

EXTERNAL (for general distribution)

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UA 66/94      Fear of torture in illegally prolonged  
incommunicado detention

22 February 1994

TUNISIA      Ali MABOUJ

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Amnesty International is extremely concerned that Ali Mabouj is being held in illegally prolonged *garde à vue* detention and is at serious risk of torture and ill-treatment. He was arrested on 6 February 1994 and has since been held without access to his lawyer or family, thus breaching the Tunisian law which allows a maximum of 10 days' incommunicado detention.

Ali Mabouj is a shopkeeper in France, and had recently received permission from the French authorities for his family to live with him. He returned to Tunisia on 1 February 1994 in order to bring his wife and children with him back to France. He was arrested on 6 February from his parents' home in Ben Guerdane (district of Medenine, near the Libyan border). His family have been making repeated inquiries about him at police stations in the area and with human rights authorities, but have been unable to establish his place of detention or legal status.

Over the last three years in Tunisia, political repression, which was originally concentrated on alleged supporters of the unauthorized islamist organization *al-Nahda*, Renaissance, and those of the unauthorized *Parti communiste des ouvriers tunisiens (PCOT)*, Tunisian Workers' Communist Party, has extended to include the relatives of suspected political opponents. Often, all the members of an extended family will suffer from harassment and persecution, the latter often in the form of repeated short-term arrests and detention, during which time many suffer ill-treatment and even torture. Ali Mabouj has reportedly never been involved in any political activities. He may have been arrested in connection with the recent imprisonment of a nephew on charges of alleged unlawful political activities. One of Ali Mabouj's brothers was recently arrested twice and detained for a few days; after his second arrest, he was only released once Ali Mabouj had been arrested.

#### BACKGROUND INFORMATION

Tunisian law allows a total maximum of 10 days' incommunicado detention. However, this law is constantly breached, and families of detainees are usually not informed of their place of detention during incommunicado detention. The practice of torture and ill-treatment is widespread in Tunisia, and it is during the period of incommunicado detention, when detainees are held without access to their families or lawyers, that they are most at risk.

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

- expressing concern that Ali Mabouj is being held in prolonged incommunicado detention, 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...*";
- expressing great concern that Ali Mabouj is at risk of torture and ill-treatment as long as he is held in incommunicado detention;
- asking to be informed of his whereabouts and any charges brought against him;

- urging the Tunisian authorities to allow Ali Mabouj 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.

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

1) President

M. Zine El Abidine Ben Ali  
Président de la République  
Palais Présidentiel  
Tunis/Carthage, Tunisie  
**Faxes: +216 1 744 721**  
**Telexes: 14900 prpsa tn 12163 ppsd tn**  
**Telegrams: Président Ben Ali, 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 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**

4) Minister of Foreign Affairs

M. Habib Ben Yahia  
Ministre des Affaires étrangères  
Ministère des Affaires étrangères  
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, Tunisie**

**COPIES OF YOUR APPEALS TO:**

M. Iadh Ouederni  
Conseiller présidentiel pour les Droits de l'Homme  
Attaché à la Présidence de la République  
Palais Présidentiel  
Tunis/Carthage, Tunisie  
**Faxes: +216 1 731 009 or +216 1 742 513**

M. Mohamed Bellaji  
Directeur des Affaires politiques auprès du Ministère de l'Intérieur  
Ministère de l'Intérieur  
Avenue Habib Bourguiba  
Tunis, Tunisie  
**faxes: +216 1 348 365**

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 4 April 1994.