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*Plenary sitting*

14.12.2011

B7-0712/2011 }  
B7-0714/2011 }  
B7-0716/2011 }  
B7-0717/2011 }  
B7-0718/2011 }  
B7-0719/2011 }  
B7-0720/2011 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

EFD (B7-0712/2011)  
S&D (B7-0714/2011)  
Verts/ALE (B7-0716/2011)  
ECR (B7-0717/2011)  
GUE/NGL (B7-0718/2011)  
PPE (B7-0719/2011)  
ALDE (B7-0720/2011)

on Tunisia: the case of Zacharia Bouguira

**Tokia Saïfi, Mario Mauro, Cristian Dan Preda, Roberta Angelilli, Bernd Posselt, Tunne Kelam, Monica Luisa Macovei, Elena Băsescu, Sari Essayah, Eija-Riitta Korhola, Zuzana Roithová, Sergio Paolo Francesco Silvestris, Eduard Kukan, Giovanni La Via, Filip Kaczmarek, Bogusław Sonik, Paul Rübig**  
on behalf of the PPE Group

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**Véronique De Keyser, Pier Antonio Panzeri**

on behalf of the S&D Group

**Marietje Schaake, Robert Rochefort, Kristiina Ojuland, Marielle De Sarnez,**

**Louis Michel, Edward McMillan-Scott, Ramon Tremosa i Balcells, Sonia**

**Alfano, Graham Watson, Frédérique Ries, Izaskun Bilbao Barandica,**

**Johannes Cornelis van Baalen**

on behalf of the ALDE Group

**Hélène Flautre, Barbara Lochbihler, Malika Benarab-Attou, Raül Romeva i**

**Rueda, Judith Sargentini, Nicole Kiil-Nielsen, Rui Tavares, Frieda Brepoels,**

**François Alfonsi, Franziska Katharina Brantner**

on behalf of the Verts/ALE Group

**Charles Tannock, Geoffrey Van Orden**

on behalf of the ECR Group

**Marie-Christine Vergiat**

on behalf of the GUE/NGL Group

**Jaroslav Paška**

on behalf of the EFD Group

## European Parliament resolution on Tunisia: the case of Zacharia Bouguira

*The European Parliament,*

- having regard to its recent resolutions on Tunisia, in particular that of 3 February 2011<sup>1</sup>,
  - having regard to its resolution of 7 April 2011 on the review of the European Neighbourhood Policy – Southern Dimension<sup>2</sup>,
  - having regard to the joint communication of 25 May 2011 from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission entitled ‘A new response to a changing Neighbourhood’ (COM(2011)0303),
  - having regard to its resolution of 25 April 2002 on the Commission communication to the Council and the European Parliament on the European Union’s role in promoting human rights and democratisation in third countries<sup>3</sup>,
  - having regard to the conclusions of the meeting of 28 and 29 September 2001 of the EU-Tunisia Task Force,
  - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto,
  - having regard to the International Covenant on Civil and Political Rights, in particular Articles 7 and 9 thereof,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 13 November 2011, at Tunis-Carthage Airport, Zacharia Bouguira, a Tunisian medical student, witnessed repeated public acts of violence committed by law enforcement officers against a group of young Moroccans who attended the final of the African Champions League football match between Wydad Casablanca and Esperance Sportive de Tunis;
- B. whereas, in view of the extreme violence of the law enforcement officers’ attack on the 13 Moroccans, who had their hands tied and were incapacitated, Zacharia Bouguira began to film the scene on his mobile phone with the intention of posting the video on the internet with the aim of putting an end to the type of impunity that was widespread during the Ben Ali era and thus help to build a democratic Tunisia based on respect for human rights and fundamental freedoms;

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<sup>1</sup> Texts adopted, P7\_TA(2011)0038.

<sup>2</sup> Texts adopted, P7\_TA(2011)0154.

<sup>3</sup> OJ C 131 E, 5.6.2003, p. 147.

- C. whereas Zacharia Bouguira was immediately stopped from filming by a security guard and the young man was violently struck by some 20 policemen and taken to the police station on the outskirts of the airport with the group of young Moroccans;
- D. whereas Zacharia Bouguira was held in arbitrary detention and during that time was subjected to repeated acts of violence and intimidation which may be deemed to constitute inhuman and degrading treatment; whereas, while in detention, the young man also witnessed the conditions under which the other young Moroccans were being held and the inhuman or degrading treatment to which they were also subjected;
- E. whereas following the deployment of an anti-terrorist squad in front of the border police post, reporters from the Tunisian television stations Al Wataniya, Hannibal and Nesma were despatched to the scene and broadcast a news flash in the night between 13 and 14 November justifying the arrest of a group of young Moroccan fans on the grounds that they had allegedly committed acts of vandalism in the airport's departure lounge;
- F. whereas Zacharia Bouguira was released following the intervention of his mother and her lawyer, who went to his place of detention; whereas nine of the 13 Moroccan fans were held from 13 to 21 November 2011 and were subsequently transferred the Bouchoucha and Morniaga prisons;
- G. whereas on 17 November 2011 Zacharia Bouguira filed a complaint of torture with the office of the Attorney General against the members of the security forces involved and the Ministry of the Interior, and whereas he was interviewed by the public prosecutor's office on 8 December 2011;
- H. whereas Tunisian lawyers and human rights organisations note that, despite the fall of the Ben Ali regime, members of the public are still regularly subjected to acts of violence and brutal practices on the part of the security forces, in breach of the international human rights undertakings recently entered into by Tunisia;
- I. whereas properly functioning judicial and law enforcement systems and action to combat torture and impunity are of essential importance in building a state genuinely based on the rule of law, and whereas ensuring respect for these fundamental principles must be a central concern of the future Tunisian Government when deciding which reforms are to be given priority, and of the country's Constituent Assembly;
- J. whereas supporters of the former RCD continue to play a very active role within the interior and justice ministries;
- K. whereas it is essential, following years of oppression, to restore the bond of trust between the public and the authorities, in particular the security forces and the judiciary, and whereas there are regular public calls for a radical shift away from the methods used in the past and for basic democratic rules to be upheld;

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- L. whereas it is essential, if a Tunisian state based on human rights and the rule of law is to emerge and the Arab Spring is to be successful and bring lasting change, for this and other cases of torture, inhuman and degrading treatment or punishment to be prosecuted in a fair and transparent manner and for an end to be put to impunity for such offences;
1. Welcomes the international commitments made by Tunisia since the end of the Ben Ali regime, particularly as regards cooperation with United Nations special procedures and mechanisms in the fight against torture, inhuman and degrading treatment; urges the Tunisian authorities therefore to guarantee Zacharia Bouguira the right to a judicial process conducted in accordance with international standards, in order to shed light on the serious human rights violations of which he was the victim and to prosecute the perpetrators of those acts; calls also for the violation of the rights of the 13 Moroccan citizens to be investigated;
  2. Welcomes the ratification by Tunisia on 29 June 2011 of the Optional Protocol to the Convention against Torture, as well as the ratification of the International Convention for the Protection of all Persons from Enforced Disappearance and of the first Optional Protocol to the International Covenant on Civil and Political Rights;
  3. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the European Union External Action Service (EEAS) to keep it informed of the approaches made to the Tunisian authorities and the action to be taken thereon;
  4. Is aware of the challenges facing Tunisia during its democratic transition process; calls on the Tunisian Government and the Constituent Assembly, as well as on the relevant trade unions, to engage without delay in an irreversible reform process focusing in particular on the security sector, with specific reference to the police and judicial systems, and to guarantee the independence of the judiciary and the freedom and independence of the press and the media, with a view to establishing a robust and sustainable democracy ;
  5. Views reforming the security sector and combating impunity as essential tasks that should be commenced without delay, and considers that only once those tasks have been completed will it be possible to establish a viable state based on the rule of law and to embark on a process of national reconciliation; takes the view that transforming the police from a body focusing on public order and control into one focusing on protecting individuals and property is an essential part of the democratic transition process; calls, accordingly, for the reform process to be conducted in close cooperation with the civil society bodies working in this area;
  6. Reiterates its support for and endorsement of the Tunisian people's legitimate democratic aspirations and welcomes the successful holding of the country's first free elections on 23 October 2011, the first elections to have resulted from the events of the Arab Spring, with the Constituent Assembly now having the historic task of laying the foundations for a state based on democratic principles, the rule of law and fundamental freedoms;
  7. Stresses that the right to freedom of speech, both offline and online, is of fundamental

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importance to a free and democratic society as well as to the protection and promotion of other rights; emphasises that unrestricted access to information and communication and uncensored access to the internet (internet freedom) are universal rights and are indispensable for ensuring transparency and accountability in public life;

8. Calls on the VP/HR, the EEAS and the Commission to continue to support Tunisia during this democratic transition process by giving priority to drawing up, in accordance with the objectives of the new European Neighbourhood Policy, a programme to support the reform of the security sector, in particular the police, and a programme to support the reform of the judicial system as part of the reform process conducted by the government, and to include therein a mechanism for civil society consultations and assessments; urges the EEAS to ensure that Parliament is duly informed of the progress of the current negotiations on the new EU-Tunisia action plan and the work of the EU-Tunisia Task Force;
9. Asks the Tunisian Government and the Constituent Assembly to consider setting up, in accordance with international standards, and in particular the Paris Principles, a National Council for Human Rights endowed with mechanisms to defend and protect against human rights violations and empowered to accept individual applications and conduct independent investigations;
10. Welcomes the report of the national commission investigating cases of fraud and corruption (CNICM), which was finally published on 11 November 2011, and considers that it is essential for the conclusions of that report to be acted upon, so as to enable the judicial authorities properly to investigate the 300 cases referred to them, half of which involve members of the former President's inner circle; stresses that the CNICM's conclusions also constitute an important contribution to the work of the newly elected Constituent Assembly, which began on 22 November 2011, bearing in mind that the new constitution must make a genuine break with the Ben Ali era;
11. Instructs its President to forward this resolution to the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the EEAS, the governments and parliaments of the Member States, the President of Tunisia, the Tunisian Government and the Constituent Assembly.