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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 115 of the Rules of Procedure

by Cristiana Muscardini, Roberta Angelilli

on behalf of the UEN Group

on the refusal to extradite Cesare Battisti from Brazil

European Parliament resolution on the refusal to extradite Cesare Battisti from Brazil

The European Parliament,

- having regard to the refusal to extradite Cesare Battisti from Brazil;
- having regard to Rule 115 of its Rules of Procedure,

A. whereas Cesare Battisti has been sentenced by the Italian judiciary authorities for having committed four homicides;

B. whereas on 30 June 2004 the French authorities authorised the handing over of Cesare Battisti, who was detained in this country for such crimes, to the Italian authorities;

C. whereas Cesare Battisti made an appeal to the European Court on Human Rights against his extradition to Italy and this appeal was declared inadmissible in December 2006;

D. whereas on 17 January 2009 Cesare Battisti was declared a political refugee by the Brazilian government and therefore his extradition has been refused;

E. whereas this decision may be interpreted as a sign of distrust towards the European Union which is founded, inter alia, on respect for fundamental rights and the rule of law, which also include the rights of the detainees, and these principles are shared by all Member States;

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

G. whereas Brazil is assuming with the full support of all Member States a major role at international level and its participation to the G-20 meeting in Washington last November and its future participation at such meetings are a sign of this increasing responsibility at a global level,

1 Takes note that a judiciary proceeding is pending and the final decision of the Brazilian authorities should be pronounced in the coming weeks;

2 Trusts that the re-examination of the decision on the extradition of Mr Battisti will take into account the judgment delivered by a Member State of the European Union in full respect for the principles of the rule of law in the European Union;

3 Hopes that, in the light of such considerations, the Brazilian authorities will reach a decision founded on common principles shared by Brazil and the European Union;

4. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and the government of Brazil.