

PUBLIC

AI Index: MDE 30/011/2008

3 July 2008

Further information on UA 189/08 (MDE 30/009/2008, 27 June 2008) Fear of torture or ill-treatment

TUNISIA Ziad Fakraoui (m), aged 27

Ziad Fakraoui is now known to be detained in Mornaguia prison, some 15km east of Tunis. His family was allowed to visit him but he has not been permitted access to a lawyer. When Ziad Fakraoui's lawyer tried to visit on 3 July, prison guards told him that this was not possible for "medical reasons", but did not give any further details. Ziad Fakraoui has been on hunger strike since 25 June in protest at his arrest.

Ziad Fakraoui was arrested on the morning of 25 June at his family home in Tunis by men in civilian clothing. The men identified themselves as state security officials, and told Ziad Fakraoui's mother that they were taking him to the Ministry of the Interior. His family were not told where he was until 2 July, when they were informed by his lawyer. His family were able to visit him the same day.

On 2 July, Ziad Fakraoui's lawyers were told that he had been brought before an investigating judge without the assistance of a lawyer on 28 June, and he faced charges of belonging to a terrorist organization and incitement to terrorism. These were the same charges for which he was arrested in 2005 and sentenced to 12 years' imprisonment in December 2007, reduced to three years on appeal in May 2008. Ziad Fakraoui was released on 24 May 2008 as he had already served his sentence. The police report indicates that he was arrested on 26 June, one day after the actual arrest date.

The fact that no one was informed of his whereabouts meant that in effect, Ziad Fakraoui was held in prolonged incommunicado detention for longer than the maximum six-day period allowed under Tunisian law.

Under Article 13 of Tunisia's Code of Criminal Procedure, suspects may not be detained by the police or the National Guard for more than three days. The Public Prosecutor has the power to extend this by a further three days in "cases of necessity." The authorities are required to notify detainees of the procedures against them; the reason for and duration of their detention; and of the guarantees provided to them by law, including the right to medical examination during or after the detention. They must also notify a member of the detainee's immediate family of the arrest and detention.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, French, English or your own language:

- urging the Tunisian authorities to grant Ziad Fakraoui immediate and regular access to his lawyer, and to ensure that he is not tortured or otherwise ill-treated in detention;
- calling on the authorities to give him regular access to his family and any medical treatment he may require;
- urging the Tunisian authorities to promptly charge Ziad Fakraoui with a recognizably criminal offence and bring him before a court in fair proceedings, or to release him;
- calling upon the authorities to ensure that Ziad Fakraoui's family are not harassed by Tunisian security forces;
- calling for a thorough and impartial investigation into allegations that Ziad Fakraoui was tortured in 2005, and that those found responsible are brought to justice;
- reminding the authorities that as parties to the UN Convention against Torture, they are obliged to promptly investigate any allegations of torture.

APPEALS TO:

Minister of the Interior
Rafik Haj Kacem
Ministère de l'Intérieur
Avenue Habib Bourguiba
1000 Tunis
Tunisia

Fax: + 216 71 340 888

Salutation: Your Excellency

Minister of Justice and Human Rights
M. Béchir Tekkari
Ministry of Justice and Human Rights
31 Boulevard Bab Benat
1006 Tunis - La Kasbah
Tunisia

Fax: + 216 71 568 106

Salutation: Your Excellency

COPIES TO:

Mr. Ridha Khemakhem
General Coordinator for Human Rights
Ministry of Justice and Human Rights
31 Boulevard Bab Benat
1006 Tunis - La Kasbah
Tunisia

and 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 28 August 2008.