

EXTERNAL (for general distribution)

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Further information on UA 40/95 (MDE 30/04/95, 17 February 1995) - Fear of torture / Legal concern and new concern: Fear of imprisonment as prisoner of conscience

TUNISIA

Tahir ZOUINEKH

Tahir Zouinekh was finally brought before a court on 15 March 1995, 79 days after his arrest on 27 December 1994. There are grounds for fearing that he may have been tortured during this excessively long period of *garde à vue* (incommunicado) detention. Furthermore, Amnesty International fears that when the verdict on his case is announced (it is expected on 30 March), Tahir Zouinekh may face imprisonment as a prisoner of conscience. Not all the charges against him are known, but they include membership of an unauthorized organization (not explicitly mentioned but believed to be the unauthorized Islamist movement *al-Nahda*).

Despite repeated enquiries with the Tunisian authorities by his family and Amnesty International, including appeals from the Urgent Action Network, Tahir Zouinekh's whereabouts and legal status remained unknown until his court appearance in Gabès on 15 March. His wife saw him for the first time on this occasion only by chance: a recourse left to relatives of detainees held incommunicado is to attend the opening of court sessions in the hope that one of the defendants will turn out to be their loved one, as happened in this case.

Tahir Zouinekh's wife was first able to speak to him on 22 March, under the strict supervision of police officials. He stated that he had been in hospital for 13 days because of stomach and back problems and appeared to be in a poor condition. As he had reportedly been in good health at the time of his arrest, there are fears that he may have been ill-treated and tortured during his prolonged *garde à vue* detention.

Amnesty International is particularly concerned by Tahir Zouinekh's excessive period of *garde à vue* detention, as it is by far the longest in Tunisia in the last two years known to the organization. Incommunicado detention leaves detainees vulnerable to torture and ill-treatment and is distressing for family members.

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

- deploring the fact that Tahir Zouinekh was held in *garde à vue* detention for nearly three months, a period far exceeding the maximum limit of 10 days permitted under Tunisian law and in serious contravention of international standards;
- expressing serious concern that he may have been tortured or ill-treated during this time, and calling for a prompt investigation into his unlawfully prolonged *garde à vue* detention and into his treatment during it, and urging that he have continuing access to medical care;
- expressing concern that he may be tried and sentenced as a prisoner of conscience.

APPEALS TO:

1) Minister of Justice

M. Sadok Chaâbane
Ministre de la Justice
Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisie

Faxes: +216 1 568 106

Telexes: 13000 maet tn (via Ministère de l'Intérieur)

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

2) Minister of the Interior

M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av Habib Bourguiba
Tunis
Tunisie

Faxes: +216 1 340 888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Interieur, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

COPIES OF YOUR APPEALS TO:

M. Salem Makki

Conseiller Présidentiel chargé des droits de l'homme

Palais Présidentiel
Carthage/Tunis
Tunisia

Faxes: +216 1 731 009 or +216 1 742 513

Me Taoufik Bouderbala, Président

Ligue Tunisienne des Droits de l'Homme, LTDH

21 Rue Imam el Bakri
1002 TUNIS Belvedere
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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 10 May 1995.