

EXTERNAL (for general distribution)

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Further information on UA 277/93 (MDE 30/08/93, 18 August 1993) - and follow-ups: MDE 30/10/93, 27 August 1993 and MDE 30/12/93, 6 September 1993 - Fear of Torture

TUNISIA: Samir MOUSSA  
Salaheddine ZIKIKOUT

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Samir Moussa, arrested on 25 July, was released on 21 September after 48 days in incommunicado detention. This is 38 days more than the maximum period allowed by Tunisian law.

Salaheddine Zikikout was arrested on 8 August 1993 and has now been held for seven weeks in incommunicado detention. Following repeated requests to Tunisian police, judicial and official human rights authorities, his family were informed that he had come before the *juge d'instruction* (investigating judge). However, his name is not on the lists in the Tunis law courts and his lawyer and family have not had access to him. Amnesty International is gravely concerned for his welfare. In Tunisia, detainees are most at risk of torture while in incommunicado detention.

Amnesty International has repeatedly sought information on the whereabouts of Salaheddine Zikikout from the Tunisian Ministry of Justice and Interior, the Ombudsman, the special Presidential Counsellor for Human Rights and the Higher Committee for Human Rights and Fundamental Liberties.

#### BACKGROUND INFORMATION

According to Tunisian law, detainees may be held incommunicado for a maximum period of four days, renewable once only by written order of the public prosecutor. In exceptional cases it may be further extended by two days, thus making a maximum of 10 days. However, this law is continually breached and detainees held incommunicado for up to several weeks. The practice of torture is widespread in Tunisia, and it is during incommunicado detention, when detainees are held completely cut off from the outside world without access to their families and lawyers, that they are most at risk of torture and ill-treatment.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in French, English, Arabic or your own language:**

- expressing your concern that Salaheddine Zikikout continues to be held in prolonged incommunicado detention, contravening both international standards and Tunisian law. Stress that Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party, states that: "Anyone arrested or detained on a criminal charge shall be brought promptly

before a judge...";

- seeking information on his whereabouts and details of any charge brought against him;

- urging the Tunisian authorities to allow Salaheddine Zikikout immediate access to his family, lawyer and medical care if necessary. Also point out that Article 13bis of the Tunisian Code of Criminal Procedure limits incommunicado detention to a maximum of 10 days and allows detainees access during that time to medical care;

**page 2 of FU to UA 277/93**

- urging that no one be detained in prolonged incommunicado detention as it is during this time that detainees are most at risk of torture and ill-treatment, and urging that the families of detainees be immediately informed of the detainees's whereabouts.

#### **APPEALS TO**

##### 1) Minister of Justice:

M. Sadok Chaâbane  
Ministre de la Justice  
Ministère de la Justice  
Boulevard Bab Benat  
Tunis, Tunisie

**Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie**

**Telexes: 13000 maet tn (via Ministère de l'Interieur)**

**Faxes: 216 1 568106 or 567070**

**Salutation: Monsieur le Ministre / Dear Minister**

##### 2) Minister of the Interior:

M. Abdallah Kallel  
Ministre de l'Interieur  
Ministère de l'Interieur  
Av.Habib Bourguiba  
Tunis, Tunisie

**Telegrams: Ministre de l'Interieur Kallel, Tunis, Tunisie**

**Telexes: 13662 sdap tn**

**Faxes: 216 1 340888**

**Salutation: Monsieur le Ministre / Dear Minister**

##### 3) Minister of Foreign Affairs:

M. Habib Ben Yahia  
Ministre des Affaires Etrangères  
Ministère des Affaires Etrangères  
Place du Gouvernement  
La Kasbah  
Tunis, Tunisie

**Telegrams: Ministre des Affaires Etrangères Ben Yahia, Tunis, Tunisie**

**Telexes: 14470 mafta tn 14471 mafta tn 14472 mafta tn**

**Faxes : 216 1 791005**

**Salutation: Monsieur le Ministre / Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Human Rights Organization:

M. Rachid Driss

Président

Commission Supérieure des Droits

de l'Homme et des Libertés Fondamentales

85 Avenue de la Liberté

Tunis, Tunisie

Faxes: 216 1 784037

M. Hassine Chérif

Ombudsman

85 Avenue de la Liberté

Tunis, Tunisie

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 9 November 1993.