

EXTERNAL

AI Index: MDE 30/40/96

22 November 1996

Further information on UA 108/95 (MDE 30/11/95, 9 May 1995) and follow-up (MDE 30/16/95, 21 June 1995) - Health concern / Possible prisoner of conscience and new concern: Prisoner of conscience

TUNISIANajib El Baccouchi, member of the *Union Générale des Etudiants Tunisiens* (UGET, General Union of Tunisian Students)

Amnesty International fears that prisoner of conscience Najib El Baccouchi, who has been on unlimited hunger-strike since 13 November 1996 to protest against his imprisonment on a charge of racism which he denies, may be subjected to cruel and degrading treatment in punishment for his protest, and that his health may be seriously affected as a result.

During previous hunger-strikes Najib El Baccouchi was held in an isolation cell, with one foot constantly chained, and had to sleep on the floor with one blanket serving as mattress. Also, on the ninth day of a previous hunger-strike (which took place in January 1995), Najib El Baccouchi suffered from a kidney failure. At that point he had to stop his hunger-strike as he was reportedly told by the prison authorities that he would only get an injection after he had resumed taking some food (see original UA).

On 21 November 1996 his father was denied the right to see him during his weekly visit at the prison, heightening fears that Najib El Baccouchi may be held in an isolation cell and subjected to cruel and degrading treatment.

Najib El Baccouchi was tried in Tunis on 9 November 1994 by the *Tribunal de première instance*, without a lawyer. He was sentenced to three years' imprisonment on charges of possession and distribution of a leaflet advocating racial hatred, and organizing an unauthorized meeting. In court he recognized organizing a meeting at a university, but denied possessing or distributing the leaflet and condemned its content as contrary to his beliefs and to his long-standing political commitment with the student union. The defence lawyers were not given copies of the leaflet, and the prosecution did not present any evidence that Najib El Baccouchi was responsible for writing or distributing it (see original UA). His sentence was upheld on appeal on 28 March 1995.

His lawyers' demand for an overturning of the verdict through the "cassation" procedure will be examined by the court on 27 November 1996. ("Cassation" looks at the procedures and application of the law, but does not re-examine the facts of a case).

After studying his dossier, Amnesty International has concluded that Najib El Baccouchi is being imprisoned solely for his peaceful political beliefs, and calls for his immediate and unconditional release. Pending his release he should not be punished in the ways described above for his decision to go on hunger-strike.

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

- expressing concern that Najib El Baccouchi may be subjected to cruel and degrading treatment for his decision to go on hunger-strike;
- urging the authorities to provide all necessary medical care to Najib El Baccouchi while he is on hunger-strike;

- seeking assurances that his rights of access to his lawyer and family will be maintained;
- calling for the immediate and unconditional release of Najib El Baccouchi as he has been imprisoned as a prisoner of conscience.

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 the Interior

M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av. Habib Bourguiba
Tunis
Tunisia

Fax: +216 1 340888

Telegrams: Ministre de l'Intérieur, Tunis, Tunisie

Telex: 13662 sdap tn

Salutation: Monsieur le Ministre / Your Excellency

COPIES TO:

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

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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 31 December 1996.