Resolution on the refusal to extradite Cesare Battisti from Brazil

2009/2529(RSP) - 05/02/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 46 votes to 8 with no abstentions, a resolution on the refusal to extradite Cesare Battisti from Brazil. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, and UEN, groups.

It is recalled that Cesare Battisti was convicted in absentia, in final judgements handed down by the Italian courts, of four murders and of involvement in an armed group, robbery, possession of fire-arms and armed acts of violence. He went into hiding until he was arrested in Brazil in March 2007. On 17 January 2009 Battisti was declared a political refugee by the Brazilian Government, and his extradition has been refused on the grounds that the Italian justice system fails to provide sufficient guarantees in respect of prisoners' rights.

Parliament noted that this decision may be interpreted as a sign of mistrust towards the EU, which is founded, inter alia, on respect for fundamental rights and the rule of law, which include the rights of prisoners. Those principles are shared by all Member States. It took note that legal proceedings have been brought, and that the final decision of the Brazilian authorities should be issued in the coming weeks. Members trust that the re-examination of the decision on the extradition of Cesare 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 EU. Parliament expresses the hope that, in the light of such considerations, the Brazilian authorities reach a decision founded on common principles shared by Brazil and the EU.

Lastly, it 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.