

PUBLIC

AI Index: MDE 30/001/2006

16 February 2006

UA 39/06

Medical concern

TUNISIA

Abdelghaffar Guiza (m), aged 23
Omar Chlendi (m), aged 23

Abdelghaffar Guiza and Omar Chlendi, both detained since 2003, are reportedly being denied access to medical treatment. The life of Abdelghaffar Guiza may be at risk if he does not receive specialist care in hospital. Both were tried in an unfair trial in 2004 on charges of "belonging to a terrorist group".

Abdelghaffar Guiza is currently serving a 13-year sentence in the *9 avril* prison in the capital, Tunis. According to his family, he has developed tuberculosis during his imprisonment, and his condition deteriorated around the beginning of 2006 as a result of poor prison conditions and denial of specialist medical care. According to recent reports, he has been vomiting blood and his family have expressed fears for his life.

Abdelghaffar Guiza has undertaken several hunger strikes in recent months to demand that the prison authorities send him for medical care at a hospital in Ariana, just outside Tunis, which specializes in treating tuberculosis. Doctors at the hospital have reportedly stated that he would need to stay in hospital for at least eight months in order for his treatment to be effective. In late 2005 he was sent to the hospital in Ariana for 11 days; however this was not long enough to treat his tuberculosis.

Omar Chlendi is serving a 13-year sentence in Borj El Amri prison, some 30km from Tunis. According to his mother, who visited him at the end of January, his knee is very swollen, he is in great pain and he has difficulty walking. His mother met with the director of the prison around a year ago and demanded that he be given access to medical treatment, but though an x-ray of his knee is said to show inflammation of the knee joint, he has not received adequate treatment.

Abdelghaffar Guiza and Omar Chlendi were among a group of seven young men from Zarzis in southern Tunisia who were arrested in February 2003 and kept in secret detention for over two weeks, during which time most of them alleged having been tortured (see UA 47/03, MDE 30/002/2003, 18 February 2003, and follow-up). At his trial in April 2004, Abdelghaffar Guiza made detailed allegations of torture. He said that, among other things, his hands were tied and attached to the ceiling and he was beaten on his back; he was forced to remain in a tub of cold water for extended periods and had his head immersed in water repeatedly; he also alleged that he had been threatened with rape and with being killed. Omar Chlendi also claimed that he had been tortured. He said he was suspended from the ceiling by his hands and beaten all over his body.

Their confessions, allegedly extracted under duress, were later used as principal evidence against them in court. The court failed to order an investigation into the allegations of torture. Abdelghaffar Guiza, Omar Chlendi and four of their co-defendants were sentenced to 19 years and three months' imprisonment, reduced to 13 years on appeal in July 2004.

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

- expressing concern for the health of Abdelghaffar Guiza and Omar Chlendi;
- expressing concern that Abdelghaffar Guiza's life may be in danger if he is not provided with appropriate specialist medical care as recommended by a doctor;

- calling on the authorities to ensure that Abdelghaffar Guiza and Omar Chlendi be given immediate access to adequate medical care;
- noting that the trial of Abdelghaffar Guiza, Omar Chlendi and five others violated international fair trial standards, as confessions allegedly extracted under duress were used as principal evidence in court;
- reminding the authorities that Abdelghaffar Guiza, Omar Chlendi and those sentenced with them should either be retried promptly in accordance with fair trial standards, or else released.

APPEALS TO:

President / Président de la République

Président Zine El Abidine Ben Ali

Palais Présidentiel

Tunis, Tunisie

Fax: + 216 71 744 721

Salutation: Monsieur le Ministre / Your Excellency

Minister of Justice and Human Rights / Ministre de la Justice et de Droits de l'Homme

M. Béchir Tekkari

Ministère de la Justice et de Droits de l'Homme

31 Boulevard Bab Benat

1006 Tunis, La Kasbah, Tunisie

Fax: + 216 71 568 106

E-mail: mju@ministeres.tn

Salutation: Monsieur le Ministre / Your Excellency

Prison director, 9 avril prison (for letters concerning Abdelghaffar Guiza)

Prison civile de 9 avril

Le directeur

Avenue du 9 avril

1006 Tunis, Tunisie

Salutation: Monsieur le directeur / Dear Director

Prison director, Borj El Amri (for letters concerning Omar Chlendi)

Prison civile de Borj El Amri

Le directeur

1142 Borj El Amri, Tunisie

Salutation: Monsieur le directeur / Dear Director

COPIES TO:

Official human rights body, reporting to the President

Comité supérieur des droits de l'homme et des libertés fondamentales

Zakaria Ben Mustapha (Président)

85 avenue de la Liberté - 1002 Tunis-Belvédère – Tunisie

Fax: + 216 71 796 593 / 784 038

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 30 March 2006.