

# Resolution on Venezuela, in particular the case of Maria Lourdes Afiuni

2010/2767(RSP) - 08/07/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 46 to 20 with 1 abstention a resolution on Venezuela, in particular the case of Maria Lourdes Afiuni.

The resolution had been tabled by the EFD, EPP, ALDE and ECR groups. It recalls that on 10 December 2009, Maria Lourdes Afiuni, 'Judge of Control' of Caracas, acting under Venezuelan laws and following an opinion of the UN Working Group on Arbitrary Detention, granted parole (under severe restrictions, including passport withdrawal) to Eligio Cedeño, who had been in pre-trial detention since February 2007. She was immediately arrested without charge at the court by officials of the DISIP (Directorate of Intelligence and Prevention) and was transferred on 12 December to the INOF (Instituto Nacional de Orientación Femenina). Parliament deplores the attacks on the independence of the judiciary, and voices its concern at the arrest of Judge Afiuni, considering it a violation of her basic personal rights and a very serious threat to the independence of the judiciary, which is the basic pillar of the rule of law. Members call for her release and call on the Venezuelan Government to be committed to the values of the rule of law, facilitating a fair and rapid trial, with all the necessary legal guarantees.

Parliament also expresses its concern at the conditions of detention of Judge Afiuni, noting that she is held in a maximum security prison, under conditions which continue to endanger her physical and mental well-being as up to 24 inmates were convicted by her for crimes such as homicide, drug trafficking and kidnapping, and that during her detention, she has been subjected to insults, threats, verbal and physical attacks and attempts on her life. These conditions pose a threat to her physical and psychological integrity, and Parliament calls on the prison authorities strictly and immediately to apply the measures and recommendations advocated by the Inter-American Commission on Human Rights on 11 January 2010 regarding Ms Afiuni's conditions of detention.

Members recall that President Hugo Chávez, in a speech broadcast on TV, called her a bandit, and they condemn the public statements made by the President of the Republic of Venezuela, insulting and denigrating the judge, demanding a maximum sentence and requesting a modification of the law to enable a more severe penalty to be imposed. These statements are aggravating the circumstances of her detention and constitute an attack on the independence of the judiciary by the President of a nation, who should be its first guarantor. Parliament reminds the Government of the Bolivarian Republic of Venezuela of its obligation to respect freedom of expression and opinion and freedom of the press and to respect the independence of the judiciary as it is bound to do under its own Constitution and under the different international and regional conventions and charters to which Venezuela is a signatory. It believes that the Venezuelan media should guarantee pluralistic coverage of Venezuelan political and social life.

Parliament notes that, with a view to the parliamentary elections due to be held on 26 September, the National Electoral Council has, at the request of the government, modified the constituency boundaries for the election of the 167 Members of the National Assembly, changes that affect up to 80% of the states governed by the opposition. It calls on the Venezuelan Government to respect the rules of democracy and the principles of freedom of expression, assembly, association and election, as well as to invite the European Union and international bodies to observe these elections.

Lastly, Parliament note measures such as arbitrary confiscation and expropriation, involving more than 760 enterprises since 2005, some of them affecting EU interests, and it calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to make

representations to the Venezuelan authorities with a view to expressing the EU's concern regarding respect for human rights, democracy and the rule of law in this South American country and to firmly upholding the interests and property of citizens and companies from EU Member States.