

Thursday 8 July 2010

## Zimbabwe, in particular the case of Farai Maguwu

P7\_TA(2010)0288

### European Parliament resolution of 8 July 2010 on Zimbabwe, notably the case of Farai Maguwu

(2011/C 351 E/19)

The European Parliament,

- having regard to its numerous previous resolutions on Zimbabwe, most recently that of 17 December 2008 <sup>(1)</sup>,
- having regard to Council Common Position 2010/92/CFSP of 15 February 2010 <sup>(2)</sup> renewing until 20 February 2011 the restrictive measures against Zimbabwe imposed under Common Position 2004/161/CFSP <sup>(3)</sup>, and to Commission Regulation (EC) No 1226/2008 of 8 December 2008 <sup>(4)</sup>, amending the Common Position,
- having regard to the Foreign Affairs Council conclusions of 22 February 2010 on Zimbabwe, and to the conclusions of the 10th EU-South Africa Ministerial Political Dialogue of 11 May 2010 on Zimbabwe,
- having regard to previous UN resolutions on blood diamonds, and in particular to UN Security Council resolution 1459 (2003) on the Kimberley Process Certification Scheme,
- having regard to the Kimberley Process Certification Scheme (KPCS), which requires its members to certify that rough diamonds are not used to finance armed conflicts,
- having regard to the African Charter on Human and Peoples' Rights, which Zimbabwe has ratified,
- having regard to the communiqué of the Seventh Plenary Session of the Kimberley Process Certification Scheme (KPCS), held at Swakopmund, Namibia, on 5 November 2009, in particular paragraphs 13, 14 and 22 thereof,
- having regard to the Intersessional Meeting of the Kimberley Process, held in Tel Aviv, Israel, on 21-24 June 2010,
- having regard to the EU-ACP Cotonou Partnership Agreement, signed on 23 June 2000,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Zimbabwe is a voluntary member of the Kimberley Process Certification Scheme, which enables members to sell rough diamonds on the legitimate international market provided that their trade does not finance armed conflicts,
- B. whereas the Kimberley Process does not currently address human rights abuses,
- C. whereas it is estimated that Zimbabwe could become one of the largest diamond producers in the world within the next few years should the Marange (Chiadzwa) diamond field in Manicaland province be fully developed, potentially generating billions of euros in revenue,

<sup>(1)</sup> Texts adopted, P6\_TA(2008)0640.

<sup>(2)</sup> OJ L 41, 16.2.2010, p. 6.

<sup>(3)</sup> OJ L 50, 20.2.2004, p. 66.

<sup>(4)</sup> OJ L 331, 10.12.2008, p. 11.

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- D. whereas in November 2009, in Swakopmund (Namibia), Zimbabwe undertook to carry out a series of actions to bring diamond mining in Marange into compliance with the Kimberley Process Certification System,
- E. whereas the Intersessional Meeting of the Kimberley Process held in Tel Aviv from 21 to 23 June 2010 was not able to reach consensus regarding possible inclusion of human rights considerations in the Kimberley Process,
- F. whereas numerous international NGOs (including Human Rights Watch, Global Witness and Partnership for Africa-Canada) have raised serious concerns about the human rights situation in Chiadzwa, particularly in relation to human rights abuses by members of the Zimbabwean security forces,
- G. whereas Farai Maguwu, a Zimbabwean citizen and founder/director of the Centre for Research and Development (CRD), a human rights NGO based in Manicaland, has identified serious human rights violations by the Zimbabwean state security forces in several Zimbabwean diamond fields, most notably in Chiadzwa,
- H. whereas Farai Maguwu was arrested by the Zimbabwean authorities on 3 June 2010 on charges of publishing information prejudicial to the Zimbabwean State and has since been detained in poor conditions and denied his essential medication, the right to have his case heard by a judge within 48 hours of arrest and the right to bail,
1. Demands the immediate and unconditional release of Farai Maguwu and condemns the conditions of his arrest and detention;
  2. Insists that the Zimbabwean authorities honour their Kimberley Process commitments made at the Swakopmund meeting, fully demilitarise the Marange diamond fields, and institute proper measures to maintain law and order in a way which is respectful of the rights of the local people;
  3. Calls for the revision of the Kimberley Process to take proper account of human rights principles;
  4. Insists that the Zimbabwe Government use the substantial revenue that diamond mining in Chiadzwa is likely to generate as the basis for the regeneration of the Zimbabwean economy as a whole, and as a means of providing the health, education and social funding currently provided by international donors, and to that end urges the government to establish a sovereign Diamond Trust Fund that would be placed at the service of the people of Zimbabwe;
  5. Calls on the Zimbabwean Government to guarantee and uphold the unrestricted right to free speech in Zimbabwe, so that NGOs (such as Farai Maguwu's Centre for Research and Development) can freely express opinions without fear of persecution or imprisonment;
  6. Calls for the Kimberley Process to ensure that the Monitor for Zimbabwe acts with complete independence, integrity and regard for human rights;
  7. Calls on South Africa and the Southern Africa Development Community (SADC), in their own interests as well as those of Zimbabwe and the wider southern African region, to take active steps to encourage a return to full democracy in Zimbabwe and respect for the rule of law and the human rights of the people of Zimbabwe; recognises that Mugabe and his close supporters remain a continuing stumbling block in the process of political and economic reconstruction and reconciliation in Zimbabwe, plundering as they do its economic resources for their own benefit;

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8. Welcomes the recent renewal (February 2010) of the EU's list of banned individuals and entities with links to the Mugabe regime; emphasises that these restrictive measures are aimed solely at elements of the Zimbabwean regime and will in no way impact on the Zimbabwean people as a whole;

9. Emphasises the importance of dialogue between the European Union and Zimbabwe and welcomes the progress that has been made in this direction;

10. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and candidate countries, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the Governments and Parliaments of Zimbabwe and South Africa, the Co-Presidents of the EU-ACP Joint Parliamentary Assembly, the African Union institutions including the Pan-African Parliament, the UN Secretary-General, the Secretary General of the SADC, the rotating Chairman of the Kimberley Process (Israel) and the Commonwealth Secretary-General.

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

P7\_TA(2010)0289

### European Parliament resolution of 8 July 2010 on Venezuela, in particular the case of Maria Lourdes Afiuni

(2011/C 351 E/20)

*The European Parliament,*

— having regard to its previous resolutions on the situation in Venezuela, in particular those of 11 February 2010, 7 May 2009, 23 October 2008 and 24 May 2007,

— having regard to Rule 122(5) of its Rules of Procedure,

- A. whereas the separation and independence of powers form the basis of any democratic and constitutional State,
- B. whereas, 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,
- C. whereas the pre-trial detention period is limited to two years under Venezuelan law, and whereas Judge Afiuni, in issuing the decision, upheld fundamental rights protected under Venezuelan and international law,
- D. whereas Judge Afiuni was immediately arrested without charge at the court by officials of the DISIP (Directorate of Intelligence and Prevention) and was transferred on 12 December 2009 to the INOF (Instituto Nacional de Orientación Femenina), a maximum security prison, where she is still being held more than six months later, 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; whereas, during her detention, she has been subjected to insults, threats, verbal and physical attacks and attempts on her life,
- E. whereas on 11 December 2009, President Hugo Chávez, in a speech broadcast on TV, called her a bandit, asking the Attorney General to apply the maximum penalty and even urging the National Assembly to pass a new law to aggravate sentences for this type of behaviour, to be enforced retroactively,