

## **P7\_TA-PROV(2013)0518**

### **Fair justice in Bolivia, in particular the cases of Előd Tóásó and Mario Tadić**

#### **European Parliament resolution of 21 November 2013 on fair justice in Bolivia, in particular the cases of Előd Tóásó and Mario Tadić (2013/2953(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights, and especially Articles 9 and 10 thereof,
  - having regard to the International Covenant on Civil and Political Rights, which has been signed and ratified by Bolivia, and especially Articles 9, 10, 14, 15 and 16 thereof,
  - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been signed and ratified by Bolivia,
  - having regard to the European Convention on Human Rights, and especially Articles 1, 2, 3, 5, 6 and 7 thereof,
  - having regard to the Charter of Fundamental Rights of the European Union, and especially Articles 47 and 48 thereof,
  - having regard to the American Convention on Human Rights, which has been signed and ratified by Bolivia,
  - having regard to the Inter-American Convention to Prevent and Punish Torture, which has been signed and ratified by Bolivia,
  - having regard to the Bolivian Constitution and Code of Criminal Proceedings,
  - having regard to the declaration of 23 May 2012 by the Committee on Human Rights, Minority, Civic and Religious Affairs and the Committee on Foreign Affairs of the Hungarian National Assembly; having regard to the declaration adopted by the Bolivian House of Representatives on 12 June 2012 in response to the Hungarian declaration,
  - having regard to its previous resolutions on the situation in Bolivia,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas on 16 April 2009, in the Bolivian city of Santa Cruz de la Sierra, the Bolivian Special Forces arrested Előd Tóásó, a Hungarian citizen, and Mario Tadić, a Croatian citizen; whereas three other people, namely Árpád Magyarósi, a Romanian citizen, Michael Martin Dwyer, an Irish citizen, and Eduardo Rózsa-Flores, a Hungarian citizen, died in the shooting;
- B. whereas Előd Tóásó and Mario Tadić have been held without charge in pre-trial detention ever since, in disregard of the Bolivian law that sets a maximum length for pre-trial detention of 36 months, a period which should have ended on 16 April 2012;

- C. whereas it is alleged that the basic human rights of Előd Tóásó and Mario Tadić have been breached, both on their arrest and during the criminal proceedings;
  - D. whereas on 18 May 2010, when Előd Tóásó and Mario Tadić were already in custody, Article 239 of the Bolivian Code of Criminal Procedure, referring to the length of pre-trial detention, was amended to prolong the maximum period from 12 to 36 months, with retrospective effect;
  - E. whereas on 17 December 2010 charges of terrorism were publicly formulated;
  - F. whereas Opinion No 63/2011 (Plurinational State of Bolivia) of the UN Working Group on Arbitrary Detention stated that Bolivia was in breach of the Universal Declaration of Human Rights on several points and reaffirmed that Előd Tóásó had been arrested without a warrant and kept in jail illegally; whereas the UN Working Group accordingly called on the Bolivian Government to release Előd Tóásó immediately;
1. Calls on the Bolivian authorities to ensure a fair and independent trial in the cases of Előd Tóásó and Mario Tadić;
  2. Takes note of the report adopted and subsequently widely disseminated by the Bolivian parliament, based on its own political investigation into the case;
  3. Calls for an independent investigation, involving international experts, into the deaths of Árpád Magyarósi, Michael Martin Dwyer and Eduardo Rózsa-Flores;
  4. Calls on the European External Action Service to keep the case high on the agenda in its contacts with the Bolivian Government, and to take concrete measures and steps on the matter;
  5. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the parliaments and governments of the Member States, the Government and Plurinational Legislative Assembly of the Plurinational State of Bolivia, the Secretary-General of the Organisation of American States, the Secretary-General of the United Nations and the UN Human Rights Council.