

URGENT ACTION

THREE MEN RELEASED; ONE STILL DETAINED

Three of the four men arrested on 19 July in the northern Tunisian town of Menzel Bourguiba have been released. The fourth man, Haitham el-Mejri, remains in detention and is facing an unfair trial before a military court. He could face the death penalty if convicted.

Haitham el-Mejri remains in detention facing a military trial, after being arrested following clashes between demonstrators and security forces on 16 July, during which a police station and a police car were reportedly set on fire. A police officer claims he saw Haitham el-Mejri at the scene of the clashes. According to his lawyer, there are at least two witnesses who have testified that Haitham el-Mejri was in a mosque for the duration of the clashes and was not involved in any of the violence.

Ayman Gharib, Anis el-Krifi and Walid Boujbali, who had been detained with Haitham el-Mejri, were released on 29 August pending further investigations. Their lawyers are hopeful the charges against them will be dropped as there is no evidence linking them to the alleged crimes.

The four men were arrested from their homes during raids carried out by security officers in the early hours of 19 July. They were among many arrested following the events of 16 July. While all others were released soon after their arrest, the four men were charged with "assault with the intention of changing the government", "inciting individuals to attack one another with weapons" and "causing disorder, killings and robbery". They were also charged with "creating or leading armed groups that destroy public or private property" and "being part of an armed or unarmed group that attacked civilians and property". They were referred to trial before a military court. Several of the charges carry the death penalty.

Please write immediately in Arabic, English, French or your own language:

- Calling on the Tunisian authorities to ensure that Haitham el-Mejri receives a fair trial before a civilian court, not a military one, without the imposition of the death penalty;
- Urging them to investigate fully and independently the events that led to the charges against Haitham el-Mejri, Ayman Gharib, Anis el-Krifi and Walid Boujbali.

PLEASE SEND APPEALS BEFORE 13 OCTOBER 2011 TO:

Minister of Justice and Human Rights

Lazhar Karoui Chebbi
Ministry of Justice and Human Rights
57 Bab B'net

1006 Tunis - La Kasbah
Tunisia

Fax: +216 71 568 106

Email: mju@ministeres.tn

Salutation: Your Excellency

Minister of National Defence

Abdelkarim Zebidi
Ministry of National Defence
Boulevard Bab M'nara

1008 - the Kasba - Tunis
Tunisia

Fax: +216 71 561 804

Email: defnat@defense.tn

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 223/11. Further information: <http://amnesty.org/en/library/info/MDE30/015/2011/en>

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ADDITIONAL INFORMATION

The four men were among many arrested in clashes between demonstrators and security officers in Menzel Bourguiba and the Tadamon neighbourhood of the capital, Tunis. Most were later released but the four men were charged under articles 72, 74 and 77 of the Tunisian Criminal Code. They were referred to a military court on the basis of medical reports submitted by three security officers claiming they were injured during the events of 16 July. Articles 72 and 74 carry the death penalty.

In line with international law, Amnesty International opposes the trial of civilians by military courts. Such trials violate the right to a fair and public hearing before a competent, independent and impartial tribunal established by law, as guaranteed in Article 14 of the International Covenant on Civil and Political Rights, to which Tunisia is a state party.

Article 5 of the Tunisian Code of Military Justice of 1957 gives wide scope for civilians to be tried before military tribunals: they may be tried for ordinary criminal offences in which a member of the military is involved, for offences committed in military areas, for terrorism-related offences and for offences against internal and external security. Military courts deprive defendants of fair trial guarantees and due process rights, as their decisions are final and do not allow for appeal.

Amnesty International also opposes the death penalty in all cases, irrespective of the crime for which it is imposed, as it violates the right to life and constitutes the ultimate form of cruel, inhuman and degrading punishment. At least 22 people were sentenced to death in 2010. The government has maintained a *de facto* moratorium on execution since 1991, but at least 136 prisoners, among them four women, were on death row in 2010 and not permitted to have visits from their families and lawyers.

Names: Haitham el-Mejri

Gender: m

Further information on UA: 223/11 Index: MDE 30/018/2011 Issue Date: 1 September 2011

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