

- ♦ bring the relevant articles of the Criminal Code into line with the definition of torture as contained in article 1 of the Convention; and
- ♦ amend relevant legislation to ensure that no evidence obtained through torture shall be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on:

(E/CN.4/1998/44, paras. 14, 15, 19;

E/CN.4/1998/44/Add.1, Opinion No. 13/1997)

The government informed the Working Group that the person named in decision 5/1996 had been released. Three urgent appeals on behalf of four persons were sent to the government during the period under review. The government responded that the persons named had either never been detained, or were released. No details of the cases were provided.

Opinion No. 13/1997 related to one person who was released at the end of December 1996 for humanitarian reasons. Having examined all the available information, and without prejudging the nature of the detention, the Working Group decided to file the case.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on:

(E/CN.4/1998/68, paras. 14, 32, 68; E/CN.4/1998/68/Add.1, paras. 379–380)

The Special Rapporteur referred one case to the government involving a journalist and member of the An Nahda Movement, who was arrested in 1990 and died in prison in May 1997. Information indicated that he had been seriously ill and did not receive proper medical care.

Freedom of opinion and expression, Special

Rapporteur on: (E/CN.4/1998/40, paras. 8, 98–101)

The Special Rapporteur referred a case to the government involving the Vice President of the Ligue tunisienne pour la défense des droits de l'homme who was arrested in September 1997 at his home in Tunis by members of the security forces. The individual was arrested after having begun a hunger strike, which he had announced publicly the same day, in order to protest against the restrictions imposed on him by the Tunisian authorities and the human rights situation in the country. He was charged with undermining public order, spreading false information aimed at disturbing public order, and inciting people to break the law.

The government confirmed the arrest and stated that, on the basis of the accused's statements before the Court of First Instance in Tunis, the Government Procurator called for judicial proceedings to be instituted for commission of the offence of defamation against the public order, publication in bad faith of false news capable of disturbing the public order, and incitement of the popu-

lation to infringe the law of the country. The government noted that the individual had legal counsel, was being detained in civil imprisonment in Tunis, his situation was normal, and he was being treated in accordance with prison regulations. On that basis the government asserted that the arrest was consequent upon offences under the legislation in force and bore no relation to his membership of the Ligue tunisienne pour la défense des droits de l'homme, or to the views he holds, or the exercise of his right to freedom of opinion and expression.

Independence of judges and lawyers, Special

Rapporteur on the: (E/CN.4/1998/39, paras. 14, 15, 18, 19, 164–167)

An urgent appeal was sent to the government on behalf of a lawyer who had reportedly been intimidated and harassed in April 1997 for reasons relating to her work in defence of victims of torture and other human rights violations. The lawyer's office was broken into, her computer stolen, her phone disconnected, and her files interfered with. It was further reported that she had been the victim of similar acts of intimidation in 1994 and in 1995. The government responded that: the robbery of the office was the subject of a judicial investigation based upon a complaint made before the competent authorities; the two thieves had been arrested and had admitted to their crimes; and, one of the convicted was sentenced to eight months' imprisonment, the other to four months. The government denied the allegations that the lawyer had suffered intimidation and harassment.

Torture, Special Rapporteur on: (E/CN.4/1998/38, para. 186; E/CN.4/1998/38/Add.1, paras. 419–422)

An urgent appeal on behalf of two persons was sent to the government. The first case related to the detention of one man in prison in Nadhor, where guards reportedly beat him with sticks on the soles of the feet and elsewhere, and stood on his chest. The government replied that the man had been taken to a doctor, and an inquiry into the allegations of ill treatment had established that they were not warranted. The second case involved a woman who was reportedly arrested with her two daughters in May 1997 in the Ben Guerdane district, as she was preparing to cross the Libyan border to join her husband, a refugee in the Netherlands. Information indicated that she was deprived of all contact with her family for some time until her father-in-law was allowed to take the children away. The government confirmed the arrest and stated that the woman had suffered no ill treatment, had been brought before the examining magistrate, the children had been placed in the care of her husband's family from the outset, and, contrary to reports, neither her father's nor husband's parents had been arrested.

The government's response to cases transmitted in 1996 stated: the person named was not being held in secret, had not been tortured, and had been released on parole; the person named had indeed been arrested, had received the requisite medical attention, was in good health, had been visited by her lawyer, and also visited several times by her brother who had never been arrested.