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Tunisia: End the cycle of injustice

Amnesty International released a report on Tunisia today in which it called on Tunisian authorities to stop widespread human rights violations in the country and to bring their practices into line with Tunisian law and international human rights treaties ratified by the government.

"Amnesty International is concerned about the Tunisian authorities' continuous violation of human rights and the Tunisian government's failure to keep to its promises of achieving better human rights standards," Amnesty International said.

"Even though improved laws provide more guarantees for human rights, security forces continue to act in breach of these laws and international human rights standards."

Tunisia: The cycle of injustice is the first major report on Tunisia since 1998 to be released by Amnesty International. In it, the organization describes how the cycle begins with the arbitrary and illegal detention of opponents or alleged opponents, frequently followed by incommunicado detention for a period which usually exceeds the maximum *garde à vue* allowed under Tunisian law.

Detainees are routinely denied medical examination and remain at risk of torture, sometimes for weeks. They are not allowed to contact their families and are often not informed about their right to legal counsel. Fundamental standards of international treaties, including the right to a fair trial, are deliberately disregarded. Confessions allegedly obtained under torture are routinely used as evidence in court.

"No confessions or other evidence obtained under torture should be accepted in court. The independence of the judiciary from executive intervention or influence should be made absolute, not only in law but also in practice," Amnesty International said.

"The authorities must put an end to the trial of civilians by military courts where procedures fall short of international standards for fair trials. All prisoners who were unfairly tried must be allowed a fair retrial."

Human rights organizations and defenders including lawyers, doctors and journalists face measures of intimidation and harassment. Files of defendants are confiscated from lawyers or tampered with.

"Lawyers should be free from improper interference in the exercise of their professional duties,

including access to their clients. They must not be, in any way, harassed or intimidated," Amnesty International said.

The "cycle of injustice" continues in prisons where diseases run rife in overcrowded cells. Political prisoners in particular are frequently tortured or ill-treated and suffer from discrimination. Many have been kept in prolonged solitary confinement for years. They are denied adequate medical care, education or work and often held in prisons located far from their families, making visits difficult for their relatives. Those prisoners count among them some 103 prisoners who were unfairly sentenced more than ten years ago after the 1992 mass trials of Bouchoucha and Bab Saadoun.

"The Tunisian authorities must put an end to forced and prolonged solitary confinement which might amount to cruel, inhuman or degrading treatment or indeed torture," Amnesty International said.

"Those responsible for torture and abuses must be brought to justice so that this cycle of injustice will come to an end. All deaths in custody and allegations of torture and ill-treatment must be promptly, thoroughly and impartially investigated and their findings made public."

Amnesty International said the 2001 law on prison administration in addition to other measures announced earlier this year were positive steps. However, the rights of all prisoners, without exception, still need to be protected in practice.

Abdel-Majid Ben Tahar was sentenced to 12 years and nine months in jail in December 1993 for belonging to Ennahda (Renaissance), an unauthorized political party. He was conditionally released from prison in April 2002 with a brain tumour after complaining for a year from severe headaches before being allowed a medical examination.

"The police would come several times a week to my house in the weeks that followed my release. They would walk into my bedroom and up to my bed to see if I had died," 42-year-old Ben Tahar told Amnesty International.

The "cycle of injustice" continues after release. Former prisoners suffer harassment, arbitrary re-arrest and have their basic rights denied after being released. Hundreds are forced to report regularly to the security forces and are deprived of access to adequate healthcare, resumption of studies or work. The practice of rounding up former prisoners is frequent. These former prisoners are routinely accused of breaching the conditions imposed by their conditional release. Yet, they are frequently unaware of what these conditions are.

"Arbitrary measures are tolerated or condoned at the highest levels of the state amid a general climate of impunity," Amnesty International said.

"The authorities must provide redress and remedies for those whose rights have been violated and must ensure that justice and the rule of law become a reality for all in the country."

Tunisian authorities have used "security" for over a decade as a pretext to curtail political and civil rights. A vague definition of "terrorism" in Tunisia's Penal Code is often used to silence those who exercise their right to freedom of expression and who have not used or advocated violence.

Amnesty International recognizes the responsibility of all governments to protect their citizens from acts of violence on their territory and to bring to justice those responsible. However, investigations, legal proceedings and trials must always be in full compliance with international human rights standards.

"Security for all and the obligation to respect human rights for all can only be ensured by the fair administration of justice," Amnesty International said.

In a speech delivered on 10 December 2002 to proclaim his government's achievements since 1987, 15 years after coming to power, President Ben Ali said that human rights were among the basic values of his government. However, the gap has been incessantly growing between the principles proclaimed by the authorities and the reality experienced by Tunisian citizens.

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