



17.12.2014

B8-0000/2014

## **JOINT MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the persecution of the democratic opposition in Venezuela

**Cristian Dan Preda, Jaromir Stetina, Pascual De Grandes, Elmar Brok, Davor Ivo Stier, Bogdan Wenta, Francisco Millan Mon, Lorenzo Cesa, Tunne Kelam, Monica Macovei, Franck Proust, Andrej Plenkovic, Jaroslaw Walesa, Giovanni La Via, Dubravka Suica, Jeroen Lenaers, Lara Comi, Tomas Zdechovsky, Sean Kelly, Csaba Sogor, Andrzej Grzyb, Eduard Kukan, Pal Csaky, Pavel Svoboda, Michaela Sojdrova, David McAllister, Marijana Petir, Elisabetta Gardini and Gabrielius Landsbergis**

on behalf of the PPE Group

- ....., on behalf of the S&D Group
- ....., on behalf of the ECR Group
- ....., on behalf of the ALDE Group

**B8-0000/2014**

**European Parliament resolution on the persecution of the democratic opposition in Venezuela**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Venezuela, including those of 24 May 2007 on the Radio Caracas TV channel case in Venezuela, 23 October 2008 on political disqualifications in Venezuela, 7 May 2009 on the case of Manuel Rosales, 11 February 2010 on Venezuela, 8 July 2010 on Venezuela, in particular the case of Maria Lourdes Afiuni, 24 May 2012 on the withdrawal of Venezuela from the Inter-American Commission on Human Rights, and 27 February 2014 on the political situation in the country in 2014,
  - having regard to the press statements of the Spokesperson of EU High Representative Catherine Ashton of 28 March 2014 and 15 April 2014 on the situation in Venezuela,
  - having regard the opinion of the Working Group on Arbitrary Detentions of the Commission on Human Rights of the General Assembly of the United Nations, of 26 August 2014,
  - having regard to the Statement by the UN High Commissioner for Human Rights of 20 October 2014 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 Universal Declaration of Human Rights of 1948,
  - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas the economic crisis, high rates of corruption, the chronic shortage of basic goods, the violence and the political divisions have triggered peaceful protests against the government of President Nicolas Maduro since February 2014, which are still on-going; whereas the protesters have been met with disproportionate use of force and violence on behalf of police, members of the National Guard and violent and uncontrolled armed pro-government groups; whereas according to local and international organisations over 1700 protesters await trial, more than 69 remain jailed, and at least 40 people have been killed in the protests and their murderers remain unaccountable; whereas the United Nations Office of the High Commissioner confirms that it has received reports of more than 150 cases of ill-treatment during detention, including torture; whereas according to several sources persecution of the democratic opposition by the security forces still continues;
- B. whereas freedom of expression and the right to take part in peaceful demonstrations are the cornerstones of democracy and recognised in the Venezuelan Constitution; 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 is being subject to increasing censorship and intimidation; whereas during the American

Press Association's (IAPA) 70th General Assembly in Santiago de Chile, the organisation has declared that Venezuela is putting independent media under greater pressure and has urged Venezuela to respect freedom of expression and warned of the further loss of democratic freedom;

- C. Whereas opposition leader Leopoldo López was arbitrarily detained on 18 February 2014 and is accused of conspiracy, instigating violent demonstrations, arson and damage to property; whereas since his detention he has suffered physical and psychological torture and undergone solitary confinement; whereas opposition mayors Daniel Ceballos and Vincenzo Scarano, as well as police officer Salvatore Lucchese were arrested for failing to end protests in their cities and civil rebellion, and have each been sentenced to several years in prison; whereas opposition congressmen Juan Carlos Caldera, Ismael Garcia and Richard Mardo are facing investigations and trial proceedings with the purpose to be suspended and disqualified as congressmen
- D. Whereas student leaders such as Sairam Rivas, President of the Students' Centre of the School of Social Work at the Central University of Venezuela, Christian Gil and Manuel Cotiz have been unjustly held in buildings belonging to the Bolivarian Intelligence Service for more than 120 days and have been subjected to torture and ill-treatment in connection with the protests that took place between February and May 2014, having been accused of the offences of instigating crimes and using minors to commit crimes;
- E. Whereas on 20 October 2014, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein voiced concern about the detention of protesters and has called for the release of anyone detained for exercising their rights to peaceful protest; whereas on 8 October 2014 the United Nations Working Group on Arbitrary Detention has called Leopoldo Lopez's detention illegal, arbitrary and motivated by political opinion and called for his release and all those who remain arbitrarily detained;
- F. whereas the Venezuelan Government has a particular responsibility to comply with the rule of law and international law, bearing in mind that it has been elected a non-permanent member of the United Nations Security Council since 16 October 2014;
- G. Whereas the remarks set out in the recent report of the United Nations Committee against Torture on the Bolivarian Republic of Venezuela explicitly expressed concern at prevailing impunity, torture and ill-treatment of political prisoners, excessive use of force, acquiescence and complicity with the actions of pro-government armed groups, arbitrary detention and the absence of fundamental procedural guarantees; whereas this report called for the immediate release of all those held in arbitrary detention, including Leopoldo López and Daniel Ceballos, who were arrested for exercising their right to express themselves and protest peacefully, and furthermore expressed concern at the attacks on journalists and human rights activists, extrajudicial executions and the complete lack of an independent judiciary;
- H. Whereas Jose Miguel Insulza, Secretary General of the Organisation of American States (OAS) has called for the release of those imprisoned for their participation in the protests; whereas the Inter-American Commission on Human Rights has expressed deep concerns over the situation with respect to freedom of association and the freedom of expression in Venezuela;

- I. Whereas the decision of Venezuela to renounce the American Convention on Human Rights entered effect on 10 September 2013; whereas the citizens and residents of Venezuela cannot bring any complaint before the Inter-American Court of Human Rights as a result of this action;
  - J. whereas, in March 2014, Maria Corina Machado, the Member of the National Assembly who had obtained the largest popular vote in Venezuela, was unlawfully and arbitrarily removed from office, deprived of her mandate and expelled from Parliament by the President of the National Assembly, Diosado Cabello, who accused her of treason because she had spoken out against the massive and systematic violation of human rights in Venezuela before the Permanent Council of the Organisation of American States;
  - K. whereas, in the course of her political and parliamentary activity, Maria Corina Machado was subjected to a series of criminal proceedings, political persecution, threats, intimidation, harassment and even physical violence from government supporters inside the Chamber of the National Assembly; whereas she was recently charged with attempting to assassinate the President of the Republic, Nicolás Maduro; and for this offences she might be facing up till 16 years in prison.
  - L. Whereas the judiciary has failed to function as an independent branch of government; whereas this judicial system cannot be expected impartially to investigate and pass fair judgements on allegations against opposition to the government;
  - M. whereas only respect for fundamental rights and freedoms, constructive and respectful dialogue conducted in a spirit of tolerance can help the country emerge from this serious crisis and overcome future difficulties;
  - N. whereas in April 2014 a negotiation about the protests, between the government and the opposition, called "Mesa de Dialogo", was initiated and unfortunately interrupted a month later without any success;
  - O. Whereas Venezuela is the country with the largest energy reserves in Latin America; whereas the people of Venezuela suffer from a grave shortage of basic commodities, food prices have doubled and food rationing has started; whereas oil prices continue to drop significantly deepening the economic downturn and threatening the country's fragile oil-dependent economy;
  - P. Whereas the state's failure to maintain law and order has led Venezuela to become one of the most violent countries in the world; whereas the on-going political and economic crisis in Venezuela has contributed to a surging murder rate and citizen security, according to the U.N. Office on Drugs and Crime;
1. Is deeply concerned by the worsening situation in Venezuela and condemns the imprisonment of peaceful protesters, students and opposition leaders, and urges for the immediate release of those arbitrarily detained prisoners, in line with the demands made by several UN and international organisations;
  2. Strongly condemns the political persecution and repression of the democratic opposition, the violation of freedom of expression and demonstration, and the existence of media and web censorship.

3. Strongly condemns the use of violence against protesters; expresses its sincere condolences to the families of the victims; calls on the Venezuelan authorities to investigate these crimes and to hold those responsible fully accountable with no margin of impunity;
4. Encourages all parties, to pursue peaceful dialogue, reaching out to all segments of Venezuelan society in order to define points of convergence and to allow political actors to discuss the most serious problems facing the country; calls upon all parties concerned to avoid further escalation of violence and reminds the government of Venezuela that a constructive dialogue is impossible so long as opposition leaders are still arbitrarily held in jail;
5. Calls on the Venezuelan authorities to immediately disarm and dissolve the uncontrolled armed pro-government associations and groups, putting an end to their impunity;
6. Reminds the government of its responsibility to ensure that all trials conform to international standards; recalls that the respect for the principle of separation of powers is fundamental in a democracy and that the justice system cannot be used by the authorities as a means of political persecution and repression of the democratic opposition; calls on the Venezuelan authorities to withdraw the unfounded accusations and arrest warrants against opposition politicians, calls on the Venezuelan authorities to ensure the security of all citizens in the country, regardless of their political views and affiliations;
7. Calls on the Venezuelan Government to comply with its own constitution and international obligations in respect to the independence of judiciary, the right to freedom of expression, association and peaceful assembly, as well as political pluralism, which are cornerstones of democracy and to ensure that people are not penalised for exercising their rights to peaceful assembly and to freedom of expression;
8. Calls on the Venezuelan Government to respect human rights and to conduct effective investigations into alleged human rights violations; and to enable an environment for human rights defenders and independent non-governmental organizations to carry out their legitimate work in promoting human rights and democracy;
9. Asks the EEAS and the EU Delegation, as well as the Member States Delegations, to continue to observe the investigations and the trial hearings of opposition leaders;
10. Calls on the Venezuelan government to enter into a strong and open dialogue on Human Rights with the European Union;
11. Calls on the EU, its Member States, and HR/VP Federica Mogherini to call for the immediate release of the protesters who have been arbitrarily arrested since the start of the protests;
12. 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;
13. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the Government and National

Assembly of Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.