

AI Index: PRE 01/523/2013
07 October 2013

Ensure justice for Tunisian torture victim exhumed after 22-year campaign

After years of uncertainty, the full facts in the iconic case of Faysal Baraket, a Tunisian student who died in police custody in 1991, are coming to light, bringing an end to years of denial and deception by the Tunisian authorities, said Amnesty International.

A report published on the 22nd anniversary of his death details the ordeal faced by his family in their quest for truth and justice and the organization's lengthy campaign to challenge the authorities' claim that the 25 year-old died in a car accident rather than being tortured to death.

"Faysal Baraket's case underscores how the security forces for years tortured dissenting voices then denied it and covered it up, as well as the urgent need to reform the security apparatus and judiciary which played a central role in how the case was handled," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for the Middle East and North Africa.

His body was finally exhumed in March 2013, two years after the fall of Ben Ali providing further forensic evidence that he had been tortured. Now, Amnesty International is calling for those responsible for his death to be brought to justice.

"Faysal Baraket's exhumation represents a significant step towards achieving justice for his death. Justice must now be served to bring his family's ordeal to an end," said Hassiba Hadja Sahraoui. "His case also marks a symbolic moment for hundreds of other torture victims of Ben Ali's regime. All those responsible for torture, including those behind Faysal Baraket's death, must be brought to justice without further delay."

Faysal Baraket, a member of the then-outlawed Islamist opposition party Ennahda, was arrested on 8 October 1991 after he criticized the Tunisian authorities during a television interview. His brother, Jamal, was arrested days earlier and tortured repeatedly in detention.

After Faysal Baraket's death, the Tunisian authorities orchestrated a cover up to hide the true cause, telling his family and Amnesty International that he had died in a car accident. However, in January 1992 the organization gathered evidence from witnesses who said they heard him screaming as he was tortured and beaten for hours in the Nabeul Police Station. Later they saw him slumped in a corridor, unconscious. His body was contorted in the position used in the "roast chicken" torture method – where the victim is tied to a horizontal pole with hands and feet crossed over and tied together. His face was bruised and had cuts around the eyes.

Amnesty International asked Dr Derrick Pounder, a British forensic pathologist, to examine Faysal Baraket's autopsy report in February 1992. He concluded that Faysal Baraket's death could not have been caused by a traffic accident. Instead he found evidence he had been sodomized and identified a pattern of injury in line with a systematic physical assault. The report also noted that his feet and buttocks had been badly beaten.

The case was submitted to the United Nations Committee against Torture (CAT), which concluded in 1999 that Tunisia had breached its obligations to hold a prompt and impartial investigation into the death, and recommended the body be exhumed in the presence of international forensic experts.

The former Tunisian authorities repeatedly botched investigations into Faysal Baraket's death and deliberately covered up the fact that he had been tortured. It has taken 14 years to implement the Committee against Torture's recommendation to exhume his body. No one involved in his death has yet been held accountable. The Tunisian authorities must put an end to such impunity," said Hassiba Hadj Sahraoui.

Under Ben Ali, thousands of government critics, including political opponents, journalists, lawyers and human rights activists, were arbitrarily arrested, held in incommunicado detention and imprisoned after unfair trials. Torture and ill-treatment of detainees was widespread.

A comprehensive framework to ensure justice for such crimes has yet to be established. Some positive steps have been taken but progress on reform has stalled in recent months. Laws to establish a national mechanism to prevent torture and a commission to investigate human rights violations, have been discussed but not yet been adopted. Human rights violations in Tunisia have continued on a smaller scale since the fall of Ben Ali.

"In order for Tunisia to make a clean break with the past, accountability must be a priority. In the immediate aftermath of the uprising security officers were shuffled around and some heads fell but the security apparatus with all its flaws remains wholly unaccountable. As for the judiciary, it still intrinsically lacks the independence from the executive necessary to bring to justice those implicated in torture, from low-ranking officers to the highest level of the state," Hassiba Hadj Sahraoui said.

"Faysal Baraket's case highlights the crucial role that independent forensic expertise can play in investigating torture. Strengthening Tunisia's forensic capacity should form part of a comprehensive transitional justice strategy to bring truth, justice and redress to all those who have suffered torture."