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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 Bouquira

**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

**European Parliament resolution on Tunisia - the case of Zacharia Bouquira**

*The European Parliament,*

- having regard to its recent resolutions on Tunisia and in particular the one of February 3, 2011,
- having regard to its resolution of April 7, 2011 on the review of the European Neighbourhood Policy, Southern dimension,
- having regard to the joint communication by the High Representative of the Union for Foreign Affairs And Security Policy and the Commission of 25 May 2011 on ‘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 (COM(2001)0252)<sup>1</sup>,
- given the conclusions of the meeting of the Task Force of the Tunisia-EU 28 on September 29, 2011,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol,
- having regard to the International Covenant on Civil and Political Rights and in particular Articles 7 and 9,

A. Whereas on November 13 Bouguira Zacharia, a Tunisian national, and medical student, was a witness at Tunis-Carthage airport of repeated acts of violence committed by the public and law enforcement against of a group of young Moroccan who attended the final of the African champions League football between Wydad Casablanca and Esperance of Tunis;

B. Whereas due to the violence and the fury of law enforcement against the thirteen Moroccan whose hands were tied and being further away, Zacharia Bouguira began to film the scene on his mobile phone to distribute in the internet with the aim of putting an end to the widespread impunity during the era of Ben Ali and thus contributing to building a democratic Tunisia based on respect for human rights and fundamental freedoms;

C. Whereas the initiative Bouguira Zacharia was immediately stopped by a security guard and the young man was violently struck by a group of policemen and transferred to the police station in the boundaries of the airport with the group of young Moroccans;

D. Whereas Zacharia Bouguira was held for three hours in arbitrary detention and was the victim of acts of violence and intimidation, repeated inhuman and degrading treatment; whereas, during his detention, the young man also witnessed conditions of detention of young Moroccans who were the object of inhuman and degrading treatment;

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<sup>1</sup> OJ C 131 E, 5.6.2003, p. 147.

E. Whereas after the deployment of anti-terrorist squad to the position of border police, national television stations Al-Watania, Hannibal and Nesma dispatched to the scene, issued a news flash on the night of between November 13 to 14 announcing the arrest of a group of young Moroccan fans who having committed acts of vandalism in the departure lounge of the airport;

F. Whereas that the release of Zacharia Bouguira happened following the intervention of his mother and his lawyer sent to the scene; whereas nine of the thirteen Moroccan fans were detained between 13 and 21 of November and transferred successively to the Bouchoucha and the Morniaga prisons;

H. Whereas on November 17 Zacharia Bouguira filed in the office of the Attorney General a complaint of torture against members of security forces involved and the Ministry of the Interior; whereas Bouguira Zacharia was heard on December 8 by the prosecutor's office;

G. Whereas lawyers and human rights organisations of Tunisians find that there remains, despite the end of the Ben Ali regime, a common practice of violent acts by the law enforcement organisations against the population, contrary to the international commitments of Tunisia in the field of human rights;

H. Whereas the fight against torture and against impunity are essential to building a genuine rule of law and whereas respect for these fundamental principles must be a central concern in future, in the Tunisian government framework, of reforms to be launched in the heart of the work of the Constituent Assembly;

1. Welcomes the international commitments made by Tunisia since the end of the regime of Ben Ali, particularly in terms of cooperation with special procedures and mechanisms of the United Nations in the fight against torture; therefore urges the Tunisian authorities to guarantee Zacharia Bouguira the right to a judicial procedure according to international standards in order to shed light on the serious violations of human rights which he was the victim of and prosecute the perpetrators of these acts; asks also that the violations of the thirteen Moroccans should be investigated;

2. Asks the HR / VP to keep the European Parliament informed of the steps taken by the Tunisian authorities;

3. Recognizes the challenges faced by Tunisia in its democratic transition; calls the future government and the Constituent Assembly to engage without delay in a process of irreversible reforms aimed in particular towards the security sector and the maintenance of order, including the police, the establishment of an independent judiciary and freedom and independence of the press and media, and in particular the equal treatment of women, in order to establish a strong democracy and sustainable development;

4. Considers that the reform of the security sector and the fight against impunity are essential to ensure the establishment of a viable rule of law and engage in a process of national reconciliation and therefore calls for, that this reform is conducted in close cooperation with civil society active in this area;

5. Reiterates its support and commitment to the legitimate aspirations of the Tunisian people for democracy and welcomes the first democratic elections on 23 October for a Constituent Assembly with the historic task of establishing the framework of a state based on democratic principles, the rule of law and fundamental freedoms;
6. Asks the HR / VP and the European Commission to support Tunisia in this democratic transition process in developing as a priority, in accordance with the objectives of the Neighbourhood Policy, a program of support for the reform of the security sector and the independence of the judiciary in the context of governmental reforms, including a mechanism for consultation and assessment of civil society;
7. Requests the future Tunisian government and the Constituent Assembly to consider the creation of a National Council for Human Rights in accordance with international standards, with defence mechanisms and protection of human rights violations, accept individual applications and conduct independent investigations;
8. Stresses that the right to free speech, both offline and online, is fundamental to a free and democratic society as well as to the protection and promotion of other rights; emphasizes that unrestricted access to information and communication and uncensored access to the internet (internet freedom) are universal rights and indispensable for ensuring transparency and accountability in public life;
9. Instructs its President to forward this resolution to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, the European Commission and the EEAS and the governments and parliaments of the Member States, the Tunisian authorities and the Constituent Assembly.