

EXTERNAL (for general distribution)

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UA 113/95 Fear of torture / Legal concern / Health concern 18 May 1995

TUNISIAHafedh BEN GHARBIA, aged 30, electrical engineering student

Hafedh Ben Gharbia has been held incommunicado in an unknown place since his reported arrest on 21 April 1995, far beyond the maximum legal limit of 10 days permitted by Tunisian law. He is at risk of torture or ill-treatment as long as he remains incommunicado.

Hafedh Ben Gharbia, a student in Germany since 1986, was arrested when he arrived at Monastir airport, in Tunisia, to visit his family. His father was allowed to speak to him only for a brief moment at the airport before his son was taken away by security forces. Since then his family has been unable to establish his whereabouts or legal status, despite repeated enquiries with the Tunisian authorities.

Since he has been in Germany, Hafedh Ben Gharbia has visited his family in Tunisia on several occasions, the last time in November 1994, without ever being arrested or questioned by the authorities. Two of his brothers have been imprisoned on political charges in the past three years, but have now been released.

Hafedh Ben Gharbia is reported to suffer from nervous disorders, for which he has been undergoing treatment in Germany. Concerns that he may not be allowed access to necessary medical treatment have been heightened by the fact that attempts by his family to bring him his medication have so far been prevented by the authorities.

BACKGROUND INFORMATION

Over the past two years several Tunisians living abroad have been arrested upon their return to Tunisia. All have been questioned about the activities of their Tunisian relatives or friends abroad, especially if these are political refugees or government critics and opponents. Most of those arrested have been accused of providing links between Tunisian political refugees and political opponents abroad, and were sentenced to terms of imprisonment on charges of belonging to an unauthorized association and attending unauthorized meetings either in Tunisia or abroad. Other relatives of Tunisian political refugees abroad have reportedly been detained by police for questioning about the whereabouts and activities of their relatives abroad and threatened with imprisonment if they do not provide information such as addresses and telephone numbers of their relatives.

A new article added in November 1993 to the Tunisian Code of Penal Procedure made it possible to imprison Tunisian nationals for peaceful activities in other countries, such as meetings or demonstrations, which are considered an offence in Tunisia - even if these are not considered an offence in the country where they took place. Several prisoners of conscience have already been imprisoned under this new law.

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

- expressing concern at the prolonged incommunicado detention of Hafedh Ben Gharbia;
- expressing concern that Hafedh Ben Gharbia may be at risk of torture and

ill-treatment as long as he is held incommunicado;
 - urging that he be allowed immediate access to his relatives and lawyer, and to the necessary medical care;
 - seeking information about his whereabouts and legal status.

APPEALS TO

1) 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'Intérieur, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

2) 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

COPIES OF YOUR APPEALS TO:

Rachid Driss
 Président, Comité supérieur des droits de l'homme et des libertés fondamentales,
 85 ave de la Liberté
 Tunis
 Tunisia

Faxes: +216 1 796 593 or +216 1 270 646

Me Taoufik Bouderbala, Président
Ligue Tunisienne des Droits de l'Homme, LTDH
 21 Rue Imam el Bakri
 1002 TUNIS Belvedere
 Tunisia

Faxes: +216 1 801 599

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 30 June 1995.