



11.3.2015

B8-0236/2015 }
B8-0238/2015 }
B8-0244/2015 }
B8-0246/2015 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 123(2) and (4) of the Rules of Procedure

replacing the motions by the following groups:

PPE (B8-0236/2015)
ECR (B8-0238/2015)
ALDE (B8-0244/2015)
S&D (B8-0246/2015)

on the situation in Venezuela
(2015/2582(RSP))

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EN

European Parliament resolution on the situation in Venezuela (2015/2582(RSP))

The European Parliament,

- having regard to its previous resolutions on the situation in Venezuela, in particular those of 27 February 2014 on the situation in Venezuela¹ and of 18 December 2014 on the persecution of the democratic opposition in Venezuela²,
 - having regard to its resolution of 20 April 2012 on the legal security of European investments outside the European Union³,
 - having regard to the press statements of 23 February 2015 by the spokesperson for Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the arrest of Caracas Mayor Antonio Ledezma and the situation in Venezuela,
 - having regard to the statement of 26 February 2015 by the spokesperson for the UN Secretary-General on the situation in Venezuela,
 - having regard to the statement of 25 February 2015 by the Secretary-General of the Union of South American Nations (UNASUR) and former president of Colombia, Ernesto Samper, on the situation in Venezuela and the death of 14-year-old schoolboy Kluivert Roa,
 - having regard to the statement of 24 February 2015 by the Inter-American Commission on Human Rights (IACHR),
 - having regard to the opinion of 26 August 2014 of the Working Group on Arbitrary Detention of the Commission on Human Rights of the UN General Assembly,
 - having regard to the statement of 20 October 2014 by the UN High Commissioner for Human Rights on the detention of protesters and politicians in Venezuela,
 - having regard to the International Covenant on Civil and Political Rights, to which Venezuela is a party,
 - having regard to the Amnesty International Report 2014/2015 entitled ‘The State of the World’s Human Rights’, released on 25 February 2015, and to the Human Rights Watch report on Venezuela entitled ‘New Military Authority to Curb Protests’, released on 12 February 2015,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on 19 February 2015 Antonio Ledezma, twice democratically elected Mayor of the Metropolitan District of Caracas and one of the opposition leaders, was arbitrarily detained

¹ Texts adopted, P7_TA(2014)0176.

² Texts adopted, P8_TA(2014)0106.

³ OJ C 258 E, 7.9.2013, p. 84.

by heavily armed officers of the Bolivarian Intelligence Service (Sebin), who failed to produce an arrest warrant or any evidence of his having committed an offence; whereas following his detention Antonio Ledezma was charged with conspiracy and association to commit crimes – offences punishable by severe prison sentences in Venezuela – and imprisoned at the Ramo Verde military prison;

- B. whereas holding civilians in custody in a military prison is incompatible with international standards; whereas Venezuela has the obligation to guarantee the life, humane treatment and safety of all persons deprived of liberty, and to guarantee conditions of detention that are in line with applicable international standards;
- C. Whereas President Nicolas Maduro announced on national radio and television the dismantling of an alleged plan to destabilise his government by means of a coup d'état, which would have involved the leadership of the Democratic Unity Roundtable, members of the national assembly María Corina Machado and Julio Borges, and Mayor of Caracas Antonio Ledezma; whereas allegedly, these opposition leaders have also been linked to a plan to assassinate opposition leader Leopoldo López, who has been detained in a military prison for more than a year; whereas since his detention Mr López has suffered physical and psychological torture and has been subjected to solitary confinement;
- D. Whereas President Maduro has also announced bizarre alleged foreign conspiracies, destabilisation plans and assassination attempts, which have been reported by the national administration on several occasions;
- E. whereas, in the past, leaders of the democratic opposition have been accused repeatedly and groundlessly of participating in alleged plans for destabilisation and coups d'état; whereas the intimidation and mistreatment of imprisoned opposition leaders and students who participated in the 2014 protests have increased; whereas Leopoldo López, Daniel Ceballos and other opposition politicians remain arbitrarily detained, whereas María Corina Machado was unlawfully and arbitrarily removed from office and expelled from the Venezuelan parliament, and whereas the Venezuelan Government is threatening to lift the immunity of parliamentarian Julio Borges;
- F. whereas the presumption of innocence can be considered to have been violated when a person facing criminal charges is subject to pre-trial detention without proper justification, as in that case the detention becomes a punitive rather than a precautionary measure;
- G. whereas, according to local and international organisations, one year after the peaceful demonstrations more than 1 700 protesters await trial, more than 69 remain jailed, and at least 40 people have been killed in the protests, their murderers remaining unaccountable; whereas the protesters have been met with excessive force and systematic violence on the part of the police, members of the National Guard and violent and uncontrolled armed pro-government groups;
- H. whereas a democratic state must not criminalise the leaders of the political opposition and must guarantee the participation of all sectors in the political life of the country, together with the human rights of those who declare themselves part of the opposition, as stated by Human Rights Watch on 24 February 2015;

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- I. whereas members of the Supreme Court have openly rejected the principle of separation of powers, publicly pledged their commitment to advancing the government's political agenda, and repeatedly ruled in favour of the government, validating its disregard for human rights; whereas in December 2014 the pro-government majority in the National Assembly appointed 12 new members to the Supreme Court through a simple majority vote after failing to obtain a two-thirds majority, for which a consensus with the opposition would have been necessary;
- J. whereas new Defence Ministry resolution 8610 allows the military to use firearms to control 'public meetings and peaceful demonstrations'; whereas according to Article 68 of the Venezuelan Constitution the use of firearms and toxic substances to control peaceful demonstrations is prohibited; whereas under international standards the use of military forces in public security operations should be limited;
- K. whereas on 24 February 2015 the 14-year-old student Kluivert Roa was shot dead during a demonstration about the scarcity of food and medicine in San Cristóbal, in Táchira State, becoming the first victim since the authorisation of the use of firearms to quell protests; whereas on 25 February 2015 the Attorney-General's Office stated that a police officer had been charged with intentional homicide, among other crimes;
- L. whereas freedom of expression and the right to take part in peaceful demonstrations are the cornerstones of democracy; whereas equality and justice for all are impossible without respect for the fundamental freedoms and rights of every citizen; whereas there are many reports confirming that the media are being subjected to increasing censorship and intimidation;
- M. whereas Venezuela is the country with the largest energy reserves in Latin America; whereas the people of Venezuela are suffering from a grave shortage of basic commodities, whereas food prices have doubled and whereas food rationing has intensified; whereas the state's failure to maintain law and order and the growing political polarisation have led to Venezuela becoming one of the most violent countries in the world;
- N. whereas only respect for fundamental rights and freedoms, and constructive and respectful dialogue conducted in a spirit of tolerance can help the country emerge from this serious crisis and overcome future difficulties;
- O. whereas the 'Mesa de Dialogo' (dialogue table) between the government and the opposition was initiated, and unfortunately interrupted without success;
- P. whereas Article 207 of the Treaty on the Functioning of the European Union (TFEU) establishes that European investments in third countries are a fundamental element of the EU's common trade policy and consequently an intrinsic part of its external action policy, and whereas under the Treaty of Lisbon foreign direct investment (FDI) is an exclusive EU competence, as enshrined in Articles 3(1)(e), 206 and 207 TFEU;
- Q. whereas the Venezuelan Government has a particular responsibility to comply with the rule of law and with international law, given that it was elected as a non-permanent member of the UN Security Council on 16 October 2014;

1. Recalls its deep concern about the deteriorating situation in Venezuela and condemns the use

of violence against protesters; calls on the Venezuelan authorities to immediately release Antonio Ledezma, Leopoldo López, Daniel Ceballos and all peaceful protesters, students and opposition leaders arbitrarily detained for exercising their right to freedom of expression and their fundamental rights, in line with the demands made by several UN bodies and international organisations; calls on the Venezuelan authorities to withdraw the unfounded accusations against them;

2. Calls on the Venezuelan authorities to ensure that Antonio Ledezma, Leopoldo López, Daniel Ceballos and all other political prisoners are given any medical attention they may require, as well as immediate, private and regular access to their families and to lawyers of their choice; is deeply concerned about the deterioration in the condition of prisoners;
3. Calls on the Venezuelan Government to cease the political persecution and repression of the democratic opposition and the violations of freedom of expression and of demonstration, and urges an end to media censorship; reminds the authorities that opposition voices are imperative for a democratic society;
4. Condemns the shooting of Kluivert Roa and six other students, and expresses its condolences to their families; calls on the government to revoke the recently published resolution 8610, which allows security forces to use potentially lethal force, with a firearm or another potentially lethal weapon, to subdue civilian protests, overriding Article 68 of the Venezuelan Constitution;
5. Calls on the Venezuelan Government to comply with its own constitution and international obligations in respect of the independence of the judiciary, the right to freedom of expression, association and peaceful assembly, and political pluralism, which are cornerstones of democracy; calls on the Venezuelan Government to create an environment in which human rights defenders and independent non-governmental organisations can carry out their legitimate work in promoting human rights and democracy; stresses that, as a non-permanent member of the UN Security Council, the Venezuelan Government has a particular responsibility to comply with the rule of law and with international law;
6. Calls on the Venezuelan Government to ensure that accusations are investigated swiftly and impartially, with no margin of impunity and with full respect for the principle of presumption of innocence and for due legal process; recalls that respect for the principle of separation of powers is fundamental in a democracy and that the justice system cannot be used as a political weapon; calls on the Venezuelan authorities to ensure the security of all citizens in the country, regardless of their political views and affiliations;
7. Expresses its concern at the possibility of new protests leading to more acts of violence, which would only deepen the gulf between the positions of the government and the opposition and polarise to an even greater degree the sensitive political developments that are taking place in Venezuela; calls on the representatives of all parties and all sections of Venezuelan society to remain calm in both actions and words; warns against any move that may lead to an atmosphere of tension and regression, which could lead to the democratic opposition being delegitimised and made illegal and/or the elections being cancelled;
8. Is concerned at the fact that, in an election year, the political opposition has been a victim of

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arbitrary detention and attacks, which may call into question both the legitimacy and the outcome of the electoral process;

9. Calls on the Venezuelan authorities, in view of the upcoming parliamentary elections, to use this period to establish an inclusive political process based on consensus and joint ownership, through a genuine national dialogue with the meaningful participation of all democratic political forces in the framework of democracy, the rule of law and the full observance of human rights; calls on both sides, moreover, to discuss the most serious problems facing the country in order to undertake the necessary economic and governance reforms; calls on the Venezuelan authorities to secure the holding of free and fair parliamentary elections in a fully inclusive process with the participation of all democratic actors; calls on all political actors to keep political struggle within the bounds of constitutional order, resisting any pressure to exacerbate their actions;
10. Encourages the regional partners of Venezuela, such as UNASUR and the Organisation of American States, to open channels of dialogue and understanding between the conflicting parties, and to guarantee public safety and protection, together with a return to calm and normality in Venezuela;
11. Urges the EU, its Member States and the international community to make statements and take measures to show solidarity with the Venezuelan people during this difficult period;
12. Urges the Commission and the Council to explore and adopt any measures required to safeguard European interests and the principle of legal certainty for European enterprises in Venezuela;
13. Asks the European External Action Service (EEAS), the EU Delegation to Venezuela and the Member States' embassies to continue to closely observe the investigations and the trial hearings of opposition leaders; recalls its demand for an ad hoc European Parliament delegation to be sent to assess the situation in Venezuela and to hold a dialogue with all sectors involved in the conflict as soon as possible;
14. Recalls its forthcoming request to the VP/HR to call for the immediate release of the protesters who have been arbitrarily arrested since the start of the protests;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and National Assembly of the Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.