

PUBLIC

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Risk of torture/ill-treatment

18 February 2003

TUNISIA

Walid Ben Amor (m)
Mohamed Bourguiba (m), aged 17
Mohsen Mahroug (m)
Ahmed Friia (m)
Sami Nouri (m)
Several other students (names unknown)

Walid Ben Amor, Mohamed Bourguiba, Mohsen Mahroug were arrested in the town of Zarziz (380km south of the capital Tunis) on 5 February, reportedly by plainclothes police. In the days that followed, Sami Nouri and Ahmed Friia and other individuals, most of whom were students aged between 17 and 23, were also arrested. All are reportedly being held in incommunicado detention and are at risk of torture or ill-treatment.

The students might have been arrested for belonging to an unauthorized association. According to information received, they were first detained at the *Gendarmerie* (a body of the security forces) in the town of Ben Guerdane, southern Tunisia. They were then transferred to *amn ad-dawla*, the State Security Department, at the Ministry of Interior in Tunis. Their families were reportedly not informed of their whereabouts. The detainees have reportedly not been brought before a magistrate and have not had access to lawyers.

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 or your own language:

- expressing concern that Walid Ben Amor, Mohamed Bourguiba, Mohsen Mahroug, Ahmed Friia, Sami Nouri and several other individuals arrested on 5 February and in the days that followed are reportedly being held in incommunicado detention;
- urging the authorities to give them immediate access to their family and to any medical care they may require;
- insisting that they are immediately released unless they are charged with a recognizably criminal offence;
- if they are to be charged, call for the detainees to be brought immediately before the judicial authorities and to be given access to the legal counsel of their choice, in compliance with Tunisian law and international human rights treaties which Tunisia has ratified.

APPEALS TO:

Minister of Justice and Human Rights

M. Bechir Tekkari
31 Av. Bab Benat
1006 Tunis - La Kasbah
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
Avenue Habib Bourguiba
1000 Tunis
Tunisia

Telegram: Minister of the Interior, Tunis, Tunisia
Fax: + 216 71 340 888
E-mail: mint@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

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 1 April 2003.