

PUBLIC

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UA 15/07 Incommunicado detention/fear of torture

TUNISIA
Mohammed Amine Jaziri (m)
Mohamed Hmidi (m)
Kamel Hmidi, (m)
Hicham Hmidi (m)
Wissam Aissaoui, (m)
Brahim Ouaer, (m)
Zoubir Larbi, (m)
Ahmed Bouchkoual (m)
Sondes Riahi (f)
Scores of others (names unknown)

Scores of people, including those named above, have been arrested by police since late December 2006, following exchange of gun fire between the security forces and alleged members of an al Qaeda-aligned armed group. Their families have made enquiries about them, but the authorities have given them no information. Amnesty International fears they may be held in incommunicado detention at the State Security Department of the Ministry of Interior in Tunis, where they are at risk of torture and other ill-treatment.

The gunfights between the security forces and the alleged members of the *Groupe salafiste pour la prédication et le combat* (Salafist Group for Preaching and Combat) took place south of the capital, Tunis, on 23 December 2006 and again on 3 January 2007.

Mohammed Amine Jaziri was reportedly arrested on 24 December on his way to Sidi Bouzid Hospital, in Sidi Bouzid, 260 km south of Tunis. He had been responding to a text message sent from a friend's mobile phone, asking him to visit him there. His family later learnt that the friend had already been in police custody at the time the message was sent. Mohammed Amine Jaziri's father has since inquired with the police in Sidi Bouzid and the Ministry of Interior about his son, but has been repeatedly told that there is no record of his name. On 27 December, Mohammed Amine Jaziri's house was searched by a group of men believed to be police officers in plain clothes using Mohammed Amine Jaziri's own keys to open the door.

The other people named above were all reportedly arrested on 29 December 2006, in the town of Soliman, some 60km south of Tunis. Some were arrested at their homes; others were reportedly taken off the streets by state security forces.

Many others whose names are not known to Amnesty International have reportedly been arrested in other parts of the country, including the major cities of Bizerte, Kasserine and Kef.

People arrested in connection with alleged terrorist activities have been charged and tried under a controversial counter-terrorism law introduced in 2003. The authorities are holding some 400 prisoners under this law for allegedly seeking to go to Iraq to fight against American forces. Many of those who were tried were sentenced to long prison terms after unfair trials.

BACKGROUND INFORMATION

Under Tunisia's Code of Criminal Procedure, detainees may be held without charge (*garde à vue*) for up to three days, extendable for a further three days by order of the public prosecutor. After these six days the detainee must either be brought before the examining judge or released. If a person is held in *garde à vue*, their family must be informed and they have the right to a medical examination.

In practice, the security forces routinely ignore these requirements. For years, Amnesty International has received numerous reports of torture and ill-treatment by the security forces, including agents of the State Security Department at the Ministry of Interior in Tunis. In most cases, allegations of torture are not investigated and the perpetrators are not brought to justice. Confessions obtained under torture as used as evidence in unfair trials.

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

- expressing concern that scores of people, including those named above (naming them) have reportedly been held in incommunicado detention since they were arrested in the last week of December 2006;
- urging the authorities to give them immediate access to their families and to any medical care they may require;
- insisting that the authorities release them immediately or else charge them with a recognizably criminal offence;
- if they are to be charged, calling for the detainees to be brought immediately before the judicial authorities to challenge the legality of their detention and given access to legal counsel of their choice, in compliance with Tunisian law and international human rights treaties which Tunisia has ratified.

APPEALS TO:

Minister of the Interior
Rafik Haj Kacem
Ministère de l'Intérieur
Avenue Habib Bourguiba
1000 Tunis
Tunisia

Fax: + 216 71 340 888
E-mail: mint@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

Minister of Justice and Human Rights
M. Béchir Tekkari
Ministère de la Justice et des Droits de l'Homme
31 Boulevard Bab Benat
1006 Tunis - La Kasbah
Tunisie

Fax: + 216 71 568 106
E-mail: mju@ministeres.tn
Salutation : Your Excellency/Excellence

COPIES TO:

Official human rights body reporting to the President
M. Zakaria Ben Mustapha (Président)
Comité supérieur des droits de l'homme et des libertés fondamentales
85 avenue de la Liberté
1002 Tunis-Belvédère
Tunisie

Fax: + 216 71 796 593
+ 216 71 784 038

and to diplomatic representatives of Tunisia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 March 2007.