



EUROPEAN PARLIAMENT

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Plenary sitting

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MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on Fair justice in Bolivia, notably the cases of Elód Tóásó and Mario Tadic (2013/2953(RSP))

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on behalf of the PPE Group

**European Parliament resolution on Fair justice in Bolivia, notably the cases of Előd Tóásó and Mario Tadic
(2013/2953(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights, especially to its Articles 9 and 10,
 - having regard to the International Covenant on Civil and Political Rights, especially to its Articles 9, 10, 14, 15 and 16, which is signed and ratified by Bolivia,
 - having regard to the United Nation Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is signed and ratified by Bolivia,
 - having regard to the European Convention on Human Rights, especially to its Articles 1, 2, 3, 5, 6 and 7,
 - having regard to the Charter of Fundamental Rights of the European Union, especially to its Articles 47 and 48,
 - having regard to the American Convention on Human Right, which is signed and ratified by Bolivia,
 - having regard to the Inter-American Convention to Prevent and Punish Torture, which is signed and ratified by Bolivia,
 - having regard to the Bolivian Constitution and the Code of Criminal Proceedings,
 - having regard to its previous resolutions on the situation in Bolivia,
 - having regard to Rule 122 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, Hungarian citizen and Mario Tadic, Croatian citizen, furthermore extrajudicially killed 3 other persons, namely Árpád Magyarósi, Romanian citizen, Michael Martin Dwyer, Irish citizen and Rózsa Flores Eduardo, Hungarian citizen;
- B. whereas Előd Tóásó and Mario Tadic have been kept without accusation in pre-trial detention ever since then ignoring the Bolivian law that define the maximum length of pre-trial detention in 36-months that should have ended on 16 April 2012;
- C. whereas basic human rights of Előd Tóásó have been breached upon arrest and during the criminal proceeding: severely tortured and humiliated after his arrest; his right to access to lawyer, translator and information in the first 24 hours of the procedure were infringed; the right to communicate with family, legal consul and national embassy were hindered in first phase of the procedure; the medical treatment after the torture has been denied and limited in the later stages of the procedure; the right to due process is still infringed;

- D. whereas Mario Tadic also faced several breaches of basic human rights: upon his arrest and criminal proceeding he suffered severe injuries as result of violent interrogation and lacked access to adequate health treatment;
 - E. whereas on 18 May 2010, while Előd Tóásó and Mario Tadic were already in custody, the Article 239 of the Bolivian Code of Criminal Proceedings Procedure referring to length of pre-trial detention was amended and prolonged retroactively;
 - F. whereas even under the amended Bolivian rules preventive detention shall cease when 36 months have passed from the arrest without an accusation or without judgement;
 - G. whereas the Opinion No. 63/2011 (Plurinational State of Bolivia) of the United Nations Working Group on Arbitrary Detention states that Bolivia is in breach of Universal Declaration of Human Rights on several points, reaffirms that Előd Tóásó was arrested without any warrant and he has been kept in jail illegally, therefore, the UN Working Group called upon the Bolivian government to immediately release Előd Tóásó;
 - H. whereas the European External Action Service has been following the case closely and expressed their concerns regarding the independence of the judiciary in Bolivia;
 - I. whereas Bolivia has recently applied for being beneficiary of GSP + (system of generalized preferences for unilateral trade concessions by the European Union)which implies the signature and the implementation of 27 Conventions and among those the International Covenant on Civil and Political Rights and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
 - J. whereas the political declarations of the Committee on Human Rights, Civil and Religious Affairs of the Hungarian Parliament on the 'Tóásó-case' state that Bolivian authorities ignore their own regulation with regard to the duration of pre-trial detention and calls on competent bodies and international organisations to use their most effective tools in order to reach the lawful settlement of the case;
 - K. whereas further aspects of this case have already been submitted to the Inter-American Commission on Human Rights;
1. Calls on Bolivian authorities to ensure a fair and independent trial, to respect the human rights and the presumption of innocence in the case of the arrested European citizens;
 2. Calls on Bolivian authorities to respect their own national law on pre-trial detention and further international human rights agreements and immediately release Előd Tóásó and Mario Tadic;
 3. Expresses concerns regarding the report adopted and since then disseminated broadly by the Bolivian Parliament based on its own investigation of the case without any judicial investigation, trial and final sentence; therefore calls for an independent investigation with international experts on the killings and arrests of 16 April 2009;
 4. Calls on the relevant institution of European Union to integrate human rights in all policies with special regard to the negotiations of bilateral agreements with third countries;
 5. Calls on the European External Action Service to keep the case high on the agenda and take concrete measures and steps, furthermore to contact and cooperate with the different United Nations bodies to address the situation;

6. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the European Union's Special Representative for Human Rights, the parliaments and governments of the Member States, the Government and Congress of the Republic of Bolivia, the Secretary-General of the Organisation of American States, the Secretary-General of the United Nations and the UN Human Rights Council.