

EXTERNAL (for general distribution)

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Further information on UA 442/94 (MDE 30/24/94, 14 December 1994) - Fear of torture/ill-treatment and new concern: Possible prisoner of conscience

TUNISIA Jalel MAALEJ, researcher

Jalel Maalej, a Tunisian academic resident in France who was arrested at Tunis airport on 4 December 1994, appeared in court in Sfax on 4 January 1995. He was held incommunicado in illegally prolonged *garde à vue* detention for one month, the first 18 days in the Ministry of the Interior and then in a detention centre in Sfax. During this time the Tunisian authorities denied any knowledge that he had been arrested, and despite repeated requests his family was unable to obtain any information on his whereabouts until 3 January. Amnesty International's requests after 14 December for information on his whereabouts also remained unanswered.

Moreover, his arrest date has been recorded on his police statement as 22 December 1994. The Tunisian police and *gendarmérie*, with the tacit consent or active assistance of justice officials, have been known to create an elaborate system for falsifying arrest records systematically in order to make it appear as though the 10-day legal limit of *garde à vue* detention is respected.

Jalel Maalej is reportedly accused of belonging to the unauthorized Islamic group *al-Nahda* (Renaissance), a charge which he denies.

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

- expressing concern at the illegally prolonged incommunicado detention of Jalel Maalej, in contravention of international standards;
- deploring the fact that his arrest records appear to have been falsified, in contravention of Article 13bis of the Tunisian *Code de procédure pénale* which requires the police to keep accurate records of the beginning and end of *garde à vue* detention, as well as of the Standard Minimum Rules (Rule 7) and the UN Body of Principles (Principle 12) which states that accurate detailed records should be kept of any detention;
- calling for his immediate and unconditional release if he has been detained as a prisoner of conscience.

APPEALS TO: (All salutations: Excellence/Your Excellency)

1) Minister of the Interior

M. Abdallah Kallel
Ministre de l'Intérieur
Ministère de l'Intérieur
Avenue Habib Bourguiba
Tunis, Tunisie

Faxes: +216 1 340 888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Intérieur Kallel, Tunis, Tunisie

2) Minister of Justice

M. Sadok Chaâbane
Ministre de la Justice
Ministère de la Justice

Boulevard Bab Benat

Tunis, Tunisie

Faxes: +216 1 568 106 or +216 1 567 070

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

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

3) Minister of Foreign Affairs

M. Habib Ben Yahia

Ministre des Affaires Etrangères

Place du Gouvernement

La Kasbah

Tunis

Tunisie

Faxes : +216 1 791005

Telexes: 14470 mafta tn 14471 mafta tn 14472 mafta tn

Telegrams: Ministre des Affaires étrangères Ben Yahia, Tunis, Tunisia

COPIES OF YOUR APPEALS TO:

M. Salem Makki

Conseiller Présidentiel chargé des droits de l'homme

Palais Présidentiel

Carthage/Tunis

Tunisia

Faxes: +216 1 731 009 or +216 1 742 513

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 25 February 1995.