

proved to be effective in one of the cases. On that basis the WG declared that the detentions were not arbitrary.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 383–384)

One case of disappearance was transmitted to the government of Tunisia concerning a person who was reportedly abducted in 1995 from his home by three plain-clothed men, believed to be members of the security forces. The government responded that the individual had been arrested and brought before the Public Prosecutor who had charged him with terrorist activities within the banned “Ennahda” movement, and he was detained at the civil prison in Tunis.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (, paras. 15, 16, 19, 32, 64, 96; E/CN.4/1997/60/Add.1, paras. 505–513)

The information received by the Special Rapporteur (SR) on violations of the right to life emphasized the absence of independent investigations of numerous cases of death in detention related to torture and the fact that the persons responsible for human rights violations enjoy complete impunity.

Individual cases transmitted to the government related to acts of intimidation and harassment and deaths in custody as a result of torture and ill-treatment. The government variously responded that: autopsies had not turned up any trace of violence and the death by hanging was suicide; the persons died from natural causes; and, the death was the result of stomach cancer. The SR expressed continuing concern at the persistent allegations of violations of the right to life and, in particular, the numerous deaths in detention following allegations of ill-treatment and torture.

Freedom of expression, Special Rapporteur on: (E/CN.4/1997/31, Section III)

The report refers to the case of a couple, the woman a lawyer and the man a Deputy in the Parliament and one of the co-founders of the Arab Institute of Human Rights and the Mediterranean Centre for Human Rights. The information received indicated that they had been barred from leaving the country and had had their passports confiscated when they were on the point of leaving Tunisia by air to attend a colloquium of the Mediterranean Centre for Human Rights in Malta. The government responded that the decision to prevent the two from leaving the country was in no way connected with their right to freedom of opinion and expression; rather, the measure had been taken on the basis that the husband was in possession of suspicious documents while preparing to leave the country and the wife was prevented from leaving the country in accordance with an order previously issued by the examining magistrate, prohibiting her from travelling abroad.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 18, 20, 21, 159–164)

The report refers to an urgent appeal sent to the government regarding the case of a lawyer and human rights defender who was reportedly convicted to eight years' imprisonment, without having the right of defence, since the 30 lawyers who were assisting him had left the hearing room in order to protest the refusal of the court to postpone the proceedings. The report notes that the postponement had been

requested to allow the lawyers adequate time to prepare the defence. The information received indicated that the lawyer had stated that he had not been fully informed about the details of the charges against him, that he did not have the right to appeal, and that the trial might have been linked to his work as a human rights defender. The government replied that access to defence counsel had been provided and that the withdrawal of the lawyers during the proceedings had been an attempt to influence the court's decision. The government further stated that the allegation that the right to appeal had not been granted was unfounded; and that the lawyer's detention was not linked to his activities as a human rights lawyer, but based on specific acts punishable under ordinary law. The government later informed the SR that the lawyer had been released.

The Special Rapporteur (SR) also transmitted a letter to the government concerning the case of the human rights defender and parliamentarian, who had reportedly received a five-year prison sentence on charges of leaking secret information to foreign powers in a case bearing on national security. Information received indicated that he had passed documents to a European international lawyer concerning the case of the leader of the opposition Social Democratic Party (MDS), sentenced to 11 years' imprisonment on charges of having had relations with a foreign power. Information also indicated that the lawyer's imprisonment was the result of his non-violent activities in defence of human rights and civil liberties in Tunisia. The government replied that the conviction was not related to the defendant's work as a defender of human rights, and that no official complaints about alleged threats and acts of intimidation and harassment had been received by the authorities. The government also stated due process had been followed in each step of the detention, trial and conviction. And, subsequently, that the individual had been conditionally released from prison for humanitarian reasons.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 478–487)

The report refers to information indicating that: the Tunisian judicial system was unaware that detainees had alleged that their statements were obtained by torture, particularly when they were being held in custody; in the rare cases when medical examinations were carried out, the doctors were designated by the authorities, usually several weeks after the events in question took place; and, the few investigations carried out into allegations of torture and ill-treatment did not provide all the necessary guarantees, particularly as regards impartiality, and the results were never made public. The Special Rapporteur (SR) noted the persistence of allegations over the years and the widespread doubts as to the evidence of medical examinations conducted by doctors in government service, stating that these facts suggest the importance of ensuring the monitoring of the detention and interrogation practices of law enforcement agencies by an independent body and permitting access of independent physicians to detainees at their request.

Eight cases and two urgent appeals were transmitted to the government, involving arrests, in a number of them, on charges of belonging to a banned organization. Information received indicated various forms of torture and ill-treatment,