



EUROPEAN PARLIAMENT

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*Plenary sitting*

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18.1.2011

B7-0050/2011

## **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 Brazil: extradition of Cesare Battisti

**Judith Sargentini, Raül Romeva i Rueda**  
on behalf of the Verts/ALE Group

**European Parliament resolution on Brazil: extradition of Cesare Battisti**

*The European Parliament,*

- having regard to the Framework Agreement for Cooperation between the European Community and the Federative Republic of Brazil,
- having regard to Treaty of the European Union, and its principles on democracy and rule of law on which the European Union is founded,
- having regard to Rule 122 of its Rules of Procedure,
  - A. whereas the Italian citizen Cesare Battisti has been declared guilty in 7 trials and sentenced in absentia to life imprisonment, in final judgements handed down by the Italian courts, of four murders and of involvement in an armed group, robbery and possession of fire-arms,
  - B. whereas Cesare Battisti went into hiding until he was arrested in Brazil in March 2007,
  - C. whereas Cesare Battisti lodged an application with the European Court of Human Rights in respect of his extradition to Italy and whereas that application was declared inadmissible in December 2006,
  - D. whereas the provisions and rules of the Extradition Treaty of 1989 between Italy and the Federative Republic of Brazil aim at defining the modalities of the cooperation between the authorities of the two States in the field of extradition in the full respect of the guarantees provided in the respective law systems,
  - E. whereas on 18 November 2009 the Brazilian Supreme Court decided to grant the extradition of Cesare Battisti and authorized the President of the Federative Republic of Brazil in office at the time to release the prisoner to Italy, in conformity with the rules of the Extradition Treaty between Italy and Brazil,
  - F. whereas the President in office decided to refuse the extradition of Cesare Battisti on 31 December 2010,
  - G. whereas this decision is being challenged by the Italian Government before the Brazilian Supreme Court,
  - H. whereas the lawyers of Cesare Battisti formally applied to the same Court for his immediate release,

1. Stresses that the respect of legality and independence of the judicial power, including the fair treatment of the citizens who have been condemned, is incorporated into the basic values of both Brazil and the European Union and of its Member States;
2. Points out that the partnership between the European Union and the Federative Republic of Brazil is based on the mutual understanding that both parties will uphold the rule of law and fundamental rights, including the right of defence and the right to a fair and equitable trial; deplores rulings in absentia, and reiterates that an extradition of Cesare Battisti, should only take place if a full retrial is guaranteed;
3. Expresses its solidarity with al the victims of terrorism and their families in Italy and other countries where offences have occurred;
4. Underlines that judicial proceedings are currently underway before the Supreme Court of Brazil, and expresses its full faith in the independence of this process;
5. Underlines that it is not up to the European Union to interfere in ongoing judicial proceedings;
6. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States.