

**Benita Ferrero-Waldner**  
European Commission

Brussels, 28 October 2008  
Our ref.: B823

Dear Ms Ferrero-Waldner,

**Subject: EU-Tunisia Association Council**

In view of the upcoming EU-Tunisia Association Council on 11 November, Amnesty International would like to bring to your attention the following key human rights concerns in Tunisia, and we hope you will take the opportunity to raise them with your Tunisian counterparts.

**Torture and ill-treatment, and the lack of investigation for such abuses**

Amnesty International continues to receive reports on allegations of torture and other ill-treatment in Tunisia, mostly in relation to prolonged periods of incommunicado detention, prior to any period of officially recorded detention. Individuals particularly at risk of torture are those arrested in connection with security related offences, including those forcibly returned from abroad. "Confessions" extracted under torture are commonly submitted as evidence at trial, and despite defendants subsequently retracting such "confessions", the courts routinely accept them as evidence for conviction and fail to adequately investigate allegations of torture and other ill-treatment. Prisoners serving sentences for political or security reasons are at particular risk of further ill-treatment, isolation for weeks, and denial of medical care on an arbitrary and discriminatory basis.

Despite the safeguards against torture provided by Tunisian law, in virtually all cases known to Amnesty International the Tunisian authorities have failed to carry-out adequate investigations into allegations of torture and other ill-treatment, and to bring perpetrators to justice. Requests to the judiciary for medical examinations and complaints about torture and other ill-treatment have been consistently dismissed or have not been followed up with full and effective independent investigations and action against perpetrators.

**Unfair trials**

Tunisia's law, in principal, guarantees the rights to a fair trial, including the rights to a legal counsel, the obligation to investigate allegations of torture and other ill-treatment, and the right to be tried before an independent and impartial court of law. However, these safeguards have regularly been violated at all stages of the judicial proceedings. Indeed, Tunisian law does not provide for a right of detainees to have contact with their lawyers for the duration of their *garde à vue* detention, and detainees in terrorism-related cases have been denied legal representation when brought before an investigating judge for the first time, in violation of international and Tunisian law. Furthermore, the rights of defence are frequently disregarded through the denial of adequate time and facilities to the defence lawyers, thus preventing them from preparing the defence, and sometimes denying them access to their clients during pre-trial detention. In addition, the Tunisian Code of Military Justice permits trial by military courts of civilians charged with undermining state security or serving in peacetime in a foreign army or a terrorist organization abroad. Such trials fail to satisfy international standards of fair trial, notably the right to a public trial before an independent and impartial court, the right to prompt access to a lawyer, the right to prepare an adequate defence, and the right to appeal.

**Harassment of human rights defenders**

Human rights defenders and activists are subject to frequent harassment and intimidation, including physical attacks by police or plainclothes security officials or people acting on their behalf. The frequent presence of police outside the offices of human rights defenders who are lawyers deters their clients and potential clients. Lawyers representing detainees in terrorism-related cases are particularly subjected to abuse: they are routinely intimidated, harassed and sometimes themselves victims of physical violence by state authorities, and their complaints about this treatment remain without proper investigation.

**Recent events in Gafsa**

Recently, trade unionists in the Gafsa region have been victims of human rights abuses. Trade unionist Adnan Hajji was arrested at his home in Redayef on 22 June 2008 following waves of demonstrations in various towns in the Gafsa region against unemployment and the rising cost of living. He was charged, together with 37 others, with an array of offences, including constitution of a group with the aim of incitement to the destruction of public and private property, deliberate destruction of property, resisting the authorities, inciting others to protest and blocking public ways. On 23 June, he appeared before the investigating judge, who postponed the hearing to 26 June, then several times after that. Adnan Hajji's lawyers visited him after his arrest but were later prevented from visiting him, most recently on 2 August 2008. Investigations ended in October and the group is expected to stand trial in the coming weeks. Most of the defendants are in detention.

Amnesty International urges the European Commission to seize the opportunity of the EU-Tunisia Association Council to press the Tunisian authorities to:

- publicly condemn the practice of torture in Tunisian centres of detention and take effective measures to prevent torture and other ill-treatment, and make clear to all officers involved in arrest, detention and interrogation, in particular those of the Department of State Security (DSS), that torture and other ill-treatment will not be tolerated under any circumstances;
- end impunity for the security forces by initiating prompt, effective and independent investigations of all allegations of torture and other ill-treatment and bring those responsible to justice;
- order retrials in proceedings that meet international fair trial standards where evidence obtained by means of torture or other ill-treatment was admitted in the proceedings (except against a person accused of torture), or where claims that evidence was obtained by torture or other ill-treatment were summarily or otherwise improperly dismissed;
- immediately halt all pending trial of civilians in military courts; transfer these cases to civilian courts for a new trial in proceedings that meet international fair trial standards or release the individuals; order retrials for all new civilians convicted by military courts or release them;
- investigate all complaints filed by human rights defenders in which harassment by security forces is alleged and bring those responsible to justice and end the practice of judicial harassment against them; and
- drop charges brought against all protestors and trade unionists for exercising peacefully their right to freedom of expression and of assembly.

We look forward to hearing from you as to the outcome of these discussions, and remain at your disposal to discuss these issues further.

Yours sincerely,



Nicolas Beger  
Director  
Amnesty International EU Office