

EUROPEAN PARLIAMENT

2004



2009

Session document

4.2.2009

B6-0076/2009 }
B6-0081/2009 }
B6-0087/2009 }
B6-0089/2009 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- Mario Mauro, Bernd Posselt, Charles Tannock, Tunne Kelam and Jean-Pierre Audy, on behalf of the PPE-DE Group
- Pasqualina Naipoletano, Gianni Pittella and Manuel Medina Ortega, on behalf of the PSE Group
- Marco Cappato, Gianluca Susta, Donato Tommaso Veraldi, Francesco Ferrari and Fabio Ciani, on behalf of the ALDE Group
- Cristiana Muscardini, Roberta Angelilli, Ryszard Czarnecki, Mario Borghezio, Konrad Szymański and Adam Bieleń, on behalf of the UEN Group

replacing the motions by the following groups:

- PPE-DE (B6-0076/2009)
- PSE (B6-0081/2009)
- UEN (B6-0087/2009)
- ALDE (B6-0089/2009)

on the refusal to extradite Cesare Battisti from Brazil

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

The European Parliament,

- having regard to its proposal for a recommendation to the Council on the European Union-Brazil Strategic Partnership,
 - having regard to the Framework Agreement for Cooperation between the European Community and the Federative Republic of Brazil,
 - having regard to the Commission communication entitled 'Towards an EU-Brazil Strategic Partnership' (COM(2007)0281),
 - having regard to the case of the Italian citizen, Cesare Battisti, whose extradition from Brazil has been requested by Italy and is being refused by the Brazilian authorities,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Cesare Battisti was convicted *in absentia*, in final judgements handed down by the Italian judicial authorities, of four murders and of involvement in an armed group, robbery, possession of fire-arms and armed acts of violence,
- B. having regard to Cesare Battisti's flight to France in 1990 and the final decision by the French Council of State and Court of Cassation to authorise his surrender to the Italian authorities,
- C. whereas following that decision Cesare Battisti went into hiding until he was arrested in Brazil in March 2007,
- D. whereas Cesare Battisti lodged an appeal with the European Court of Human Rights against his extradition to Italy, and whereas that appeal was declared inadmissible in December 2006,
- E. whereas on 17 January 2009 Cesare Battisti was declared a political refugee by the Brazilian Government, and whereas his extradition has therefore been denied on the grounds that the Italian justice system fails to provide sufficient guarantees in respect of detainees' rights,
- F. whereas the granting of political refugee status must be in keeping with the provisions of international law,
- G. whereas this decision may be interpreted as a sign of mistrust towards the European Union, which is founded, *inter alia*, on respect for fundamental rights and the rule of law, which include the rights of detainees, and whereas those principles are shared by all Member States,
- H. whereas economic, trade and political relations between Brazil and the European Union are excellent and buoyant and are founded, *inter alia*, on shared principles such as respect for human rights and the rule of law,
- I. whereas, with the full support of all the Member States, Brazil is assuming a major role at international level, and whereas its participation in the G-20 meeting in Washington last

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November and its future participation in such meetings are a sign of this increasing responsibility at global level,

1. Notes that judicial proceedings are pending and that 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 an EU Member State in full compliance with the principle of the rule of law in the European Union;
3. Expresses the hope 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. Points out that the partnership between the EU 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;
5. Instructs its President to forward this resolution to Commission, the Council, the governments of the Member States, the Brazilian Government, the President of the Federative Republic of Brazil, the President of the Brazilian Congress and the President of the Mercosur Parliamentary Committee.