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## JOINT MOTION FOR A RESOLUTION

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

- Fernando Fernández Martín, Carlos José Iturgaiz Angulo, Pilar Ayuso, Sérgio Marques, Eija-Riitta Korhola, Tunne Kelam, Laima Liucija Andrikiienė, Bernd Posselt, Charles Tannock, on behalf of the PPE-DE Group
- Renate Weber, Josu Ortuondo Larrea, Marios Matsakis, Toomas Savi, on behalf of the ALDE Group
- Cristiana Muscardini, Inese Vaidere, Hanna Foltyn-Kubicka, on behalf of the UEN Group

replacing the motions by the following groups:

- PPE-DE (B6-0273/2009)
- ALDE (B6-0281/2009)
- UEN (B6-0283/2009)

on the case of Manuel Rosales in Venezuela

## European Parliament resolution on the case of Manuel Rosales in Venezuela

*The European Parliament,*

- having regard to its previous resolutions on the situation in Venezuela and in particular its resolutions of 24 May 2007 on the Radio Caracas TV channel case in Venezuela and of 23 October 2008 on the political disqualifications in Venezuela,
- having regard to Rule 115(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, reflected in the harassment, threats, intimidation and political and criminal persecution directed at the opposition and its democratically elected mayors and governors, the student movement and journalists, and involving changes to the rules on democracy, a total lack of independence on the part of the different state powers and scant respect for the laws and Constitution of the Bolivarian Republic of Venezuela,
- B. having regard to the case of the former Presidential candidate, ex-governor of the state of Zulia, and current democratically elected mayor of the city of Maracaibo, Manuel Rosales, an opposition leader whom President Chávez has repeatedly and publicly threatened with imprisonment, and against whom he was eventually prompted to bring legal proceedings based on a 2004 complaint concerning an alleged discrepancy in an income declaration during his time as governor of the state of Zulia, a case which has every appearance of being political persecution, with no regard for due process and proper judicial guarantees, and where the verdict has been determined in advance and is clearly politically motivated,
- C. whereas, as a result of this political persecution, Manuel Rosales has requested political asylum in the neighbouring Republic of Peru, which has been granted by the Peruvian authorities in the light of the political and humanitarian aspects of the case, prompting the immediate withdrawal by Venezuela of its Ambassador to Peru,
- D. whereas these charges are clearly founded on political motives and the executive largely controls the judiciary and whereas the government is taking new measures which will contribute to reducing the autonomy of the judiciary and therefore a fair trial is hardly to be expected in Venezuela,
- E. whereas retired General Raúl Isaías Baduel, who until recently was President Chávez's Minister of Defence and who has now joined the opposition, was arrested at gunpoint by military intelligence agents on 2 April 2009 and accused of embezzling funds from the armed forces during his time as Minister of Defence,
- F. whereas opposition leader and mayor of Caracas, Antonio Ledezma, who was democratically elected on 23 November 2008, has been unable to take up his duties as mayor because the City Council premises in the Palacio de Gobierno have been illegally occupied by Bolivarian groups, with the Ministry of the Interior so far having made no effort to remove them; whereas President Chávez has recently enacted a law directly affecting the powers of the mayor, under which a hierarchical superior chosen by the President of the Republic has been appointed head of the Government of Caracas, with authority over the mayor of Caracas,

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who will be stripped of practically all his powers, including the administration of public finance, the drawing-up and implementation of development plans and supervision of the institutions of the decentralised administration of the Capital District,

- G. whereas, in addition to being stripped of practically all his powers, the mayor of Caracas is being targeted by an aggressive campaign of harassment, threats, insults and intimidation, orchestrated directly by the Presidency of the Republic,
  - H. whereas, during the month of March 2009, on the orders of the President of the Republic, many ports and airports were occupied by the military, for the most part in regions where the opposition is in power, as a result of a law restoring responsibility for the management of these facilities to the Venezuelan Government; whereas the aim of this measure is the financial restriction and economic strangulation of political opponents; whereas, under Article 164(10) of the Constitution of the Bolivarian Republic of Venezuela, the administration of ports, airports, roads and highways is the sole responsibility of state governments in cooperation with the central authorities and under no circumstances the sole responsibility of the latter,
  - I. whereas, in an unprecedented political sentence handed down by Judge Marjori Calderón, the wife of a senior PSUV leader, police commissioners Ivan Simonovis, Lázaro Forero and Henry Vivas, together with eight metropolitan police officers, were condemned without a shred of reliable evidence to 30 years' imprisonment, the maximum sentence provided for under the Venezuelan penal code, after being held in preventive custody for more than five years in police stations without natural light, following what was the longest trial in Venezuelan history and one which was plagued by irregularities and in which the most basic legal rights of the accused were flouted; whereas, furthermore, most of the 19 crimes committed on 11 April 2002, for three of which the accused have now been convicted without any evidence, have remained unpunished, despite extensive testimony, television footage and documentary evidence, indicating that clearly identifiable Bolivarian gunmen had been responsible,
  - J. whereas on various occasions the President of the Republic has spoken offensively and insultingly about any number of foreign dignitaries and yet, when he has been the target of criticism in his own country, he has reacted by ordering the immediate expulsion of any foreign nationals who dared to criticise him, including the violent expulsion of a Member of this Parliament,
  - K. whereas in February 2009 President Chávez forced through a second referendum to approve indefinite re-election of the President and all elected public offices, despite having lost the December 2007 referendum on constitutional reform which included the same proposal, thereby breaching the Venezuelan Constitution, under which the same reform proposal may not be submitted more than once during the same session of the Assembly,
  - L. whereas the Venezuelan authorities deemed undesirable the presence of an official European Parliament delegation which was due to visit the country during the first week of March 2009, following several unwarranted postponements of the visit by the Venezuelan authorities,
1. Expresses its profound concern at the deterioration in the situation and in the quality of

democracy in Venezuela, which is seriously threatened with collapse as a result of the concentration of power and the growing authoritarianism displayed by the President of the Republic;

2. Expresses its solidarity with all those suffering political persecution in Venezuela, a plight currently symbolised by the person of Manuel Rosales; welcomes the decision taken by the Peruvian Government to grant Manuel Rosales political asylum; strongly condemns the use of threats and violence, the abuse of power, defamation and the exploitation of the legal system as a political weapon designed to intimidate and eliminate opponents;
3. Points out that, under the OAS Inter-American Democratic Charter, in order to gain access to the exercise of power in a democracy, in addition to clear legitimacy of origin, grounded in and obtained at the polls, there must also be legitimacy of exercise, which must be founded on respect for the established rules, the constitution, the laws, and the rule of law as a guarantee of a fully functioning democracy and whereas this must of necessity include respect for peaceful and democratic political opposition, especially where that opposition has been elected and enjoys a popular mandate;
4. 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;
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) and Articles 2 and 25 of the International Covenant on Civil and Political Rights;
- 6.. 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.