

URGENT ACTION

TUNISIAN DETAINEE IN IRAQ AT RISK OF RETURN

Tunisian national Mohamed Ben Faraj Medini, aged 24, faces forcible return from Iraq to Tunisia, where he would be at risk of arbitrary arrest, torture and other ill-treatment.

Mohamed Ben Faraj Medini is currently being held in a detention facility in Kerrada, in Baghdad, Iraq. He was arrested in March 2009 for illegally entering Iraq and has been held by the Iraqi authorities without charge or trial since then. He told his family in Tunisia on the phone that shortly after his arrest, he was tortured by Iraqi security officers.

After Mohamed Ben Faraj Medini left Tunisia in October 2008, Tunisian security officers went to his parents' house several times and questioned his mother and brother about his whereabouts and the reason he left Tunisia. His brother was also threatened with arrest. His lawyer later found that Mohamed Ben Faraj Medini had been sentenced in absentia to 12 years in prison for terrorism-related activities.

Following news in September 2009 that he would be returned to Tunisia, his family were visited by security officers on several occasions and were asked about the individuals they have been in contact with and from whom they receive news about their son. Last week, the family was again visited by security officers who confiscated the mobile phones of Mohamed Ben Faraj Medini's mother and brother.

PLEASE WRITE IMMEDIATELY in Arabic, French or your own language:

- urging the Iraqi authorities not to forcibly return Mohamed Ben Faraj Medini to Tunisia where he would be at risk of torture and other ill-treatment ;
- reminding the authorities that as parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, they are under an obligation not to deport anyone to a country where they would be at risk of torture;
- calling on the authorities to investigate Mohamed Ben Faraj Medini's allegations of torture and bring those responsible to justice;
- urging the authorities to ensure that he is treated humanely in detention, and not further subjected to torture or other ill-treatment;
- urging the authorities to charge Mohamed Ben Faraj Medini with a recognizably criminal offence and try him promptly and fairly or release him, and grant him immediate access to a lawyer and assistance from the UN Refugee Agency (UNHCR).

PLEASE SEND APPEALS BEFORE 3 NOVEMBER 2010 TO:

Send your appeals to the Iraqi embassy in your country and address them to:

Minister of Foreign Affairs

Hoshyar Zebari

Convention Centre (Qasr al-Ma'aridh)

Baghdad, Iraq

Salutation: Your Excellency

Minister of Justice

Judge Dara Noureddin

Convention Centre (Qasr al-Ma'aridh)

Baghdad, Iraq

Salutation: Your Excellency

Minister of Human Rights

Wajan Mikhail Salam

Convention Centre (Qasr al-Ma'aridh)

Baghdad, Iraq

Salutation: Your Excellency

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

In October 2008, Mohamed Ben Faraj Medini left Tunisia as he said he faced harassment by the Tunisian authorities because he regularly went to mosques. His attempts to study Islamic theology in Tunisia and Egypt failed and he subsequently travelled to Syria. He stayed in Syria for six months before entering Iraq in March 2009.

Many Arab nationals have been detained in Iraq for various reasons, including for entering the country illegally and for joining armed groups to fight against US and Iraqi forces. In many cases, people have been tortured in Iraq. In some cases people were also forcibly returned to their countries of origin in spite of fears that they will be subjected to torture and other ill-treatment. As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights to which Iraq is a state party, the Iraqi authorities have an obligation not to deport anyone to a country where they would be at risk of torture.

Over the years, Amnesty International has received numerous reports of torture and other ill-treatment by the Tunisian security forces. In virtually all cases, allegations of torture are not investigated and the perpetrators are not brought to justice. Individuals are most at risk of torture when in incommunicado detention. The most commonly reported methods of torture are beatings on the body, especially the soles of the feet; suspension by the ankles or in contorted positions; electric shocks; and burning with cigarettes. There are also reports of mock executions, sexual abuse, including rape with bottles and sticks, and threats of sexual abuse of female relatives.

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Tunisia is under an obligation to prevent torture and to "ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction".

The Tunisian authorities have relentlessly used "security" concerns as a pretext for the repression of Islamists and political dissent in general. With the introduction of the Anti-terrorism Law in 2003, hundreds of people have been arrested in connection with alleged terrorism-related offences. Despite amendments introduced in July 2009, annulling provisions keeping secret the identity of judges and prosecutors in counter-terrorism trials and classifying incitement to hatred as terrorist acts, unless accompanied with acts of intimidation, the law continues to contain a vague definition of terrorism acts contained in the law remains unchanged and it may still be used to criminalize freedom of expression, association and assembly.

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