
£TUNISIA

@Deaths in custody during garde à vue detention

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Five people have died in custody in Tunisia between the end of April and the beginning of August 1991 according to reports received by Amnesty International. On each occasion the organization has asked the Tunisian Government for clarifications on the circumstances of death, but to date has received no response.

During the past year hundreds of members, supporters and suspected sympathizers of the illegal Islamic movement Hizb al-Nahda have been arrested and detained incommunicado often in prolonged garde à vue detention. Amnesty International has received scores of reports of torture, including use of electric shocks, suspension in contorted positions, sexual abuse and beating, during garde à vue detention and has repeatedly urged the Tunisian authorities to ensure that detainees have prompt access to families and lawyers, and are not kept in garde à vue detention beyond the legal 10-day limit. On 20 June 1991 President Ben Ali set up a committee of inquiry headed by Ambassador Rashid Driss to investigate allegations of human rights abuses in Tunisia, and appointed Sadok Chaabane as First Presidential Counsellor in charge of Human Rights.

However, deaths in custody have continued to occur, and no report of any investigation has yet been made public.

Abdelaziz Ben Hamuda Mahuashi, a civil servant working in the Ministry of the Interior, is believed to have been arrested on 21 April 1991 when he failed to come home from work. Although his family repeatedly sought information on his whereabouts they were apparently told that he was working and could not go home. On 30 April 1991, officials from the Ministry of Defence notified the family that Abdelaziz Ben Hamuda Mahuashi had died of a heart attack the previous day, and his body was returned to the

family a few hours later. The family was permitted to see his face only and were told that the body should be buried within two hours; during this time several people believed to be Defence Ministry officials remained in close attendance until the burial took place. Reports indicate that Abdelaziz Ben Hamuda Mahuashi was already dead on arrival at the Habib Thameur Military Hospital. The certificate from the military court, dated 30 April 1991, allows the family to bury the body does not state the cause of the death. The family was not provided with a death certificate, an autopsy report or other medical certification indicating the cause of death.

Abdel Raouf Laaribi was arrested on 3 May 1991 and held incommunicado in garde à vue detention reportedly in the Ministry of the Interior until his death on 26 or 27 May 1991. His family and lawyers were not informed of his whereabouts or allowed access although the maximum period of pre-trial garde à vue detention expired on 13 May. On 27 May 1991 the Tunisian authorities notified his family that he had died of a heart attack. His body was delivered to the family early in the morning of 28 May 1991 but the family were not permitted to examine it and were required to bury it immediately. No autopsy report or other medical certification indicating the cause of death was apparently made available to the family. Amnesty International has received allegations that Abdel Raouf Laaribi died as a result of torture during garde à vue detention.

Ameur Degache, a third year theology student at Tunis University, was arrested in June 1991. His family was informed on 11 July by police that he had died and that he would be buried the following day. The family was given no information on the cause of death or any medical certificate, and at the burial they were reportedly not allowed to examine the body. Later a spokesman from the Ministry of the Interior stated that Ameur Degache died from injuries sustained after he threw himself from a third floor window in the Ministry on the Interior where he was held for interrogation.

Abdelwahed Abdelli, a fourth year student at the Ecole Normale Superieure in Sousse, died in Sousse around 30 June 1991. A spokesman at the Ministry of the Interior stated that Abdelwahed Abdelli had been fatally shot while resisting arrest. However, Amnesty International has received reports alleging that he had been detained in custody and tortured before his death.

Fathi Khiari, a 33-year-old post office official and brother in law of Abdel Raouf Laaribi, was arrested on 16 July 1991 at 4.30 am from his parents'-in-law home where he was staying with his wife and three children. The police officers who arrested him did not produce an arrest warrant and he was held in garde à vue detention beyond the maximum 10-day period allowed under Tunisian law. His family and lawyer repeatedly sought information on his whereabouts from the Tunisian authorities. However, they did not succeed in obtaining any information on his whereabouts or legal status.

On 5 August 1991, two police officers went to his family's house and asked his father and elder brother to go to the police station. There they were informed that Fathi Khiari had died and that he would be buried the following day at 7 am; the family was told to go directly to the cemetery. The body was not returned to the family before the burial. The family was told that he had died as a result of an illness but no details were given, nor was any medical certificate or autopsy report provided. At the cemetery the family was not allowed to examine his body which was reportedly wrapped in plastic underneath the shroud. Amnesty International has received allegations that Fathi Khiari was tortured in garde à vue detention.

On each occasion Amnesty International has sought clarifications from the Tunisian Government on the circumstances of death, but so far has received no reply. The organization is concerned that the Tunisian authorities may not have taken all the necessary measures to ensure the safety of those held incommunicado in garde à vue detention. The organization has repeatedly expressed its concern at the increasingly frequent breaches of the law allowing garde à vue detention for a maximum of 10 days, as it is during garde à vue that detainees most risk torture and ill-treatment.

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