

PUBLIC

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Fear of torture

6 September 2002

**TUNISIA** Zouhayer Makhlouf (m), aged 37  
Chadli Turki (m), aged 55

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Former prisoners Zouhayer Makhlouf and Chadli Turki were arrested on 4 September at their homes, in the El-Khadra area of Tunis and in Nabeul respectively. There are fears that they may be tortured.

They were apparently arrested by individuals belonging to the State Security (*Direction de la Sécurité d'Etat*). The reasons for their arrest remain unknown and their families have not been informed of their whereabouts.

Zouhayer Makhlouf, married and a father of two, was sentenced to one year and eight months' imprisonment at the beginning of the 1990s for belonging to an unauthorized organization. He was released on 14 July 1993. Dr Chadli Turki, a medical doctor aged 55, married and father of four, was sentenced and imprisoned for 5 months in 1991 for belonging to an unauthorized organization. In 1989, Dr Chadli Turki ran as an independent candidate for the legislative elections.

In Tunisia, alleged opponents or opponents of the authorities continue to be targeted by the authorities and, when arrested, risk being subjected to torture or ill-treatment.

#### **BACKGROUND INFORMATION**

Under Article 13 bis of the Code of Penal Procedure in Tunisian law, detainees may be held without charge (*garde à vue*) for up to three days, extendable for a further three days on the demand of the public prosecutor. After these six days the detainee should either be brought before the examining judge or released without charge. If a detainee is held *garde à vue*, their family must be informed, and the detainee has the right to medical examination.

In practice, the security forces routinely ignore these requirements. It is during *garde à vue* detention that detainees are most at risk of torture.

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

- calling on the authorities to guarantee that Zouhayer Makhlouf and Chadli Turki are not tortured or ill-treated in detention;
- urging the authorities to inform the families of Zouhayer Makhlouf and Chadli Turki of their whereabouts, and to give the detainees immediate access to any medical attention they may require;
- insisting that they are, if charged with a recognizably criminal offence, brought before the judicial authorities, in compliance with Tunisian law and international human rights treaties ratified by Tunisia, or that they are released.

#### **APPEALS TO:**

Interior Minister  
M. Hédi Mhenni  
Ministère de l'Intérieur  
Avenue Habib Bourguiba  
1001 Tunis  
Tunisia

Telegram: **Ministère de l'Intérieur, Tunis, Tunisia**  
Fax: + 216 71 340 880  
E-mail: [mint@ministeres.tn](mailto:mint@ministeres.tn)  
Salutation: **Monsieur le Ministre / Your Excellency**

**COPIES TO:**

Justice and Human Rights Minister

M. Bechir Takkari

Ministère de la Justice

31 Boulevard Bab Benat

1006 Tunis

Tunisia

Telegram: **Ministère de la Justice, Tunis, Tunisia**

Fax: + 216 71 568 106

E-mail: [mju@ministeres.tn](mailto:mju@ministeres.tn)

Salutation: **Monsieur le Ministre / Your Excellency**

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 18 October 2002.