

Thursday 5 February 2009

The refusal to extradite Cesare Battisti from Brazil

P6_TA(2009)0056

European Parliament resolution of 5 February 2009 on the refusal to extradite Cesare Battisti from Brazil

(2010/C 67 E/19)

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Véronique De Keyser on behalf of the PSE Group on the European Union-Brazil Strategic Partnership (B6-0449/2008),
 - having regard to the Framework Agreement for Cooperation between the European Community and the Federative Republic of Brazil,
 - having regard to the Commission communication of 30 May 2007 entitled 'Towards an EU-Brazil Strategic Partnership' (COM(2007)0281),
 - having regard to the case of the Italian citizen, Cesare Battisti, whose extradition from Brazil has been requested by Italy and is being refused by the Brazilian authorities,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas 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,
 - B. having regard to Cesare Battisti's flight to France in 1990 and the final decision of the French Council of State and Court of Cassation in 2004 to authorise his surrender to the Italian authorities,
 - C. whereas following that decision Cesare Battisti went into hiding until he was arrested in Brazil in March 2007,
 - D. whereas Cesare Battisti lodged an application with the European Court of Human Rights in respect of his extradition to Italy, and whereas that application was declared inadmissible in December 2006,
 - E. whereas on 17 January 2009 Cesare Battisti was declared a political refugee by the Brazilian Government, and whereas his extradition has therefore been refused on the grounds that the Italian justice system fails to provide sufficient guarantees in respect of prisoners' rights,
 - F. whereas the granting of political refugee status must be in compliance with the provisions of international law,
 - G. whereas this decision may be interpreted as a sign of mistrust towards the European Union, which is founded, *inter alia*, on respect for fundamental rights and the rule of law, which include the rights of prisoners, and whereas those principles are shared by all Member States,
 - H. whereas economic, trade and political relations between Brazil and the European Union are excellent and buoyant and are founded, *inter alia*, on shared principles such as respect for human rights and the rule of law,
 - I. whereas, with the full support of all EU Member States, Brazil is assuming a major role at international level, and whereas its participation in the G-20 meeting held in Washington in November 2008 and its future participation in such meetings are a sign of this increasing responsibility at global level,

Thursday 5 February 2009

1. Takes note that legal proceedings have been brought, and that the final decision of the Brazilian authorities should be issued in the coming weeks;
 2. Trusts 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 European Union;
 3. 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 European Union;
 4. 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;
 5. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Brazilian Government, the President of the Federative Republic of Brazil, the President of the Brazilian Congress and the President of the Mercosur Parliament.
-