



Extract of Worldwide Movement for Human Rights

<https://www.fidh.org/en/issues/litigation/litigation-against-individuals/Ben-Said-Case/Appeal-trial-of-Khaled-Ben-Said-a>

Tunisia / France

Appeal trial of Khaled Ben Saïd, a Tunisian national: French justice system faced with the challenge of judging the most serious international crimes

Publication date: Wednesday 8 September 2010

Description:

- [english] - Issues - Litigation - Litigation against individuals - Ben Saïd Case -

FIDH and LDH hope that the French justice system will overcome the reluctance recently expressed by the French authorities and prosecute Khaled Ben Saïd, in total independence of political influence, for the serious crimes he is accused of.

Copyright © Worldwide Movement for Human Rights - All rights reserved

On 23 and 24 September 2010 the appeal trial of Khaled Ben Saïd will take place in Nancy. Ben Saïd is the former Vice-consul of Tunisia based in Strasbourg, and a former police superintendent in Jendouba, Tunisia.

On 15 December 2008, Khaled Ben Saïd was sentenced to eight years imprisonment by the *Cour d'Assises* (Criminal Court) of Strasbourg for complicity of torture. He was duly represented by a lawyer, even though he decided not to appear in Court. The Prosecutor General decided to appeal the Court's ruling, which is unprecedented in a matter of this gravity.

The plaintiff, Mrs. Gharbi, a citizen of Tunisia, who was a victim of torture in October 1996 in Jendouba, and who now resides in France, recognized the accused, who was working in Strasbourg at the time, as one of her torturers and filed a complaint in 2001. The International Federation for Human Rights (FIDH) and the French League for Human Rights (LDH) have been supporting her throughout this judicial marathon that has now lasted for over nine years.

Confronted with the failure of the French authorities to denounce the Tunisian regime, the decision of the *Cour d'Assises* of Strasbourg highlighted the reality and existence of human rights violations, in contradiction with the official line and unequivocally responded to the question of Tunisian officials' responsibility in the recurring practice of torture in a context of impunity.

On 9 August 2010 an implementing legislation of the Statute of the International Criminal Court was enacted in France. This law makes it almost impossible to initiate any further proceedings, on the basis of universal jurisdiction¹, against perpetrators of the most serious crimes such as genocide, crimes against humanity or war crimes. This recent development and the Prosecutor's appeal in this case illustrate the reluctance of the French government to act in compliance with its international obligations and to prosecute alleged perpetrators of crimes of torture and other international crimes who are present on the French territory.

In this regard, FIDH and LDH hope that the French justice system will overcome this reluctance and prosecute Khaled Ben Saïd, in total independence of political influence, for the serious crimes he is accused of.

Background on legal proceedings

After Mrs. Gharbi filed, on 9 May 2001, a complaint for torture, a preliminary investigation against Khaled Ben Saïd was opened on 16 January, 2002. FIDH and LDH immediately joined the proceedings as civil parties. The accused, who was at the time on the French territory where he was serving as Vice Consul of Tunisia in Strasbourg, hurriedly returned to Tunisia after being informed that legal proceedings had been initiated against him. Since 15 February 2002 an international arrest warrant has been delivered against him. The international rogatory commission issued by the investigating judge on 2 July 2003 was never executed by the Tunisian authorities. Back in Tunisia, Khaled Ben Saïd is said to have continued, unworried, to work in the Tunisian Ministry of the Interior. He had designated a lawyer to represent him during his first trial on 15 December 2008 before the *Cour d'Assises* of Strasbourg.

[](IMG/pdf/RappENG-Ben_Said_Final.pdf "PDF - 387.2 kb")

Extract of the FIDH-LDH report on the Khaled Ben Saïd case - March 2009