

PUBLIC

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UA 209/03 Fear of torture/Incommunicado detention

TUNISIA Mohammed ben Hedi Naouar (m), aged 37

There has been no news of Mohammed ben Hedi Naouar since his reported arrest by State Security Department officers on the island of Djerba, Tunisia, on 5 July. Amnesty International fears that he may be being held in secret detention and is at risk of torture.

On 5 July Mohammed ben Hedi Naouar, a Tunisian national who is married with two children, fled from his home in Switzerland to Djerba airport. He had been intending to visit members of his family who live on the island. At around 6pm, shortly after the plane touched down, he sent his brother a text message to say that he had been arrested. Family members who were waiting at the airport did not see him leave the building. Neither the security forces nor the judicial authorities have confirmed his arrest or his place of detention.

It is believed that the arrest of Mohammed ben Hedi Naouar is linked to the detention of other members of his family. His brother, Fadel Naouar, was reportedly held in secret detention for some 10 days in December 2002. The family has received unofficial reports that on 29 December 2002, shortly after Fadel Naouar's release, an arrest warrant was issued for Mohammed ben Hedi Naouar. He is also the cousin of Belgacem Naouar, who has been in detention since April 2002, in connection with the explosion of a truck outside a synagogue in Djerba that killed 21 people. Belgacem Naouar was kept in secret detention for several weeks following his arrest and was denied access to a lawyer for several months.

BACKGROUND INFORMATION

In Tunisian law, under Article 13 *bis* of the Code of Penal Procedure, detainees may be held without charge (*garde à vue*) and incommunicado for up to three days, extendable for a further three days by order of the public prosecutor. After these six days the detainee must either be brought before the examining judge or released. During *garde à vue* detention, their family must be informed and they have the right to a medical examination.

In practice, the security forces routinely ignore these requirements. For years, Amnesty International has received numerous reports of torture and ill-treatment by the security forces, including by agents of the State Security Department at the Ministry of the Interior in Tunis. In virtually all cases, allegations of torture are not investigated and the perpetrators not brought to justice.

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

- expressing concern that Mohammed ben Hedi Naouar has been held in secret detention since 5 July 2003 in violation of Tunisian law and international standards which Tunisia has ratified;
- asking that he be immediately released unless he is charged with a recognizable criminal offence and presented to a judge;
- urging the authorities that he be given access to legal council immediately, that his family be informed of his arrest and whereabouts and that he be granted a medical examination and any medical attention he may require.

APPEALS TO:

Minister of the Interior

M. Hédi M=henni

Ministère de l'Intérieur
Avenue Habib Bourguiba
1000 Tunis
Tunisia

Telegram: Minister of the Interior, Tunis, Tunisia
Fax: + 216 71 340 888
E-mail: mint@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

Minister of Justice and Human Rights / Ministre de la Justice et de Droits de l'Homme

M. Bechir Tekkari
Ministère de la Justice et de Droits de l'Homme
31 Av. Bab Benat
1006 Tunis, La Kasbah, Tunisie

Telegram: Ministre de la Justice, Tunis, Tunisie
Fax: + 216 71 568 106
E-mail: mju@ministeres.tn
Salutation: Monsieur le Ministre / Your Excellency

COPIES TO:

Official human rights body, reporting to the President
Comité supérieur des droits de l'homme et des libertés fondamentales
Zakaria Ben Mustapha (Président)
85 avenue de la Liberté - 1002 Tunis-Belvédère – Tunisie
Fax: + 216 71 796 593 / 784038

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 22 August 2003.