



EUROPEAN PARLIAMENT

2009 - 2014

Session document

6.7.2010

B7-0418/2010

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 Venezuela, notably the case of Maria Lourdes Afiuni

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on behalf of the ALDE Group

European Parliament resolution 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. whereas on 10 December 2009 Maria Lourdes Afiuni, Judge of Control of Caracas, 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 withdrawal of his passport) to Eligio Cedeño, who had been held in pre-trial detention since February 2007,
- B. whereas Judge Afiuni was immediately arrested, without previous imputation, at the Court by officials of the DISIP (Directorate of Intelligence and Prevention) and on 12 December 2009 was moved to the 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 who were convicted by her for crimes such as homicide, drug trafficking and kidnapping, whereas since her detention she has been subjected to insults, threats, verbal and physical aggression and attacks on her life,
- C. whereas on 11 December 2009, 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 impose harsher sentences for this type of behaviour, to be enforced retroactively,
- D. whereas this case is especially serious because it is a clear violation of her most basic human rights and because it also is a serious attack on the independence of the judiciary, a basic pillar of the rule of law, the Statements of the Head of the State dictating to the Courts how to decide, thus reducing the judiciary to a presidential annex,
- E. whereas, following her arrest and the statements made by President Chavez, Judge Afiuni has been accused of four crimes: corruption, complicity in evasion, criminal conspiracy and abuse of power, whereas at the preliminary audience, which took place, after being delayed several times, on 17 May 2010, the prosecutor recognised that she had not received any money from Cedeño but whereas the presiding judge ordered her continued detention in prison thus making clear that a fair decision from Venezuelan courts in this case is hardly to be expected,
- F. whereas Judge Afiuni's situation has prompted a string of reports, resolutions and statements condemning the Venezuelan authorities and whereas, in solidarity with her,

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 has been jailed because of her integrity and her fight for the independence of judiciary and the Inter-American Commission on Human Rights requesting precautionary measures to ensure her personal safety,

- G. whereas the deterioration of democracy in Venezuela is also manifest in other areas, 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, radio stations, websites and television stations,
 - H. whereas a new category of political prisoners has emerged, namely persons who are being detained due to the nature of their business and not for mere political reasons, which allows the regime to maintain an appearance of legitimacy, while the rights of these people are violated in the most brutal way and official lies prevail,
 - I. whereas Venezuela is the country with the largest energy reserves in Latin America and whereas measures such as arbitrary confiscation and expropriation, some of which affect EU interests, undermine the basic social and economic rights of citizens,
 - J. whereas measures are designed to obtain control over and gag the media, if not to curtail the democratic rights to freedom of expression and information, as the OAS, through the Inter-American Commission on Human Rights, has warned that moves to take channels off the air has enormous repercussions in terms of the right to freedom of expression,
 - K. whereas media freedom is of primary importance for democracy and respect for fundamental freedoms, given its essential role in guaranteeing the free expression of opinions and ideas, with due respect for the rights of minorities, including political oppositions, and in contributing to people's effective participation in democratic processes, enabling the holding of free and fair elections,
 - L. whereas, in view of the forthcoming legislative elections on 26 September 2010, 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,
1. Deplores the detention of Judge Maria Lourdes Afiuni and considers it 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. 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; believes that these statements aggravate the circumstances of her detention and constitute an attack on the independence of the judiciary by the President of a nation who should be its first guarantor;
 3. Expresses its awareness of the Judge's prison conditions where her moral and physical

integrity is constantly under threat of harm and insists that the prison authorities apply with the maximum precision and speed the precautionary measures requested by the Inter-American Commission of Human rights;

4. 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 that will enable the release of Judge Afiuni;
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, 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. Is deeply worried by the drift towards dictatorship shown by the government of President Hugo Chávez, whose actions are directed towards weakening the democratic opposition and restricting the rights and freedoms of citizens;
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 on the Venezuelan Government, with a view to the parliamentary elections on 26 September 2010, 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 bodies 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.

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