

PUBLIC

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10 March 2003

Further Information on UA 47/03 (MDE 30/002/2003, 18 February 2003) Risk of torture / Ill-treatment

TUNISIA **Abderrazaq Ben Mohamed Bourguiba (m) aged 17, student
(note correct spelling)**
Hamza Mahroug (m) aged 20, student (note correct spelling)
Abdelghaffar Ben Guiza (m) aged 20
Ridha Ben Haj Brahim (m) aged 36, teacher
Omar Farouq Ben Mohamed Chelindi (m) aged 20, student
Omar Ben Ali Rached (m) aged 20
Several other students (names unknown)

Released: **Walid Ben Amor (m)**
Ahmed Friia (m)
Sami Nouaili (m) (note correct spelling)

Walid Ben Amor, Ahmed Friia and Sami Nouaili were reportedly amongst fourteen people released in the town of Zarzis on 25 February after over two weeks in detention reportedly at the State Security Department (*amn ad-dawla*) of the Ministry of the Interior in Tunis, where they were at risk of torture.

The six others who remain in detention were transferred around the 25 February from the Ministry of the Interior to the Bouchoucha military compound in the capital Tunis, from where they were taken for further questioning to the Gorjani detention centre in Tunis. A few days later they were brought before an examining magistrate at the First Instance Tribunal in Tunis and remanded to the *9 avril* prison in Tunis.

Whilst being held at the Ministry of Interior for more than two weeks, the defendants were reportedly held incommunicado in violation of the legal maximum of six days, during which detainees can be held without charge (*garde à vue*). In a possible attempt to justify the unlawful detention, the security forces allegedly falsified the dates on the police reports.

Abderrazaq Ben Mohamed Bourguiba, Hamza Mahroug, Abdelghaffar Ben Guiza and Omar Ben Ali Rached alleged that they were interrogated and tortured for at least the initial 10 days of their detention. During the first six days, they were reportedly interrogated from nine in the morning until late evening. For the next four days, from mid-day until the late evening. They claim to have been beaten on various parts of the body. Hamza Mahroug and Omar Ben Ali Rached specifically claim to have been suspended from the ceiling and beaten on their arms and legs. Omar Ben Ali Rached was also reportedly threatened that his mother and sister would be brought to the location of detention, stripped naked and tortured in his presence. Some of the detainees were reportedly also threatened with electric shocks. The detainees were then reportedly kept in solitary confinement.

Whilst being interrogated at the Gorjani detention centre, the detainees were reportedly forced, under the threat of being sent back to the Ministry of the Interior, to sign police reports with confessions they had not even read. Even when they were transferred to *9 avril* prison, some detainees alleged that they were beaten by a prison officer, in a possible attempt to extract written confessions to substantiate the accusations against them.

On 5 March, after being questioned by the examining magistrate, 17 year-old Abderrazaq Ben Mohamed Bourguiba was remanded to the 9 *avril* prison in Tunis, instead of being transferred to an institution specifically for the detention of minors.

The defendants have reportedly been questioned on charges of belonging to a criminal gang under articles 131, 132, 133 and 52 bis of the Penal Code and other associated charges. There is however, no available information regarding the existence, name or nature of the group. Defence lawyers have reportedly been prevented by the examining magistrate from obtaining a copy of their clients' file and visiting them in prison.

According to reports, several other students have been arrested in other locations in the country. This includes some 12 individuals from Ariana on the outskirts of Tunis and eight from Menzel Bourguiba on the outskirts of Bizerte. Some have reported being ill-treated and tortured during their detention in a bid to force them to sign confessions.

BACKGROUND INFORMATION

In Tunisian law, under Article 13 *bis* of the Code of Penal 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 by 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 not brought to justice.

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

- calling for a thorough, impartial and independent investigation into all allegations of torture made by the detainees, for the results to be made public and those responsible brought to justice, as required by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Tunisia is state party;
- seeking guarantees for the safety of all those recently arrested and detained;
- calling on the authorities to guarantee that the detainees are given adequate medical care, and access to their lawyers;
- calling on the authorities to ensure that Abderrazaq Ben Mohamed Bourguiba, aged 17, is detained in a location separated from adults as required by the Convention on the Rights of the Child;
- urging the authorities to take immediate steps to ensure that the practice of arrests and pre-trial detention complies with the provisions of Tunisian law and international human rights standards.

APPEALS TO:

Minister of Justice and Human Rights

M. Bechir Tekkari
31 Av. Bab Benat
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Tunisia

Telegram: Minister of Justice, Tunis, Tunisia
Fax: + 216 71 568 106
E-mail: mju@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

Minister of the Interior

M. Hédi M=henni
Ministère de l=Intérieur
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1000 Tunis

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COPIES 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 21 April 2003.