

PUBLIC

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23 October 2007

Further information on UA 15/07 (MDE 30/001/2007, 18 January 2007) Fear of further torture/Medical concern

TUNISIA Ousama Abbadi (m)
 Mohammed Amine Jaziri (m)
 Ramzi el Aifi (m)
 Oualid Layouni (m)
 Mahdi Ben Elhaj Ali (m)

The men named above were allegedly tortured and otherwise ill-treated by the prison guards in Mornaguia Prison around 16 October. Some of them need urgent medical treatment and Amnesty International fears that they may be subjected to further torture and other ill-treatment

According to lawyers who visited Ousama Abbadi, Mohammed Amine Jaziri, Ramzi el Aifi, Oualid Layouni, and Mahdi Ben Elhaj Ali on 20 October, the five men were punched, tied up and kicked. Ousama Abbadi was beaten on his face and had an internal bleeding in his right eye. He also had a deep open wound on his leg. When he met his lawyer, he was brought in a wheel chair, unable to stand, which raises fears that he might have sustained more serious injuries. He has so far received no medical treatment.

Mohammed Amine Jaziri was also reportedly unable to walk when he met his lawyer. He had bruises below one of his eyes and wounds on his arms and legs, whilst Oualid Layouni had similar injuries. Other individuals detained in Mornaguia Prison were reportedly stripped naked and dragged in the corridor in front of a number of prison cells. Another detainee reportedly was raped by having a staff inserted in his anus. Family members of some of the men who went to visit them on the weekend of 20/21 October were told by prison guards that the men were being "punished" for 15 days and that they were not allowed to receive family visits, food or clothes from outside the prison.

The men are said to have been tortured or otherwise ill-treated in order to force them to end a hunger strike which they started on 13 October 2007. They had been protesting against ill-treatment and harsh prison conditions. They were also calling for a fair trial. The men had previously told their families and lawyers that they were frequently beaten, forced to sleep on the floor, threatened with rape, deprived of sleep and not allowed to pray or read the Koran.

Most of the men were arrested in December 2006 and January 2007, following an exchange of gun fire in December 2006 between the security forces and alleged members of the *Groupe salafiste pour la prédication et le combat* (Salafist Group for Preaching and Combat). They appeared before the examining judge in the absence of their lawyers and are awaiting trial under the anti-terrorism law of 2003.

BACKGROUND INFORMATION

For more than a decade, hundreds of detainees have reportedly been tortured. The Penal Code was amended in August 1999 to make torture a crime punishable by up to eight years' imprisonment (Article 101 *bis* of the Penal Code). Tunisia is party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which requires prompt and impartial investigations into all allegations of torture (Article 12). Although there have been investigations in a few cases of torture, in hundreds of other cases of torture in the last decade there have been no investigations and no attempts to bring the perpetrators to justice.

In May 2001, a new law on prison administration increased rights for prisoners. The law guarantees basic rights, including free medical care, either inside prison or in hospital at the discretion of the prison doctor (Article 17-2) and a shower at least once a week (Article 17-4). Under the law, a prisoner may be granted

special permission to visit a relative in case of serious illness or death (Article 18-1) and has the right to family visits (Article 18-2), correspondence (Article 18-3), and access to books and newspapers (Article 19-1). This law has been repeatedly disregarded in practice, and Amnesty International continues to receive reports of prisoners being denied medical care by prison authorities.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, French, English or your own language:

- expressing concerns at the allegations that the five individuals named above were tortured or otherwise ill-treated in Mornaguia Prison;
- seeking guarantees for the safety of all those named above from further tortured and other ill-treatment;
- calling on the Tunisian authorities to open a thorough, impartial and independent investigation into all allegations of torture made by the detainees, for the results to be made public and those responsible brought to justice, as required by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Tunisia is state party;
- expressing concern at the state of health of Ousama Abbadi and urging the authorities to allow him and the other detainees immediate access to any medical treatment they may require;
- calling on the authorities to guarantee that the detainees are given adequate medical care and access to their families;

APPEALS TO:

Minister of the Interior

Rafik Haj Kacem
Ministère de l'Intérieur
Avenue Habib Bourguiba
1000 Tunis
Tunisie

Fax: + 216 71 340 888
E-mail: mint@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

Minister of Justice and Human Rights

M. Béchir Tekkari
Ministère de la Justice et des Droits de l'Homme
31 Boulevard Bab Benat
1006 Tunis - La Kasbah
Tunisie

Fax: + 216 71 568 106
E-mail: mju@ministeres.tn
Salutation: Your Excellency/Excellence

COPIES TO:

Official human rights body reporting to the President

Président
Comité supérieur des droits de l'homme et des libertés fondamentales
85 avenue de la Liberté
1002 Tunis-Belvédère
Tunisie

Fax: + 216 71 796 593

and to diplomatic representatives of Tunisia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 December 2007.