

URGENT ACTION

TUNISIAN DETAINEES FACING MILITARY TRIALS

Four men arrested on 19 July 2011 in the northern Tunisian town of Menzel Bourguiba are now facing unfair trials before military courts. Amnesty International opposes the trial of civilians before military courts.

The four men, Ayman Gharib, Anis el-Krifi, Walid Boujbali and Haitham el-Mejri, were arrested at their homes during raids by the security forces in the early hours of 19 July. They were among many arrested following clashes between demonstrators and security officers in Menzel Bourguiba on 16 July, during which a police station and a police car were reportedly set on fire. Apart from the four men, all those arrested were later released.

The four men are being charged under articles 72, 74 and 77 of the Tunisian Criminal Code which punish offences including "assault with the intention of changing the government", "inciting individuals to attack one another with weapons" and "causing disorder, killings and robbery". They also include charges of "creating or leading armed groups that destroy public or private property" and "being part of an armed or unarmed group that attacked civilians and property". Both articles 72 and 74 carry the death penalty.

One of the lawyers representing the four men has claimed that the case has been referred to a military court, despite all four being civilians on the basis of medical reports submitted by three security officers claiming they were injured during the events of 16 July. The lawyer believes that the charges have all been fabricated, especially as there are no witnesses to place the four men at the scene, and one of the accused has two witnesses claiming he was in a mosque for the duration of the clashes on 16 July. None of the men was found with any weapons.

Eight other men have also been referred to military trials in connection with the events of 16 July. However, they were never arrested and are now considered to be fugitives from justice.

Please write immediately in Arabic, English, French or your own language:

- Calling on the Tunisian authorities to ensure that Ayman Gharib, Anis el-Krifi, Walid Boujbali and Haitham el-Mejri receive a fair trial before a civilian court, not a military one, without the imposition of the death penalty;
- Urging them to investigate fully and independently the events that led to the charges against Ayman Gharib, Anis el-Krifi, Walid Boujbali and Haitham el-Mejri

PLEASE SEND APPEALS BEFORE 21 SEPTEMBER 2011 TO:

Minister of Justice and Human Rights

Lazhar Karoui Chebbi
Ministry of Justice and Human Rights
57 Bab B'net
1006 Tunis - La Kasbah
Tunisia

Fax: +216 71 568 106

Email: mju@ministeres.tn

Salutation: Your Excellency

Minister of National Defence

Abdelkarim Zebidi
Ministry of National Defence
Boulevard Bab M'nara
1008 - the Kasba - Tunis
Tunisia

Fax: +216 71 561 804

Email: defnat@defense.tn

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 223/11. Further information:
<http://amnesty.org/en/library/info/MDE30/015/2011/en>

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ADDITIONAL INFORMATION

The four men were among many arrested in recent clashes between demonstrators and security officers in Menzel Bourguiba and the Tadamon neighbourhood of the capital, Tunis. Other areas have also witnessed increased tension following the forcible dispersal of a sit-in in the Kasbah, Tunis, on 15 July. In one instance a 13-year-old boy was shot dead when army officers used live ammunition to disperse a demonstration in Sidi Bouzid. A curfew was set up in Menzel Bourguiba and Sidi Bouzid, which has since been lifted. On 21 July General Moukhtar Ben Nacer from the Ministry of National Defence made a public statement announcing that order had been restored to all parts of the country. However, the state of emergency was renewed indefinitely beginning on 1 August 2011.

In line with international law, Amnesty International opposes the trial of civilians by military courts. Such trials violate the right to a fair and public hearing before a competent, independent and impartial tribunal established by law, as guaranteed in Article 14 of the International Covenant on Civil and Political Rights, to which Tunisia is a state party.

Article 5 of the Tunisian Code of Military Justice of 1957 gives many possibilities for civilians to be tried before military tribunals: for ordinary criminal offenses in which a member of the military is involved, for offenses committed in military areas, for terrorism-related offenses and for offenses against internal and external security. Military courts deprive defendants of fair trial guarantees and due process rights, as their decisions are final and do not allow for appeal.

Amnesty International also opposes the death penalty in all cases, irrespective of the crime for which it is imposed, as it violates the right to life and constitutes the ultimate form of cruel, inhuman and degrading punishment. At least 22 people were sentenced to death in 2010. The government has maintained a *de facto* moratorium on execution since 1991, but at least 136 prisoners, among them four women, were on death row in 2010 and not permitted to have visits from their families and lawyers.

Names: Ayman Gharib, Anis el-Krifi, Walid Boujbali and Haitham el-Mejri
Gender m

Further information on UA: 223/11 Index: MDE 30/016/2011 Issue Date: 10 August 2011

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