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*Plenary sitting*

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## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Tunisia, the Case of Zacharia Bouguira

**Fiorello Provera, Lorenzo Fontana, Nikolaos Salavrakos, Rolandas Paksas, Jaroslav Paška, Mara Bizzotto**  
on behalf of the EFD Group

**European Parliament resolution on Tunisia, the Case of Zacharia Bouguira**

*The European Parliament,*

- having regard to its previous resolutions on Tunisia of 3 February 2011 and on its resolution on the review of the southern dimension of the European Neighbourhood Policy of 7 April 2011  
- having regard to the statements of Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, and Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy, on the Constituent Assembly Elections in the Republic of Tunisia of 28 October 2011

- having regard to Štefan Füle's statement on 06 September 2011 about his meeting with Tunisian Mr Habib Essid, Minister of Interior of Tunisia

- having regard to President Barroso's speech on 12 April 2011 following his meeting with Tunisian Prime Minister Béji Caied Essebsi

- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975

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

A. whereas Tunisia's old constitution suspended on 23 March 2011 failed to protect Tunisians' basic human rights and essential freedoms. Members of the political opposition, activists, human rights defenders and in effect any dissenting voices were ruthlessly repressed and faced arbitrary arrest and detention.

B. whereas freedom of expression is fundamental and universal value and an essential element of democracy; whereas the European Union has repeatedly expressed its commitment to freedom of expression and has stressed that governments have a duty to guarantee this freedom all over the world;

C. whereas the political dynamics in the Arab world and North Africa remain uncertain and the process of political transition is vulnerable to exploitation by groups bent on religious extremism and intolerance;

D. whereas political instability in the region is a key driver of uncontrolled migratory flows into the European Union; whereas these migratory flows are particularly worrisome as they may exacerbate tensions, not only between countries of origin and countries of destination, but also between countries of origin and transit countries;

E. whereas Tunisian police officer Samir Feriani has been in custody since May 29, 2011, after writing a letter to Interior Minister Habib Essid that named current high-level ministry officials whom he said bore responsibility for killing protesters during the Tunisian revolution, as well as

for other human rights abuses, and was charged under the penal code of "harming the external security of the state," distributing information "likely to harm public order" and "accusing, without proof, a public agent of violating the law".

F. whereas on November 13, Moroccan football supporters were attacked by Tunisian police using tear gas and batons after being accused of causing acts of violence, vandalism and aggression at the country's main airport in Tunis.

G. whereas journalist Zacharia Bouguira witnessed the attacks on the Moroccan football fans and wrote his testimony on a social networking site about the Tunisian police's use of brutality

1. Urges Tunisia's National Constituent Assembly (NCA) to ensure that the country's new constitution addresses the shortcomings of the old constitution and that fundamental human rights guarantees are incorporated.
2. Calls for Tunisia's new constitution must maintain the supremacy of international law over domestic law and ensure that the human rights enshrined in international treaties to which Tunisia is a party are enforceable in a court of law.
3. Calls on the Tunisian government to release without further delay whistle-blower police man Samir Feriani who was unfairly detained for drawing attention to the involvement of high level officials in killing demonstrators during the Tunisian revolution;
4. Urges the Tunisian government to allow for citizens to freely express their opinions in public, in the media and through social networking sites without the fear of legal retribution
5. Supports the view of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy that democracy entails more than simply being able to vote and to hold elections, that European history illustrates the need to build a democracy of substance, rather than a mere façade, and that the prerequisites for this are observance of the rule of law, freedom of expression, an independent judicial system and impartial administration;
6. 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, the Tunisian government and the Secretary-General of the Arab League.