

(Translated from Arabic)

Ministry in Charge of Relations with Constitutional, Civil Society and Human Rights Bodies

Reply from the Tunisian Government concerning the case of [REDACTED]

The procedure adopted by the Tunisian Government in response to the allegations

In accordance with its procedure for interacting with United Nations human rights mechanisms, the Tunisian Government established a committee composed of representatives of the Ministry in Charge of Relations with Constitutional, Civil Society and Human Rights Bodies, the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Health to look into the circumstances of this case and to submit the Tunisian Government's response.

Response to the points raised

The allegations concerning confessions obtained under duress

According to the judicial police team in Northern Sousse, when the homicide was perpetrated and the victim's telephone was found, the judicial police obtained permission from the judicial authorities to seek technical assistance from the relevant communications company in ascertaining the details of incoming and outgoing calls on the telephone of the deceased. This is what led to the arrest of [REDACTED]

During the interrogation, the suspect initially denied that he was acquainted with the deceased. He subsequently admitted that they had been friends, but as he was somewhat confused, it was suggested that he should select one of the officers present at the interrogation and make his confession to him privately without being embarrassed by the presence of the other officers. That was what actually occurred.

No force or threats were used during the interrogation. He admitted spontaneously that his relationship with the deceased had been sexual and he denied killing the victim. He signed all the statements contained in the record, although he was aware that, under Tunisian law, a suspect may refrain from signing the record and state the grounds for that decision.

The Code of Criminal Procedure provides for numerous safeguards during the investigations and the period of custody, including the possibility to appoint a lawyer, who is present during the questioning of the detainee or who conducts cross-examinations during the preliminary investigations.

The allegations of failure to inform the family and to appoint a lawyer

The Ministry of the Interior confirmed that the suspect was informed of all his rights, including the possibility to contact his family. He did, in fact, contact his friends, who brought him food and clothes.

The Ministry of the Interior also confirmed that a suspect's request to contact a lawyer is a legally recognized right which may not be denied and which must be reflected in the record. Moreover, the lawyer may request an extension of the period of time allotted for the interview with his client. He may also examine the content of the record of the legal proceedings. All these legal measures are designed to guarantee the right to a defence.

The allegations concerning a coerced medical examination

The Ministry of Health confirms that no forensic physician is permitted to conduct a medical examination without informing and obtaining the consent of the person concerned. Forensic physicians encounter such situations regularly and as a matter of course. All the rights of the person who is to undergo the medical examination are guaranteed in accordance with the legislation in force and professional ethics.

The Ministry of the Interior also stated that such examinations are not conducted without the consent of the suspect. It added in the same context that the actual perpetrator in this case, notwithstanding his confession of the homicide and of the existence of a sexual relationship with the victim, refused to undergo a medical examination and was not required to do so by the competent authorities of the Ministry of the Interior.

Application of article 230 of the Criminal Code

The Ministry of the Interior stated that, based on instructions from the Office of the Public Prosecutor, it has taken the following steps:

- Permitted the launching of an investigation into the issue;
- Heard testimony from the person concerned as a witness in the homicide case;
- Opened a file concerning the practice of sodomy.

It should be noted that the President of the Republic recently permitted the drafting of a legal code concerning individual freedoms, and that the criminalization or non-criminalization of sodomy depends on the outcome of a broad social dialogue on the subject.