Supreme Court have openly rejected the principle of separation of powers, publicly pledged their commitment to advancing the government's political agenda, and repeatedly ruled in favour of the government, validating the government's disregard for human rights; whereas in December 2014, the pro-government majority of the National Assembly appointed 12 new members to the Supreme Court through a simple majority vote, after failing to obtain a two-thirds majority, for which a consensus with the opposition would have been necessary; whereas a court-packing law adopted in 2004 provides that a simple majority vote is valid only if a two-thirds majority vote is not obtained after voting three times;
- G. whereas new Defence Ministry resolution 8610 allows the military to use firearms to control 'public meetings and peaceful demonstrations'; whereas according to Article 68 of the Venezuelan Constitution, the use of firearms and toxic substances to control peaceful demonstrations is prohibited; whereas under international standards, the use of military forces in public security operations should be limited;
- H. whereas on 24 February 2015 the 14-year-old student Kluivert Roa was shot dead during a demonstration about the scarcity of food and medicine in San Cristóbal, in Táchira State; whereas on 25 February 2015 the Attorney General's Office stated that a police officer had been charged with intentional homicide, amongst other crimes;

- I. whereas freedom of expression and the right to take part in peaceful demonstrations are the cornerstones of democracy; whereas equality and justice for all are impossible without respect for the fundamental freedoms and rights of every citizen; whereas there are many reports confirming that the media are being subject to increasing censorship and intimidation;
 - J. whereas according to the latest polls, 7 out of 10 Venezuelans consider that the situation in Venezuela is negative; whereas the state's failure to maintain law and order has led to Venezuela becoming one of the most violent countries in the world;
 - K. whereas only respect for fundamental rights and freedoms, and constructive and respectful dialogue conducted in a spirit of tolerance can help the country emerge from this serious crisis and overcome future difficulties;
 - L. whereas Article 207 of the Treaty on the Functioning of the European Union (TFEU) establishes that European investments in third countries are a fundamental element of the Common Trade Policy of the European Union and are consequently an intrinsic part of its external action policy, and whereas under the Treaty of Lisbon, foreign direct investment (FDI) is an exclusive EU competence, as enshrined in Articles 3(1)(e), 206 and 207 TFEU;
1. Calls on the Venezuelan authorities to immediately release Antonio Ledezma, Leopoldo López, Daniel Ceballos, and all peaceful protesters, students and opposition leaders arbitrarily detained for exercising their right to freedom of expression and fundamental rights, in line with the demands made by several UN and international organisations; calls on the Venezuelan authorities to withdraw the unfounded accusations against them;
 2. Calls on the Venezuelan authorities to ensure that Antonio Ledezma, Leopoldo López, Daniel Ceballos, and all other political prisoners are given any medical attention they may require, as well as immediate, private and regular access to their families and to lawyers of their choice; is deeply concerned about the deterioration of the condition of prisoners;
 3. Condemns the political persecution and repression of the democratic opposition and of those who identify themselves with the opposition to the government, and urges the Venezuelan Government to avoid criminalising them; reminds the authorities that opposition voices are imperative for a democratic society;
 4. Is deeply concerned about the worsening situation in Venezuela and condemns the use of violence against demonstrators; calls on the Venezuelan Government to respect its own constitution in not using firearms and toxic substances to control pacific demonstrations, and urges the government to revoke resolution 8610; expresses its condolences to the families of the victims and in particular to the family of Kluivert Roa;
 5. Reminds the Venezuelan Government that freedom of expression, the right to participate in peaceful demonstrations and political pluralism are fundamental human rights in a democracy, as recognised in the Venezuelan Constitution; stresses that the

Venezuelan Government has a particular responsibility to comply with the rule of law and international law as a non-permanent member of the United Nations Security Council;

6. Calls on the Venezuelan Government to ensure that accusations are investigated swiftly and impartially, with no margin of impunity, in full respect of the principle of presumption of innocence and due legal process; recalls that respect for the principle of separation of powers is fundamental in a democracy and that the justice system cannot be used as a political weapon; calls on the Venezuelan authorities to ensure the security of all citizens in the country, regardless of their political views and affiliations;
7. Calls on the Venezuelan authorities, in view of the upcoming parliamentary elections, to use this period to establish an inclusive political process based on consensus and joint ownership, through a genuine national dialogue with the meaningful participation of all democratic political forces in the framework of democracy, the rule of law and the full observance of human rights; calls on both sides, moreover, to discuss the most serious problems facing the country in order to undertake the necessary economic and governance reforms; calls on the Venezuelan authorities to secure the holding of free and fair parliamentary elections in a fully inclusive process with the participation of all democratic actors;
8. Welcomes the initiative by the Union of South American Nations (UNASUR) to open channels of dialogue and understanding between the conflicting parties, and to guarantee public safety and protection, together with a return to calm and normality in Venezuela;
9. Urges the EU, the Member States and the international community to make statements and take measures to show solidarity with the Venezuelan people during this difficult period;
10. Recalls that the objective of the ongoing negotiations on the Association Agreement between the EU and Mercosur is to introduce a framework for economic integration and political dialogue between the two blocs in order to achieve the highest degree of progress and prosperity for both regions, and believes that for such negotiations to be successful, both sides have to approach the talks in a spirit of openness and mutual trust; urges the Commission and the Council to explore and adopt any measures required to safeguard European interests and the principle of legal certainty of European enterprises in Venezuela;
11. Asks the European External Action Service (EEAS) and the EU Delegation to Venezuela, as well as the Member State delegations to the country, to continue to closely observe the investigations and the trial hearings of opposition leaders; recalls its demand for an ad hoc European Parliament delegation to be sent to assess the situation in Venezuela and to hold a dialogue with all sectors involved in the conflict as soon as possible;
12. Calls on the EU, its Member States and VP/HR Federica Mogherini to call for the immediate release of the protesters who have been arbitrarily arrested since the start of the protests;

13. Calls on the Council to adopt targeted sanctions and other measures against authorities and any other persons responsible for the violation of the rights of protesters and the democratic opposition;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and National Assembly of the Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.