

EXTERNAL

AI Index: MDE 30/17/95

21 August 1995

Further information on UA 236/94 (MDE 30/18/94, 17 June 1994) and follow-up (MDE 30/21/94, 22 September) - Possible prisoner of conscience / Fear of unfair trial and new Legal concern

TUNISIANajib HOSNI, lawyer and human rights activist

Najib Hosni, the human rights lawyer arrested on 15 June 1994, continues to be held in pre-trial detention, now in excess of the maximum period of 14 months allowed under Tunisian law (Article 85 of the *Code de Procédure pénale*, Code of Criminal Procedure). He should therefore be immediately tried or released.

Many UA participants who originally sent appeals on Najib Hosni's behalf received replies from the Tunisian authorities. These merely repeated in greater or lesser detail the unsubstantiated allegations against Najib Hosni, and did not address concerns including why he was being detained when the offence of which he is accused is of a civil nature and does not usually justify pre-trial detention.

In addition, since January 1995 he has not received any visits by his defence lawyers, because the prison authorities have made these visits conditional on his being submitted to degrading body searches - a condition which he refuses to submit to, and which is usually only imposed on dangerous criminals (the one exception to this was a visit he received at the beginning of August from the former head of the Tunisian Bar Association).

Amnesty International continues to believe that Najib Hosni may be detained for his dedicated and non-political work as a human rights lawyer.

Other organizations have also publicly expressed their concern at his detention, including the USA-based Lawyers' Committee for Human Rights. In July, Najib Hosni was awarded an honorary law degree by the USA-based Dickinson School of Law, in recognition of his work as a human rights lawyer. In early August, he was awarded the International Human Rights Award by the American Bar Association (Section of Litigation) "in recognition of [his] extraordinary contributions to the causes of human rights, the rule of law, and promotion of access to justice".

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

- stating that Najib Hosni has now been held in pre-trial detention for a period exceeding the maximum 14 months allowed under Tunisian law and that he should be immediately tried or released;
- expressing concern that visits by his defence lawyers are in effect restricted by the condition imposed on him that he must submit to a degrading body search before being able to see them;
- stating that you remain concerned that he may be detained as a prisoner of conscience and call for his immediate and unconditional release if he has been detained solely on account of his work as a human rights lawyer.

**APPEALS TO:**

1) 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 Chaâbane, Tunis, Tunisie**

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

2) Minister of Foreign Affairs

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

**Faxes: + 216 1 562 378 (via Bureau du Premier Ministre)**

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

**Telegrams: Ministre des Affaires étrangères Ben Yahia, 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 15 October 1995.