

EXTERNAL (for general distribution)

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Fear of torture

18 August 1993

TUNISIA:

Samir MOUSSA

Mohamed Tahar BADI

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Amnesty International is concerned that Samir Moussa and Mohamed Tahar Badi are being held incommunicado in *garde à vue* detention and may be at risk of torture and ill-treatment.

Samir MOUSSA was arrested on 25 July 1993 on arrival at Tunis airport and has been held incommunicado since, without access to his family or lawyer. His family saw him briefly in the airport police station and were told by police officers that he was being held for routine checking and would be promptly released. However, despite repeated inquiries, since his arrest his family has been unable to obtain any information on his whereabouts and legal status. He had been studying abroad for the past three years and returned to Tunisia to visit his family.

Mohamed Tahar BADI was arrested from his home in Deggache, Touzer, on 28 July 1993. He was not allowed to take with him his medicines for kidney problems. He has since been held incommunicado, and his family's daily inquiries at the police station have remained unanswered. He was a commander in the anti-riot squad of the security forces, Brigade d'Ordre Public, but had been moved to administrative duties several years ago. He had been suspended from work last year after his daughter had fled the country, and since then he had often been questioned about his daughter's whereabouts. His daughter, a medical student, was sentenced in **absentia** last year to two years' imprisonment for membership of an illegal organization and holding unauthorized meetings. Last year, one of his sons was also sentenced to six months' imprisonment for illegal political activities, and the other was imprisoned without charge or trial for four months, and then released.

Tunisian law allows incommunicado detention for a four-day period which may be renewed once, and in exceptional cases may be extended for a further two days, to a total maximum of 10 days. However, this law is constantly breached, and families of detainees are usually not informed of their place of detention during incommunicado detention. The practice of torture is widespread in Tunisia, and it is during the period of incommunicado detention, when detainees are held without access to their families or lawyers, that they are most at risk of torture and ill-treatment.

**RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express and airmail letters either in French, English, Arabic or in your own language:

- expressing concern that Samir Moussa and Mohamed Tahar Badi are being held in prolonged incommunicado detention, contravening both international standards and Tunisian law. Stress that Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party, states that: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge...";

- asking to be informed of their whereabouts and details of any charges brought against them;

- urging the Tunisian authorities to allow Samir Moussa and Mohamed Tahar Badi immediate access to their families, lawyers and medical care if necessary. Also point out that Article 13 bis of the Tunisian Code of Criminal Procedure limits incommunicado detention to a maximum of 10 days and allows detainees access during that time to medical care;

- urging that no one be detained in prolonged incommunicado detention as it is during this time that detainees are most at risk of torture and ill-treatment.

**APPEALS TO**

1) Minister of Justice:

M. Sadok Chaâbane

Ministre de la Justice

Ministère de la Justice

Boulevard Bab Benat

Tunis, Tunisie

**Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie**

**Telexwa: 13000 maet tn (via Ministère de l'Interieur)**

**Faxes: + 216 1 568106, + 216 1 567070**

**Salutation: Monsieur le Ministre / Dear Minister**

2) Minister of the Interior:

M. Abdallah Kallel

Ministre de l'Interieur

Ministère de l'Interieur

Av.Habib Bourguiba

Tunis, Tunisie

**Telegrams: Ministre de l'Interieur Kallel, Tunis, Tunisia**

**Telexes: 13662 sdap tn**

**Faxes: + 216 1 340888**

**Salutation: Monsieur le Ministre / Dear Minister**

3) Minister of Foreign Affairs:

M. Habib Ben Yahia

Ministre des Affaires Etrangères

Ministère des Affaires Etrangères

Place du Gouvernement

La Kasbah

Tunis, Tunisie

**Telegrams: Ministre des Affaires Etrangères Ben Yahia, Tunis, Tunisie**

**Telexes: 14470 mafta tn, 14471 mafta tn, 14472 mafta tn**

**Faxes: + 216 1 791005**

**Salutation: Monsieur le Ministre / Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Human Rights Organization:

M. Rachid Driss

Président

**Faxes: + 216 1 270646, + 216 1 796593**

Commission Superieure des Droits

de l'Homme et des Libertées Fondamentales

85 Avenue de la Liberté

Tunis, Tunisie

Ombudsman:

M. Hassine Cherif

Ombudsman

85 Avenue de la Liberté

Tunis

Tunisie

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 29 September 1993.