

PUBLIC

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UA 204/06 **Fear of forcible return/Fear of torture**

FRANCE **Adel Tebourski (m), aged 42, Tunisian national**

Adel Tebourski is at imminent risk of being forcibly returned to Tunisia by the French authorities. Should he be returned, he could be charged under anti-terrorism legislation, and would be at grave risk of torture and other serious human rights violations. He could be deported at any time.

Adel Tebourski, who until recently held dual French/Tunisian nationality, is being held at the Mesnil-Amelot detention centre in the suburbs of Paris. He has been detained in France since 2001, spending more than three years in prison before being tried. In May 2005 he was sentenced to six years' imprisonment for providing false identity documents to two alleged al-Qa'ida operatives involved in the killing of Commander Massoud, leader of the Northern Alliance coalition group in Afghanistan, on 9 September 2001.

Adel Tebourski was released from a prison in Nantes on 21 July 2006. On the same day, he was stripped of his French nationality and moved to the Mesnil-Amelot detention centre. This followed an order by the French Minister of Interior to have him expelled from France under the terms of an emergency deportation procedure which denies individuals the right to have their removal suspended while they appeal. On 28 July, the French government body which determines the status of refugees, the *Office français de protections des réfugiés et apatrides* (OFPRA), rejected Adel Tebourski's request for political asylum. His lawyer is taking action to stop the deportation.

Adel Tebourski has lived in Europe for the last 21 years: first in Belgium and then in France. He married a French national in 1995, and they have one child. He divorced in 2004 while he was in detention.

BACKGROUND INFORMATION

Over the years, Amnesty International has received numerous reports of torture and ill-treatment by the Tunisian security forces, including by agents of the State Security Department at the Ministry of the Interior in the capital, Tunis. In virtually all cases, allegations of torture are not investigated and the perpetrators are not brought to justice.

Tunisian national Adil Rahali was deported to Tunisia from Ireland in April 2004 after his application for asylum was refused. He was arrested on arrival in Tunisia and taken to the State Security Department of the Ministry of the Interior, where he was held in secret detention for several days and reportedly tortured. Adil Rahali, who had worked in Europe for more than a decade, was charged under 2003 "anti-terrorism" law with belonging to a "terrorist" organization operating abroad. The organization was not named and no details were provided about the exact nature of its activities. No investigation is known to have been conducted into the alleged torture despite the fact that his lawyer filed a complaint. In March 2005, Adil Rahali was sentenced under "anti-terrorism" legislation to 10 years' imprisonment, reduced to five years on appeal in September 2005.

In May 2004, Tunisian national Tarek Belkhirat was forcibly returned to Tunisia from France after his request for asylum was rejected. He was arrested upon his return to Tunisia and charged under the 2003 anti-terrorism law. In February 2005, the Council of State (*Conseil d'État*), the highest administrative court in France, quashed the order to deport Tarek Belkhirat to Tunisia. In March 2005, a court in Tunis sentenced him to ten years imprisonment, reduced to five years on appeal in October 2005. He remains in prison in Tunisia.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, English or your own language:

- expressing concern at reports that Adel Tebourski is at imminent risk of being forcibly returned to Tunisia, and calling for all attempts to return him to be halted;
- urging the French authorities to stop the forcible return of any person to a country where they are at risk of serious human rights abuses, in accordance with France's international obligations, including the United Nations Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and under customary international law;
- reminding the French authorities that, regardless of any security concerns they might have regarding Adel Tebourski, the forcible return of anyone to a country where there are substantial reasons to believe they are at risk of torture, is absolutely prohibited under international law;
- urging the French authorities not to send Adel Tebourski to any third country where he would not be granted effective and durable protection against forcible return to Tunisia.

APPEALS TO:

Foreign Affairs Minister

Monsieur Philippe Douste Blazy

Ministre des Affaires Etrangères

37, quai des Orfèvres

PARIS F-75007

France

Fax: + 33 1 43 17 42 75

Salutation: Dear Minister

Interior Minister

Monsieur Nicolas Sarkozy

Ministre de l'intérieur et de l'aménagement du territoire

Place Beauvau

Paris F-75008 Cedex 08

FRANCE

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Salutation: Dear Minister

COPIES TO: diplomatic representatives of France accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 September 2006.