

EXTERNAL (for general distribution)

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Death in Custody

19 August 1991

TUNISIA:

Fathi Khiari, 33-year-old post office official

Amnesty International is gravely concerned at the death in custody of Fathi Khiari, a member of the unauthorized Islamic movement Hizb al-Nahda, Party of the Renaissance, who was arrested on 16 July 1991 and was held incommunicado in garde à vue detention until his death.

BACKGROUND INFORMATION

Fathi Khiari, a 33-year-old post office official, was arrested on 16 July 1991 at 4.30 am from his parents-in-laws' home where he was staying with his wife and three children. The police officers who arrested him did not produce an arrest warrant and he was held in garde à vue detention beyond the maximum 10-day period allowed under Tunisian law. His family and lawyer sought information on his whereabouts from the Procureur General (who is responsible for renewing the detention order after the first four-day period has elapsed) on 20 July and again on 26 July, and from Ambassador Rachid Driss, the President of the government-appointed Comité superieur des droits de l'homme et des libertés fondamentales on 20 July. However, they did not succeed in obtaining any information on his whereabouts or legal status.

On 5 August 1991, two police officers went to his family's house and asked his father and elder brother to go to the police station. There they were informed that Fathi Khiari had died and that he would be buried the following day at 7 am; the family was told to go directly to the cemetery. The body was not returned to the family before the burial. The family was told that he had died as a result of an illness but no details were given, nor was any medical certificate or autopsy report provided. At the cemetery the family was not allowed to examine his body which was reportedly wrapped in plastic underneath the shroud. Amnesty International has received allegations that Fathi Khiari was tortured in garde à vue detention.

Fathi Khiari had been sentenced to 3 years' imprisonment in 1987 for belonging to an unauthorized organization, the Mouvement de la tendance Islamique (the former name for Hizb al-Nahda), and was later amnestied after the change of government. Until his arrest on 16 July 1991 he was a member of a committee known as al-Lajna al-Ijtima'iya, which provides support to the families of detained members and supporters of Hizb al-Nahda.

Fathi Khiari is the fifth detainee to die in incommunicado garde à vue detention during the last three months. Amnesty International is concerned that the Tunisian authorities may not have taken all the necessary measures to ensure the safety of those held incommunicado in garde à vue detention. The organization has repeatedly expressed its concern at the increasingly frequent breaches of the law allowing garde à vue detention for a maximum of 10 days, as it is during garde à vue that detainees are most at risk of torture and ill-treatment. During the last nine months Amnesty International has received numerous reports of torture in prolonged garde à vue detention.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters in French or Arabic, if possible:

- expressing concern at the death in custody of Fathi Khiari;

- urging that a public inquiry be set up into the circumstances of his death, and that the findings be made public;

- urging that if the allegations of torture leading to his death are found to be true, those responsible be brought to justice and the families be compensated.

APPEALS TO: (in French or Arabic, if possible)

1. Son Excellence

Président Zine El Abidine Ben Ali

[Salutation: Excellence]

Président de la République

Palais Présidentiel

Tunis/Carthage, Tunisie

Telegrams: President Ben Ali, Tunis, Tunisia

Telexes: 14900 prpsa tn; 12163 ppsd tn

Faxes: 216 1 74 4721

2. M. Abdallah Kallel

[Salutation: Excellence]

Ministre de l'Interieur

Ministère de l'Interieur

Place du Gouvernement

Tunis, Tunisie

Telegrams: Ministre Interieur, Tunis, Tunisia

Telexes: 13662 sdap tn

3. Ambassador Rachid Driss

President du Comité Supérieur des Droits de l'homme et des
Libertés Fondamentales

24 Rue Docteur Kalmet

Mutuelleville

Tunis, Tunisie

Telegrams: Ambassador Rachid Driss

24 rue Docteur Kalmet, Mutuelleville, Tunis, Tunisia

Faxes: 216 1 270646

4. M. Abderrahim Zouari

[Salutation: Excellence]

Ministre de la Justice

Ministère de la Justice

Boulevard Bab Benat

Tunis, Tunisie

Telegrams: Ministre Justice, Tunis, Tunisia

Faxes: 216 1 568 106

5. M. Habib Ben Yahia

[Salutation: Excellence]

Ministre des Affaires Etrangères

Ministère des Affaires Etrangères

Place du Gouvernement

La Kasbah

Tunis, Tunisie

Telegrams: Ministre Affaires Etrangères, Tunis, Tunisia

Telexes: 14470/1/2 mafta tn

COPIES TO: Diplomatic representatives of Tunisia in your country.

PLEASE ALSO SEND COPIES OF SOME OF YOUR APPEALS, FOR INFORMATION, TO:

Ligue Tunisienne pour la Défense des Droits de l'Homme
1, rue Canada
Tunis, Tunisia

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section Office if sending appeals after 30 September 1991.