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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 122 of the Rules of Procedure

on Venezuela, Maria Lourdes Afiuni case

Charles Tannock, Edvard Kožušník, Michał Tomasz Kamiński, Tomasz Piotr Poręba, Zbigniew Ziobro, Ryszard Antoni Legutko, Adam Bielan
on behalf of the ECR Group

European Parliament resolution on Venezuela, Maria Lourdes Afiuni case

The European Parliament,

- having regard to its previous resolutions on the situation in Venezuela and, in particular, those of 7 May 2009, 23 October 2008, 24 May 2007, 7 May 2009, 23 October 2008, 24 May 2007 and 10 February 2010,

– having regard to Rule 122(5) of its Rules of Procedure,

A. having regard to the tense political situation in Venezuela, which in recent times has experienced an alarming slide towards authoritarianism involving changes to the rules on democracy, the independence of the judiciary, the freedom of expression and the rights of political opponents,

B. having regard to the absence of an effective separation and independence of the public branches of power in Venezuela,

C. whereas reprisals for exercising constitutionally guaranteed functions and creating a climate of fear among the judiciary and lawyers undermine the rule of law and obstruct the justice in Venezuela,

D. whereas a Venezuelan judge, Maria Lourdes Afiuni, was arrested on 10 December 2009 by intelligence police officers after ordering the conditional release pending trial of Eligio Cedeño, whose detention was declared arbitrary in September of the same year by the UN Working Group,

E. whereas President Hugo Chávez demanded, on national television and radio, that Judge Afiuni be sentenced to a 30-year prison term, even if new legislation was required to achieve that result, and instructed the Attorney-General and the President of the Supreme Court to punish her as severely as possible to prevent similar actions by other judges,

F. whereas Judge Afiuni is said to have been charged with corruption, being an accessory to an escape, criminal conspiracy and abuse of power, whereas she has been denied a public defender and is held in a women's prison that she shares with convicts, including some she sentenced to jail,

G. whereas President Hugo Chavez has demonstrated his fundamental disregard for the principle of judicial independence,

H. whereas the deterioration of democracy in Venezuela is also manifest in other areas, particularly the freedom of press which has been constantly attacked by the government and against which all sort of measures have been taken, including shutting down of

newspapers, radio and television stations,

1. Expresses its profound concern at the deterioration in the situation and in the quality of democracy in Venezuela, which is seriously threatened by concentration of power and the growing authoritarianism displayed by the President of the Republic;
2. Deplores the detention of a Venezuelan judge, Maria Lourdes Afiuni, who was arrested after ordering the conditional release of a prisoner held for almost three years without trial;
3. 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 judicial independence by the President of a nation who should be its first guarantor;
4. Expresses its awareness of the Judge's prison conditions where her moral and physical integrity is constantly under threat of harm;
5. Urges the Venezuelan Government, furthermore, to comply with the international agreements signed and ratified by Venezuela, including the American Convention on Human Rights, with specific reference to the provisions on political rights set out in Articles 23(1) thereof and Articles 2 and 25 of the International Covenant on Civil and Political Rights;
6. Calls on the country's authorities, in particular the President of the Republic, to pursue their political action through dialogue, respect for the rule of law and constitutional legality, and tolerance of political opponents, so as to ensure that the various political choices made and supported by the people of Venezuela enjoy proper influence and representation in political life;
7. 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 organisations to observe these elections;
8. Instructs its President to forward this resolution to the Council, the Commission, the Secretary-General of the Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Mercosur parliament and the Government and National Assembly of the Bolivarian Republic of Venezuela.