

PUBLIC

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UA 125/03 Fear of torture or ill-treatment

TUNISIA Tarek Ferchichi (m), aged 27

Tarek Ferchichi was held in secret detention for six days and is now being detained at the *9 avril* prison in the capital Tunis. He was presented to a judge on 5 May, reportedly without the presence of a lawyer or his family being informed. He is at risk of torture or ill-treatment.

Tarek Ferchichi was arrested by plainclothes police officers at his family's home in the La Marsa suburb of Tunis on 29 April. The police officers did not produce a warrant and no reason was given for his arrest. He was held incommunicado at an unknown location until 5 May, when he was presented without the presence of a lawyer to an examining judge at the First Instance Court in Tunis and remanded in custody. It is not known what charges were brought against him. Neither his lawyers nor his family had been informed of his being brought before a judge and neither have been able to see him since his arrest.

The arrest of Tarek Ferchichi may be connected to the fact that his brother, Béchir Ferchichi, an asylum seeker in France, has spoken out about the suspicious death in Tunisian custody of his friend Maher Osmani in late April 2003. Maher Osmani, aged 23, was arrested by police in Tunisia between 16 and 18 April. He had reportedly accessed the website TUNeZINE, a news forum that is banned in Tunisia, and been involved in collecting funds for families affected by recent floods in southern Tunisia. Collecting funds without authorization is an offence under Tunisian law. On 22 April the family of Maher Osmani was informed by police officers that he had died. On 24 April the family received his body, but was allegedly only allowed to see his face before he was buried. No investigation is known to have been opened into the death.

BACKGROUND INFORMATION

In Tunisian law, under Article 13 *bis* of the Code of Penal Procedure, detainees may be held without charge (*garde à vue*) 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. If a person is held in *garde à vue*, 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 Interior in Tunis. In most 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 Tarek Ferchichi, who was held in secret detention for six days, was presented to an examining judge on 5 May without the presence of his lawyer;
- calling on the authorities to guarantee that Tarek Ferchichi is treated humanely in detention and that he be granted any medical attention he may require;
- urging the authorities to ensure that all future judicial proceedings will be in accordance with international human rights standards, in particular that he be granted access to lawyers and relatives immediately.

APPEALS TO:

President

Président M. Zine El Abidine Ben Ali
Palais Présidentiel
Tunis
Tunisia

Telegram: President, Tunis, Tunisia
Fax: + 216 71 744 721
Salutation: Monsieur le Président / Your Excellency

Minister of Justice and Human Rights

M. Bechir Tekkari
31 Av. Bab Benat
1006 Tunis - La Kasbah
Tunisia

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

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

COPIES TO:

State Human Rights Institution reporting to the President

Comité supérieur des droits de l=homme et des libertés fondamentales
Zakaria Ben Mustapha (President)
85 ave de la Liberté - 1002 Tunis-Belvédère - Tunisia

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 18 June 2003.