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Tunisia: “Plus ça change” on human rights, says Amnesty International

The Tunisian authorities continue to commit human rights violations in the name of security and counter-terrorism, yet other states continue to forcibly return Tunisian nationals at risk of torture and other abuses or to threaten such returns, Amnesty International said in a new report today.

“The government portrays Tunisia as a country where the rule of law prevails, but that is far from the reality,” said Malcolm Smart, Director of the Middle East and North Africa Programme. “In practice, the Tunisian authorities continue to carry out arbitrary arrests and detentions, allow torture and use unfair trials, all in the name of the fight against terrorism. This is the harsh reality behind the official rhetoric.”

The new report entitled *Tunisia, Continuing Abuses in the Name of Security* is being issued more than a year after Amnesty International detailed serious human rights violations and called for urgent government action to stem abuses and uphold the rule of law. Little has since changed in Tunisia. Torture remains pervasive in detention centres, particularly those of the State Security Department, and statements allegedly obtained under torture continue to be accepted by courts as evidence to convict defendants without taking any, or adequate, steps to investigate.

“Despite the evidence of ongoing abuses, the Italian authorities have forcibly returned at least five Tunisians since June 2008, all of whom were arrested on arrival and detained incommunicado for periods up to 12 days,” said Malcolm Smart. “Meanwhile, at least 18 other Tunisians are believed to be at risk of forcible return from Italy and from other European states.”

One of the Tunisians forcibly returned from abroad, Sami Ben Khemais Essid, was sent back by the Italian authorities on 3 June 2008 despite a ruling by the European Court of Human Rights that he should not be returned at least until the Court had had an opportunity to examine his case. He was sentenced to 12 years in prison by a military court in November 2008 and in January 2009 was removed from prison by State Security Department officials and taken to the premises of the Ministry of Interior, where he was kept for two days, interrogated about other suspects and tortured. Other Tunisians considered terrorism suspects are now at risk of forcible return from Belgium, Bosnia and Herzegovina, Sweden and Switzerland.

Amnesty International has repeatedly called on European and other governments not to forcibly return to Tunisia individuals who would be at risk of torture or other serious human rights violations. These include the 10 Tunisians still held at the US detention centre at Guantánamo Bay, Cuba, which President Obama has said he intends to close, and one Tunisian believed to be detained at Bagram in Afghanistan.

“In the past year, we have seen further cases in which suspects have been detained incommunicado beyond the period allowed by Tunisian law only to have their arrest dates falsified by security officials to cover this

up,” said Malcolm Smart. “Such abuses are part of a longstanding pattern which we have repeatedly drawn to the government’s attention, but without effective response.”

Recent amendments to the much-criticized anti-terrorism law of 2003 reported in the Tunisian media softened some of its provisions but had only cosmetic effect.

“The Tunisian authorities must clean up the detention system, clamp down against torture and end the impunity accorded to the State Security Department and its officials,” said Malcolm Smart. “The government must take concrete steps to end abuses if its human rights rhetoric is to be matched by reality.”

Background:

In its report *In the Name of Security: Routine Abuses in Tunisia* published in June 2008, Amnesty International described a pattern of human rights violations including arbitrary arrests, incommunicado detention and enforced disappearances; torture and other ill-treatment; unfair trials, including before military courts; and abuses in prisons as well as abuses against Tunisian nationals forcibly returned from abroad.

The Tunisian government rejected Amnesty International’s report, and denied that allegations of torture are not investigated and that security officials are allowed to abuse the law with impunity.