

EXTERNAL (for general distribution)

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Further information on UA 277/93 (MDE 30/08/93, 18 August 1993) - Fear of Torture

**TUNISIA: Samir MOUSSA
Mohamed Tahara BADI**

Mohamed Tahar BADI was released without charge on 25 August 1993 in the late evening. He had spent 29 days in incommunicado detention which is in breach of Tunisian law which limits incommunicado detention to four days which may be extended by written order of the public prosecutor to a maximum of 10 days.

During his detention his family were unable to obtain any information on his whereabouts despite their repeated inquiries with the authorities. Amnesty International contacted the Tunisian authorities on several occasions to seek information on his whereabouts but received no reply.

Samir MOUSSA continues to be held in illegally prolonged incommunicado detention since 25 July 1993. His family's repeated inquiries with the authorities to find out the place of his detention have remained unanswered. Amnesty International has contacted on several occasions the Ministry of Justice, the Ministry of the Interior, the Ombudsman, and the President of the Higher Committee for Human Rights and Fundamental Liberties set up by the Government, to seek information on the whereabouts of Samir MOUSSA and other detainees held in prolonged incommunicado detention, but has received no reply.

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

- expressing concern that Samir Moussa continues to be held in prolonged incommunicado detention over one month after his arrest, 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 charges brought against him;

- urging the Tunisian authorities to allow Samir Moussa immediate access to his family, lawyer and medical care if necessary. Also point out that Article 13 bis 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;

- 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, + 216 1 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, Tunisia

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 Etrangeres 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 Superieure des Droits
de l'Homme et des Libertées Fondamentales
85 Avenue de la Liberté
Tunis, Tunisie

Faxes: + 216 1 270646, + 216 1 796593

Ombudsman:

M. Hassine Cherif
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 8 October 1993.