



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

TUNISIA*

**Information received from Tunisia on the implementation of the concluding
observations of the Human Rights Committee (CCPR/C/TUN/CO/5)**

[16 March 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

In keeping with Tunisia's commitment to cooperation with the Human Rights Committee ("the Committee"), and taking into account article 71, paragraph 5, of the Committee's rules of procedure and the recommendation in paragraph 23, in which the Committee requests the State party to provide within a year information on follow-up to the Committee's recommendations contained in paragraphs 11, 14, 20 and 21, Tunisia has the honour to transmit the following information, within the prescribed deadline, to the members of the Human Rights Committee.

I. RECOMMENDATIONS IN PARAGRAPH 11

The State party should:

(a) *Ensure that all allegations of torture and cruel, inhuman or degrading treatment or punishment are investigated by an independent authority, and that the perpetrators of such acts, including their hierarchical superiors, are prosecuted and punished and that the victims receive reparation, including appropriate compensation.*

The State's proactive policy of prosecution and punishment for any act of torture or ill-treatment has recently been strengthened by a series of measures that take due account of the Committee's recommendations. These include:

- The promulgation of Act No. 2008-21 of 4 March 2008 amending Act No. 87-70 of 26 November 1987, which requires public prosecutors and investigating judges to provide written reasons in fact and in law for any decision to extend the length of police custody or pretrial detention
- The promulgation of Act No. 2008-75 of 11 December 2008, whose aim is to strengthen the guarantees afforded to accused persons, improve the situation of inmates and ease conditions relating to rehabilitation
- The adoption of a circular issued by the Ministry of Justice and Human Rights, addressed to State and public prosecutors, which directs the attention of the prosecuting authorities to the need for systematically investigating all allegations of torture or ill-treatment

All acts of torture and cruel, inhuman or degrading treatment are investigated, prosecuted and punished.

In this connection, and based on action by the prosecuting authorities, judicial proceedings were brought against four law enforcement officials suspected of having mistreated a prisoner while in police custody and of causing the prisoner's death. After having been found guilty of the charges against them, two of these officials were sentenced, each to 20 years' imprisonment, for aggravated assault and battery causing unintentional death, and the other two were sentenced as accomplices of the offence to 15 and 10 years' imprisonment, respectively. (Sentence delivered by the Tunis Court of Appeal on 6 March 2009.)

In another judicial decision delivered by the First Instance Court of Gafsa on 6 February 2008, five police officers were sentenced to six months' non-suspended imprisonment for the unlawful use of violence against prisoners in the discharge of their duties.

Furthermore, it should be noted that, in response to the recommendation of the Committee, a database of judicial decisions relating to abuse of power, violence, ill-treatment and torture was set up in the offices of the Human Rights Coordinator. This database will make it possible to produce disaggregated data on the various forms of abuse, as well as to keep track of the number of complaints filed against law enforcement officials. Tunisia's upcoming periodic reports to the United Nations treaty bodies will reflect this effort.

(b) Improve the training of public officials in this area.

Tunisia accepts the Committee's recommendation and, in this respect, has stepped up its efforts to improve training for public officials in the humane treatment of persons deprived of their liberty. Joint meetings have been organized with all actors concerned with a view to increasing the number of hours of instruction in both human rights and international humanitarian law and to overseeing the content of the relevant training courses, which primarily concern respect for international norms in this area, obligations arising under international and regional conventions ratified by Tunisia and the recommendations issued by the various treaty bodies.

In this context, several judges and lawyers working in human rights organizations have been entrusted with teaching courses at the Higher Institute of the Judiciary, the Higher Institute for Lawyers, the Advanced Prison Administration Training College, the Advanced Training College for National Security Officers and the National Training College for Prison Staff.

In addition, and as a result of cooperation between Tunisia and the International Committee of the Red Cross (ICRC), training sessions were organized in 2008 with the assistance of ICRC experts, in particular, at the Advanced Prison Administration Training College.

Tunisia undertakes to provide precise statistical data on this subject in its next report to the Committee, noting developments and significant progress made in this area.

II. RECOMMENDATION IN PARAGRAPH 14

The State party should take the necessary measures to commute all death sentences as soon as possible. The State party should consider abolishing the death penalty and ratifying the second Optional Protocol to the Covenant.

As it indicated previously when presenting both its fifth report to the Human Rights Committee (CCPR/C/TUN/5) and its country report to the Human Rights Council under the Universal Periodic Review (A/HRC/WG.6/1/TUN/1), Tunisia will continue to uphold its moratorium on the death penalty, which has been in effect since 1991.

The question of the commutation of death sentences to prison terms is under consideration. Moreover, the Centre for Legal and Judicial Studies of the Ministry of Justice and Human Rights has been entrusted with preparing a specific study on this subject. Meanwhile, steps continue to be taken on a case-by-case basis in order to commute the death sentences of death row inmates to prison sentences.

III. RECOMMENDATION IN PARAGRAPH 20

The State party should take steps to put an end to acts of intimidation and harassment and to respect and protect the peaceful activities of human rights organizations and defenders. Reports of acts of intimidation and harassment should be investigated without delay. The State party should ensure that any restrictions imposed on the right to peaceful assembly and demonstration are compatible with the provisions of articles 19, 21 and 22 of the Covenant.

Tunisia reiterates the position previously expressed in both its fifth periodic report and its replies to the list of issues (CCPR/C/TUN/Q/5 and Add.1) received in connection with the report. It bears repeating that the Tunisian authorities have always promoted and protected all activities relating to the defence of human rights and that they take steps to ensure that human rights defenders and NGOs are afforded the proper legal framework in which to advance their goals.

Tunisia continues to pay close attention to this question; it safeguards all citizens from acts of intimidation or harassment and protects the peaceful activities of human rights organizations and defenders. Tunisia is committed to addressing any discrepancies that might arise in this area and will systematically bring legal proceedings against anyone who violates the right of all citizens to live in security or who hinders the full enjoyment of their rights.

IV. RECOMMENDATION IN PARAGRAPH 21

The State party should ensure that such organizations are registered, and they should be provided with effective and prompt recourse against any rejection of their applications.

It is appropriate, first of all, to state that the promotion of civil society is a permanent and irreversible component of Tunisian public policy. As explained in Tunisia's previous report, the right to establish an association is guaranteed by the Constitution and is regulated by law. Tunisia intends to expand the scope of this protection to the fullest extent by ensuring that any rejection of an application for registration by an association is subject to the full range of guarantees of fact and of law. It is important to recall that the rejection of an application may be referred to the competent courts without requiring any particular formality.

Attention should be drawn to the need to make all interlocutors, including the Committee, aware of the real threats posed by the increase in all forms of terrorism, extremism, fanaticism, intolerance, racism, xenophobia and religious defamation. Many countries are currently being subjected to these types of situations. The various aspects of this issue are not always easy to reconcile, and in this connection, Tunisia is trying to strike the correct balance, free from all subjectivity and arbitrariness. It should also be noted that these issues are currently the subject of debate both at government level and in the society at large. Tunisia will endeavour to include in its next report any further information that might be helpful to the Committee.
