

PUBLIC

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UA 189/08 Fear of torture or ill-treatment

TUNISIA Ziad Fakraoui (m), aged 27

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Ziad Fakraoui is being detained incommunicado and is at risk of torture and other ill-treatment. He was arrested on the morning of 25 June at his family home in the capital, Tunis, by men in civilian clothing. The men identified themselves as state security officials, and told Ziad Fakraoui's mother that they were taking him to the Ministry of the Interior. His family has been unable to obtain any information about him since.

Ziad Fakraoui's arrest follows the recent publication by Amnesty International of a report entitled *In the Name of Security: Routine Abuses in Tunisia* (MDE 30/007/2008), which highlighted Ziad Fakraoui's detention between 2005 and 2007.

The state security officials did not have a warrant for Ziad Fakraoui's arrest, and refused to tell his mother why they were taking him away. Under Tunisian law, security forces must have a warrant for an arrest, and the warrant must state the reason for the arrest.

A few hours later two more security officials went to the family home and asked for Ziad Fakraoui. His mother told them he had been taken to the Ministry of Interior. The following day, two officers from the National Guard went to the family home and once again asked her where he was.

Under Article 13 of Tunisia's Code of Criminal Procedure, suspects may not be detained by the police or the National Guard for more than three days. The Public Prosecutor has the power to extend this by a further three days in "cases of necessity." The authorities are required to notify detainees of the procedures being used in their case; the reason for and duration of their detention; and of the guarantees provided to them by law, including the right to medical examination during or after the detention. They must also notify a member of the detainee's immediate family of the arrest and detention.

Ziad Fakraoui's mother told Amnesty International that he was previously arrested on 18 April 2005 by security officials in plain clothes. His family then received no information about his whereabouts until he was brought before an investigating judge on 30 April 2005, charged under the 2003 Anti-Terrorism Law and was transferred to prison. In March 2007, Ziad Fakraoui told a trial judge that he had been tortured when in police custody at the Department of State Security and that he is sexually incapacitated as a result. He asked the court for a medical examination and for those responsible for his torture to be brought to justice. The judge refused to register Ziad Fakraoui's allegations in court records, and torture complaints subsequently filed by his lawyers before the Public Prosecutor in April 2007 were not investigated. Ziad Fakraoui went on hunger strike in September 2007 for almost two months to protest that he had not had a medical examination since he was tortured. During his hunger strike, his lawyers and relatives were prevented from visiting him on various occasions. In December 2007, he and other suspects in the same case were sentenced to 12 years' imprisonment on various terrorism related counts, including membership of a terrorist organization and incitement to terrorism. The sentences of all the defendants were reduced to three years' imprisonment by the Appeal Court. Ziad Fakraoui was released on 24 May 2008 as he had already served his sentence.

## **BACKGROUND INFORMATION**

Over the years, Amnesty International has received numerous reports of torture and other ill-treatment by the Tunisian security forces. In virtually all cases, allegations of torture are not investigated and the perpetrators are not brought to justice. Individuals are most at risk of torture when held in incommunicado detention.

As a state party to the Convention Against Torture, Tunisia is under an obligation to prevent torture and to “ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”.

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

- calling upon the Tunisian authorities to immediately disclose where Ziad Fakraoui is being detained, and to ensure that he is not tortured or otherwise ill-treated in detention;
- urging the Tunisian authorities to promptly charge Ziad Fakraoui with a recognizably criminal offence and bring him before a court in fair proceedings or to release him;
- urging the authorities to grant him immediate access to his relatives, lawyer and any medical treatment he may require
- calling upon the authorities to ensure that Ziad Fakraoui's family are not harassed by Tunisian security forces;
- calling for a thorough and impartial investigation into allegations that Ziad Fakraoui was tortured in 2005, and that those found responsible are brought to justice;
- reminding the authorities that as parties to the UN Convention Against Torture, they are obliged to promptly investigate any allegations of torture;

## **APPEALS TO:**

Minister of the Interior  
Rafik Haj Kacem  
Ministère de l'Intérieur  
Avenue Habib Bourguiba  
1000 Tunis  
Tunisia

**Fax: + 216 71 340 888**

**Salutation: Your Excellency**

Minister of Justice and Human Rights  
M. Béchir Tekkari  
Ministry of Justice and Human Rights  
31 Boulevard Bab Benat  
1006 Tunis - La Kasbah  
Tunisia

**Fax: + 216 71 568 106**

**Salutation: Your Excellency**

## **COPIES TO:**

Mr. Ridha Khemakhem  
General Coordinator for Human Rights  
Ministry of Justice and Human Rights  
31 Boulevard Bab Benat  
1006 Tunis - La Kasbah  
Tunisia

And 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 8 August 2008.