

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Tunisia: Investigation into death in custody must be independent and impartial and its findings made public

Amnesty International is calling on the Tunisian authorities to ensure that a full, independent and impartial investigation is conducted into the death in custody on 1 November of Walid Denguir, a 34 year-old man. The investigation's scope, methods and findings must be made public, as required by the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

Tunisia's Ministry of Interior declared that an administrative and a judicial inquiry have been opened into the death in custody. According to information received by Amnesty International, the investigating judge in charge of the case transferred it for investigation to the police criminal unit ("*Brigade Criminelle*"), raising concerns as to the independence and impartiality of the investigation. Several persons present at demonstrations in the past two years in Tunisia who alleged they were victims of police violence have told Amnesty International that they did not file complaints because they had no confidence in a process in which the police investigate complaints against fellow police officers.

Amnesty International is also calling for the police officers who arrested Walid Denguir and who held him at the Sidi Bechir police station to be suspended from active duty during the investigation. Where there is sufficient admissible evidence against members of the security forces suspected of torture or other ill-treatment or other serious human rights violations those individuals should be tried in proceedings that adhere to international standards for fair trial.

Eyewitnesses to the arrest told Walid Denguir's family that he was arrested in the afternoon of 1 November, at around 4pm, by four police officers from the El Ouardia judicial police, on Ali Trad Avenue in the area of Montfleury in Tunis. He was then apparently driven to the Sidi Bechir police station. About an hour later, his mother received a phone call telling her that her son had died of a heart attack.

Walid Denguir's body was brought to the Charles Nicolle hospital in Tunis. When his mother saw him at the hospital she noticed that there were traces of injuries on his body. According to human rights lawyer Radhia Nasraoui, who saw the body once it was released to his family the following day, and photos of the body post-autopsy seen by Amnesty International, there were injuries to an ankle, indicative of binding, and marks on a wrist showing evidence of restraint, possibly with handcuffs or other form of binding. These injuries raise questions as to the manner in which Walid Denguir may have been restrained and to what purpose this was done. It is particularly worrying given that such restraining of detainees has been part of known methods of torture by Tunisia's security forces.

An autopsy was conducted on his body, but the forensic report has yet to be released. He was buried on 3 November in the Bab Jedid area of Tunis, where he was residing with his family. The burial was attended by relatives, friends and civil society activists.

The Ministry of Interior has stated that Walid Denguir was arrested for drug-related offences. Amnesty International is calling for an independent, impartial and thorough investigation into the circumstances of his death, which should review forensic evidence in the case. According to the authoritative *Istanbul Protocol: Manual on the Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, "[t]he medical

expert should promptly prepare an accurate written report...[that includes] [a]n interpretation as to the probable relationship of physical and psychological findings to possible torture or ill-treatment". Those leading the investigation should seek interviews with witnesses, ensuring their protection from any potential intimidation or reprisal. Amnesty International has received reports that the police team who arrested Walid Denguir had a reputation in Bab Jedid for using intimidation.

Walid Denguir's death in custody highlights the urgent need to start wide-ranging reforms of the security forces, which were responsible for widespread torture during the Ben Ali period, and for using unnecessary or excessive force during demonstrations that led to death and injury to protesters, including during the uprisings that toppled Ben Ali in December 2010 and January 2011. The Tunisian authorities must address in particular the impunity of members of the security forces, and particularly of those in the chain-of-command, for acts of torture, which constitute crimes under international law. Much remains to be done in Tunisia to ensure justice for hundreds of victims of torture, and to ensure that those responsible for torture are held to account.

In a report released on 8 October 2013, Amnesty International highlighted the death in custody, 22 years ago, of Faysal Baraket, a student and Ennahda supporter whose body was exhumed only in March 2013 as part of a renewed judicial investigation into the case. Although the exhumation marked progress on the case, after 22 years of cover-ups by the police and the authorities, those responsible for his torture to death are yet to be brought to justice. While reports of cases of torture are less widespread in today's Tunisia than during Ben Ali era, Amnesty International continues to receive information indicating ill-treatment by police, including a death in custody in suspicious circumstances. On 28 August 2012, Abderraouf Khamassi was admitted to hospital hours after he was taken to the police station of Sidi Hassine in Tunis, and who died on 8 September 2012. Although four police officers were charged with premeditated and voluntary homicide in this case, they have yet to be tried.