

EXTERNAL

AI Index: MDE 30/01/96

5 January 1996

Further information on UA 236/94 (MDE 30/18/94, 17 June 1994) and follow-ups (MDE 30/21/94, 22 September 1994; MDE 30/17/95, 21 August 1995; MDE 30/29/95, 5 December 1995) - Possible prisoner of conscience / Fear of unfair trial / Legal concern / Torture / Fear of torture and new concern: Unfair trial

TUNISIANajib HOSNI, lawyer and human rights activist

The human rights lawyer Najib Hosni was sentenced on 3 January 1996 to eight years' imprisonment by the Court of Appeal in el-Kef. He was tried and sentenced without defence, as about 30 of his lawyers walked out of court in protest at the court's refusal to postpone the trial in order to allow them sufficient time to prepare their defence. At the first hearing on 27 December 1995, the defence lawyers requested that the trial be postponed to allow them adequate time to consult the files and prepare the defence. However, the court only granted a one-week adjournment. Najib Hosni also stated in court that he had not yet been able to obtain access to the full details of the case against him.

Najib Hosni has no right of appeal; his case may be reviewed by "cassation" by the Supreme Court, which does not re-examine the case and only rules on procedures.

Najib Hosni has been detained since June 1994 on charges of falsifying a land contract, a charge which he denies and which does not normally justify pre-trial detention. The court repeatedly rejected his defence lawyers' requests for bail, and he was held in pre-trial detention for four months beyond the maximum period of 14 months permitted under Tunisian law.

Between 16 January and 22 August 1995 Najib Hosni was unable to receive visits from his lawyers as these were made conditional to humiliating and degrading body searches, to which he refused to be subjected. He was also denied access to his lawyers at other times during his detention, most recently on 15 and 16 December 1995, in breach of both Tunisian law and international human rights treaties, which guarantee detainees' access to their legal counsel at all times during pre-trial detention. Last November, shortly after going on hunger-strike, Najib Hosni was transferred to the Ministry of the Interior where he was reportedly tortured and ill-treated between 8 and 10 November.

No investigation is known to have been carried out into the alleged torture, and his lawyer's request for a medical examination and for an investigation into the allegations of torture and ill-treatment have not been addressed to date.

Amnesty International fears that Najib Hosni may be imprisoned as a prisoner of conscience, solely on account of his work as an active human rights lawyer.

The organization calls for his immediate release, unless he is to be promptly retried in full accordance with internationally recognized standards for fair trial.

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

- expressing serious concern that Najib Hosni was tried and sentenced without defence and without being allowed full access to the details of the case against him;

- urging that he be immediately released unless he is to be promptly retried in full accordance with internationally recognized standards for fair trial;  
- expressing concern that no investigation appears to have been carried out into the allegations that he was subjected to torture and ill-treatment at the Tunisian Ministry of the Interior in early November 1995.

**APPEALS TO:**

1) Président M. Zine El Abidine Ben Ali  
Président de la République  
Palais Présidentiel  
Tunis/Carthage  
Tunisie

**Telexes: 14900 prpsa tn; 12163 ppsd tn**

**Telegrams: President, Tunis, Tunisia**

**Faxes: +216 1 744721**

**Salutation: Excellence/Your Excellency**

2) Minister of Justice

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

**Faxes: + 216 1 568 106**

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

**Telegrams: Ministre de la Justice, Tunis, Tunisie**

**Salutation: Monsieur le Ministre/Your Excellency**

3) Minister of Foreign Affairs

M. Habib Ben Yahia  
Ministre des Affaires étrangères  
Ministère des Affaires étrangères  
Place du Gouvernement  
La Kasbah, Tunis, Tunisia

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

**Telegrams: Ministre des Affaires étrangères, Tunis, Tunisie**

**Salutation: Monsieur le Ministre/Your Excellency**

**COPIES TO:**

Tunisian Bar Association

Me Abdelwaheb El Behi  
Bâtonnier, Conseil de l'Ordre des Avocats  
6 Rue Annaba  
Tunis, Tunisia

Tunisian Human Rights League

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 20 February 1996.