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Joint Statement

AMNESTY INTERNATIONAL, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH), HUMAN RIGHTS WATCH, LAWYERS COMMITTEE FOR HUMAN RIGHTS (LCHR), OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS, WORLD ORGANIZATION AGAINST TORTURE (OMCT).

Tunisia: heavy sentences after a parody of justice

Lawyer Radhia Nasraoui, a member of the Tunisian Bar Association and known for her defence of human rights, has just been given a six-month suspended prison sentence. Seventeen of her co-defendants, most of them young students, including three women, were sentenced to terms of imprisonment ranging from fifteen months to four years. Eleven of the defendants should be released in the coming weeks, as the length of their sentences nearly matches the time they have already spent behind bars awaiting trial. Three other defendants currently at large, including the husband of Ms. Nasraoui (Hamma Hammami, leader of the unauthorized Tunisian Communist Workers' Party, PCOT), were sentenced *in absentia* to nine years and three months' imprisonment.

"This verdict is a clear example of the persecution by the Tunisian authorities of human rights defenders and of their repression of freedom of expression and association," said the above-mentioned organizations.

The trial of Radhia Nasraoui and her co-defendants, which took place on 10 July in the presence of numerous foreign observers, lasted nearly 20 hours running (from 10 am on Saturday 10 July until the following morning at 5 am). The trial was characterized by disrespect for defence rights and culminated in a unanimous walkout by defence lawyers protesting the judge's decision to prevent one of the lawyers from continuing his argument to the court.

After lawyer Jamaledine Bida cited during his arguments a comment in the French weekly *Le Nouvel Observateur* that Tunisia was a "police state," the judge prevented him from continuing and threatened him with administrative and legal sanctions.

"The judge repeatedly interrupted the defendants, especially when they tried to provide details of the torture they were subjected to during incommunicado detention in the Ministry of Interior, and refused on several occasions to enter these complaints into the official trial record", noted the observers mandated by the signatory organizations.

Radhia Nasraoui, who was on bail during the trial, faced a single charge, that of "facilitating a meeting of an association which advocates hatred." In early 1998, before being herself charged in the same case, Radhia Nasraoui was part of the defence team representing this group of students. At that time she was among the lawyers who had denounced the torture and abuses to which the defendants were subjected and had filed complaints and requests for investigation.

The other defendants in this case, 14 men and three women who have been in pre-trial detention for about fifteen months (except for one who was arrested last February), faced various charges, notably links to "an association which advocates hatred" (the PCOT), "unauthorized meetings," insulting the public order and the judiciary, and "inciting citizens to rebel and to violate the laws of the country." All of the defendants who were convicted in this trial will appeal the verdict. It is expected that the prosecutor's office will also appeal, seeking harsher penalties.

The trial, which was conducted in an unprecedented marathon session, was marked by Radhia Nasraoui reaffirming her commitment as a lawyer to defending prisoners of opinion, and by the accounts of her co-defendants of the torture they experienced during their detention. One of them testified that one of his torturers was present in the courtroom. Last November, the United Nations' Committee against Torture issued a series of stern recommendations to the Tunisian government, urging it to end the practice of torture. These recommendations do not appear to have been implemented.

More than one hundred Tunisian lawyers and some twenty international legal observers attended this trial, including Gamal Abou Ali (representing Amnesty International; the Observatory for the Protection of Human Rights Defenders - a programme of the FIDH and the OMCT; Human Rights Watch, and the LCHR), Dominique de la Garanderie, the chair of the Paris Bar Association (representing the Observatory and the Paris Bar Association), and Daniel Soulez-Larivière (representing Amnesty International).

After the trial lawyer Jamaledine Bida began an unlimited hunger strike in protest at the violations of the defence's rights and also at the confiscation of his passport for the past year and a half. More than 25 other lawyers, all of them known for representing defendants in political trials, have also had their passports arbitrarily confiscated by the Tunisian authorities.

Amnesty International, the FIDH, Human Rights Watch, the LCHR, The Observatory for the Protection of Human Rights Defenders, and the OMCT are gravely concerned by the conduct of this trial and by its outcome. These organizations call on the Tunisian authorities to:

- annul the sentence against Radhia Nasraoui, lift the restrictions which curtail the exercise of her profession (ban on leaving the country and the capital) and put an end to the harassment to which she and her family are subjected;
- immediately release the students convicted in this trial and all prisoners of conscience in Tunisia and annul the sentences passed against the three defended tried *in absentia*;
- put an end to the climate of intimidation against human rights defenders and release those currently detained, including Khemais Ksila, Vice-President of the Tunisian Human Rights League (LTDH), who is currently serving a three-year sentence as a prisoner of conscience;
- comply with the Human Rights Defenders Declaration, adopted by the UN of 9 December 1998, and in particular take the necessary measures to ensure that human rights defenders can freely carry out their activities and enjoy their right to freedom of expression, association and movement;
- take the necessary measures to put an end to human rights violations, especially in the administration of justice, and to guarantee the independence of the judiciary.

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Paris, London, New York; 15 July 1999