



EUROPEAN PARLIAMENT

2009 - 2014

Session document

6.7.2010

B7-0438/2010

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, in particular the case of Maria Lourdes Afiuni

Willy Meyer, Ilda Figueiredo
on behalf of the GUE/NGL Group

European Parliament resolution on Venezuela, in particular the case of Maria Lourdes Afiuni

The European Parliament,

- having regard to the Principle of Non-Intervention provided by the UN Charter of 1945,
- having regard to Chapter 1, Article 1, part 2 of the UN Charter that states: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”,
- having regard to Article 1 in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which state that “all people have the right of self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”,
- having regard to the legislation of the Bolivarian Republic of Venezuela, in particular the Law Against Corruption, the Organic Law Against Organised Crime and the Organic Code of Criminal Procedure,
- having regard to Article 122(5) of its Rules of Procedure,

A. whereas in 2007 banker Eligio Cedeño, former president of Canary Bank and Bolivar Bank, was arrested and imprisoned in preventive custody, accused of diverting funds, illegal acquisition of funds and smuggling,

B. whereas on 10 December 2009 a preliminary hearing took place at which judge María Lourdes Afiuni Mora changed Cedeño’s condition from deprivation of freedom to parole,

C. whereas judge Afiuni took this measure in the presence of the accused and his defence lawyers but not in presence of the Public Prosecutor, violating Articles 12 and 86 of the Organic Code of Criminal Procedure,

D. whereas the aforementioned articles ban the judge from establishing contact with one of the parties in the absence of the others,

E. whereas the prosecutors who were to take part in the preliminary hearing against Cedeño notified judge Afiuni that they were unable to attend since they were taking part in a trial of another act of indictment related to the same case,

F. whereas the judge placed Cedeño on parole in the absence of the Public Prosecutor, which gave Cedeño the opportunity to flee to Miami,

G. whereas the Venezuelan authorities applied to the Government of the United States for the extradition of Cedeño as he is a fugitive from justice,

H. whereas the Supreme Court of the Bolivarian Republic of Venezuela has recently ratified the prison sentence against Eligio Cedeño because the charges against him are still valid,

I. whereas judge Afiuni was arrested and imprisoned on charges of corruption, abuse of authority, facilitating evasion and conspiracy, as stipulated in the Law Against Corruption and the Penal Code of the Bolivarian Republic of Venezuela,

J. whereas, according to Prosecutor Luisa Ortega Díaz, Judge María Lourdes Afiuni might have accepted bribes,

1. Reaffirms that the Rule of Law and justice are in place in the Bolivarian Republic of Venezuela and that there is full independence of the judicial powers;

2. Reiterates its full respect for the independence of the Venezuelan legislation, as well as its institutions;

3. Underlines the declarations of the Ombudsman of the Bolivarian Republic of Venezuela, confirming that the activities of the Public Prosecutor and the Venezuelan courts in the case of Afiuni's imprisonment are in conformity with the Venezuelan legislation; underlines, likewise, that the Ombudsman ratified the full observance of Afiuni's fundamental rights in the detention centre;

4. Stresses that on 18 May 2010 the Public Prosecutor of Venezuela ratified the accusations against Judge María Lourdes Afiuni of corruption, abuse of authority, facilitating evasion and conspiracy, as stipulated in the Law Against Corruption and the Penal Code of the Bolivarian Republic of Venezuela;

5. Instructs its President to forward this resolution to the Council, the Commission, the Government of the Bolivarian Republic of Venezuela, the Parliament of the MERCOSUR and the EUROLAT Assembly.