

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/TUN/CO/3)

TUNISIA

(...)

C. Principal subjects of concern and recommendations

(...)

Allegations of torture and ill-treatment

(...)

16. The Committee urges the State party to:

(a) Ensure that public prosecutors properly monitor the measures taken by the officers of the security services in charge of investigations;

(b) Install video surveillance equipment in all interrogation centres and places of custody, including the centres in Gorjani, El Aouina and Bouchocha, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor. The State party should also ensure supervision of the use of such recordings during trials;

(c) Unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts;

(d) Ensure that article 67 of the new counter-terrorism law (Act No. 2015-26) is not misinterpreted with the aim of guaranteeing impunity for officers of the security services suspected of committing acts of torture or ill-treatment;

(e) Pursue efforts to reorganize and reform the security services so that they are in conformity with the standards of a State based on the rule of law and of the Convention.

(...)

Conditions of detention

(...)

28. The State party should increase its efforts to improve conditions of detention, including by:

(a) Significantly reducing overcrowding in prisons by making more use of alternatives to incarceration such as suspended sentences for first offenders or for certain minor offences and of alternatives to pretrial detention;

(b) Ensuring absolute compliance with the maximum length of pretrial detention and ensuring that persons in detention are brought to trial without excessive delay;

(c) Continuing its efforts to improve and expand prison facilities in order to remodel those facilities that do not meet international standards, and allocating the resources required to improve conditions of detention and strengthen reintegration and rehabilitation activities;

(d) Putting in place the measures required to ensure the strict separation of accused persons from convicts and adults from minors, and appropriate treatment for them;

(e) Increasing the number of qualified staff working with prisoners;

(f) Ensuring the availability of medical services in all prison facilities;

(g) Ensuring that solitary confinement is used only as a last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review, in accordance with international standards.

(...)

Transitional justice

(...)

38. The State party should:

(a) Continue to provide the Truth and Dignity Commission with sufficient resources to allow it to carry out its mission effectively and to ensure that complaints of torture and ill-treatment are forwarded to an independent investigation authority once its mandate lapses;

(b) Ensure that all the perpetrators of acts of torture committed during the period covered by the transitional justice law are brought to justice and ensure the highest level of protection for the victims, witnesses and their families;

(c) Adopt a reparation policy with clear, non-discriminatory criteria, as recommended by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/HRC/24/42/Add.1, para. 86);

(d) Ensure the right of victims to seek judicial remedies irrespective of the remedies available in the framework of the Truth and Dignity Commission,

in accordance with the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties (para. 30).

(...)

Follow-up procedure

45. The Committee requests the State party by 13 May 2017 to provide it with information on the follow-up given to its recommendations in paragraph 16 on allegations of torture and ill-treatment, in paragraph 28 on conditions of detention and in paragraph 38 on transitional justice, in particular subparagraph (a), on the mandate of the Truth and Dignity Commission. In this context, the State party is invited to inform the Committee of its plans to implement, during the period covered by the next periodic report, some or all of the rest of the recommendations contained in these concluding observations.

(...)
