

UA 183/02

Fear of t**TUNISIAMoncef CHAKER (m) , aged 40**

Moncef Chaker was arrested by police in the morning of 31 May, in the coastal village of Bakalta in eastern Tunisia. There has been no news of him since, although by law he should have been brought to court or released within six days of his arrest. He may have been tortured, and continues to be at risk.

According to eyewitnesses, Moncef Chaker was arrested at the hardware shop where he works. The men who arrested him then took him to his house, where they told his family they were police officers. They searched his house and confiscated a computer, and then took him away. It is not known where they took him.

Moncef Chaker is a former teacher. In 1991 he was arrested and charged with belonging to the unauthorised Islamist movement *Ennahda*, a non-violent political movement, and sentenced to two years and nine months' imprisonment.

He had recently been a frequent user of the internet, including interactive services and websites which are blacklisted by the Tunisian authorities. The Tunisian authorities exercise strict control over the use of information and communication technologies. Certain websites, including those of human rights organizations, are not generally accessible from Tunisia. In recent weeks there has been a noticeable tightening of the control over internet technology. Zouheir Yahiaoui, operator of an internet service providing news on Tunisia, was arrested in Tunis on 4 June 2002. Numerous public internet cafes were closed down on 16 June, reportedly for routine inspections.

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 police 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 Arabic, French, English or your own language:

- expressing concern that Moncef Chaker, arrested on 31 May, is still in secret detention;
- urging the authorities to reveal where he is held, and give him immediate access to his family and to any medical attention he may require;
- insisting that he is immediately released unless he is charged with a recognizably criminal offence, in which case he should be brought immediately before the judicial authorities, in compliance with Tunisian law and international human rights treaties ratified by Tunisia.

APPEALS TO:

Interior Minister
M. Hédi M'henni
Ministère de l'Intérieur
Avenue Habib Bourguiba

2

1001 Tunis

Tunisia

Fax: + 216 71 354 331

E-mail: mint@ministeres.tn

Salutation: Monsieur le Ministre / Your Excellency

Justice Minister

M. Bechir Takkari

Ministère de la Justice

31 Boulevard Bab Benat

1006 Tunis

Tunisia

Fax: + 216 71 568 106

E-mail: mju@ministeres.tn

Salutation: Monsieur le Ministre / Your Excellency

COPIES TO:

Human Rights Minister

Ministre délégué auprès du Premier ministre chargé des Droits de l'Homme, de la Communication et des Relations avec la Chambre des députés

M. Mohamed Fethi Houidi

Boulevard 7 novembre

Tunis

Tunisia

and to diplomatic representatives of Tunisia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.