

AI Index: PRE 01/183/2011
05 April 2011

Italy violated torture ban during Tunisia deportation

Italy's human rights record has been dealt another blow, Amnesty International said today, after the European Court of Human Rights ruled it had violated the ban on torture and other cruel, inhuman or degrading treatment during the deportation of a man to Tunisia in 2009.

In a unanimous decision, the Court ruled that Ali Ben Sassi Toumi, a Tunisian national who had been convicted of terrorism-related offences, was forcibly returned from Italy to Tunisia in violation of a European Court order requesting a halt to his transfer.

The Court held that diplomatic assurances of humane treatment that had been given to the Italian authorities by the Tunisian government, then headed by President Zine El 'Abidine Ben 'Ali, in advance of the deportation did not eliminate the risk of torture and ill-treatment.

"This is another well-deserved blow to Italy's human rights record," said Julia Hall, Amnesty International's expert on counter-terrorism and human rights in Europe.

"The Italian government completely disregarded the European Court's authority and used dubious promises from the Tunisian authorities to justify its actions. People cannot be sent to countries where they risk being tortured or otherwise ill-treated, under any circumstances, and assurances from a government known to torture cannot serve as a guarantee of safety on return."

Ali Ben Sassi Toumi was released from prison in Italy in May 2009, after serving four years on charges of belonging to a terrorist cell in Italy and recruiting fighters for the insurgency in Iraq.

He applied for asylum in Italy, but his claim was rejected on the basis that he had been convicted of committing a "serious crime".

He was forcibly returned to Tunisia in August 2009, despite the European Court of Human Rights calling three times on the Italian authorities to stay the deportation, on the grounds that he could risk torture and other ill-treatment in Tunisia and that this would hinder Ali Ben Sassi Toumi's right to seek protection from the Court.

The Italian authorities claimed that they had secured "diplomatic assurances" from the Tunisian government allegedly promising that Ali Ben Sassi Toumi would be treated humanely and receive a fair trial, but the Court firmly rejected that argument.

"Italy cannot pick and choose which human rights it will respect," said Julia Hall. "The Italian government must recommit to all its obligations under the European Convention on Human Rights and stop putting Tunisians and others in harm's way. The European Court has communicated that message loud and clear and it is high time that the Italian authorities listened to it," Julia Hall said.

Between 2008 and 2010, the European Court ruled against Italy three times in cases where Italy had

deported or was threatening to deport Tunisians back to Tunisia.