

**EXTERNAL (for general distribution)**

**AI Index: MDE 30/07/93**

**Distr: UA/SC**

**UA 260/93**

**Fear of torture**

**6 August 1993**

**TUNISIA:**

**Tawfik Rajhi**

---

Amnesty International is concerned that Tawfik Rajhi continues to be held incommunicado in prolonged *garde à vue* detention, and may be at risk of torture or ill-treatment.

Tawfik Rajhi, a 32-year-old academic, father of two children, was arrested on 26 July 1993 and continues to be detained without access to his family and lawyer. Despite repeated inquiries with different authorities, his family have been unable to obtain any information on his whereabouts and legal status.

Tawfik Rajhi, who has been living in France for the past 10 years, returned to Tunisia for a visit on 22 July 1993. Soon after arrival he was questioned by police about the illegal sale of some land, but was later told that he had been mistaken for someone else with the same name. They suggested he should carry his birth certificate to avoid further mistakes. On 26 July, three police officers came to his home and asked him to go with them to rectify the mistake of identity and he has been detained since then.

#### **BACKGROUND INFORMATION**

Over the past three years hundreds of suspected members and supporters of the Islamic movement al-Nahda have been arrested in Tunisia. Many of them have been tortured and ill-treated in prolonged *garde à vue* detention. Tawfik Rajhi's political affiliation is not known, but his brother was imprisoned for over a year on charges of illegal political activities within the banned Islamic movement al-Nahda, and was also detained for a few days after Tawfik's arrest.

According to Tunisian law, a detainee may be held in *garde à vue* detention for a maximum period of four days which may be renewed once only by written order of the general prosecutor, and, in exceptional cases, may be extended for a further two days. However, detainees are often held in *garde à vue* detention beyond the maximum 10-day-period permitted by Tunisian law.

Amnesty International has repeatedly called on the Tunisian authorities to ensure that all detainees are brought promptly before a judge, because it is during this time, when detainees are held completely cut off from the outside world, that they are most at risk of torture and ill-treatment. However, torture and ill-treatment of detainees held in often prolonged *garde à vue* detention continues to be used in Tunisia.

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

- expressing concern that Tawfik Rajhi is 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...";

- urging the Tunisian authorities to allow Tawfik Rajhi immediate access to his family, lawyer and medical care if necessary;
- seeking information on the whereabouts of Tawfik Rajhi and his legal status;
- 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: Minstre de la Justice Chaâbane, Tunis, Tunisie**

**Telexes: 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, Tunisie**

**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 Yahai, Tunis, Tunisie**

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

**Faxes: + 216 1 791005**

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

**COPIES OF YOUR APPEALS TO:**

Human Rights Organization:

M. Rachid Driss  
Président  
Commission Superieure des Droits  
de l'Homme et des Libertées Fondamentales  
85 Avenue de la Liberté  
Tunis, Tunisie

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

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 17 September 1993.