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Tunisia: Military tribunal sentences civilians to heavy prison terms

"Tunisian authorities should stop the practice of trying civilians before military courts where procedures fall short of international standards for fair trials", Amnesty International said today as three Tunisians were sentenced to heavy prison sentences before Tunis military tribunal on charges of belonging to a "terrorist organization operating from abroad".

Mounir Ghaith, Abdelbasset Dali and Bechir Ben Zayed, three Tunisian nationals living abroad were arrested in Tunisia last summer. They have been denied basic rights during the judicial process. Thirty-one other co-defendants were tried in absentia. Bechir Ben Zayed was sentenced to 10 years' imprisonment while Mounir Ghaith and Abdelbasset Dali received eight years each. Those tried in absentia received 20 years' imprisonment.

Amnesty International mandated French lawyer Brigitte Azema-Peyret to observe yesterday's second session of the trial before the Tunis military court. The organization is examining the cases as some of those convicted may be prisoners of conscience.

*Procedures fell short of international standards for fair trial. Relatives of the prisoners were not informed by the authorities of their whereabouts for several days after their arrest. According to their lawyers, Mounir Ghaith, Abdel Basset Dali and Bechir Ben Zayed were denied their right to legal assistance at the time of the questioning before the examining judge (*Juge d'instruction*). The court did not take into account the allegations that the testimonies introduced as evidence were obtained under duress and the fact that the minutes contained falsified*

information. The defence reported that no convincing evidence was produced at the trial to substantiate the allegations brought against the defendants. On these grounds, the defence pleaded that the case should be dismissed (*non-lieu*).

"We are extremely concerned by the increasing number of civilians brought before military courts for unfair trial", Amnesty International said, adding that "the Tunisian authorities are using the post-11 September 'anti-terrorism rhetoric' to justify a policy, dating back more than a decade, of repressing all political dissent from across the political spectrum inside or outside the country."

"Mounir Ghaith, Abdelbasset Dali and Bechir Ben Zayed should be promptly and fairly retried according to international standards for fair trial, or be released," Amnesty International said.

Background

Mounir Ghaith, aged 30, and married with three children, was arrested when he returned for personal reasons to Tunisia in August 2001. He had been resident in Italy for 15 years. Abdel Basset Dali, aged 32, was also resident in Italy and arrested in August in Tunisia where he had returned to visit his family. Fearing a possible arrest in Italy where he was living, Bechir Ben Zayed, aged 34, headed to Algeria where he was arrested in April 2001 and handed over, apparently after severe torture, to the Tunisian authorities last summer. An initial court session had taken place on 19 December 2001. All three denied allegations that they belonged to an Islamist organisation said to be called *Ahl al Sunna wal Djamaa*, Followers of the Sunna and Islamic community.

On 28 November 2001, Mohamed Saidani, another Tunisian living in Italy and arrested in Tunisia in August 2001, was also tried before a military court on similar charges of "belonging to a terrorist organization

operating abroad". According to lawyers, no evidence was brought to substantiate the allegations. Mohamed Saidani was nonetheless sentenced to two 10-years' prison terms. Having been tried before a military court he has no right to appeal this sentence.

There is a serious concern that trying civilians before military courts is a way to by-pass law 2000-43 of 17 April 2000 which modified provisions of the Penal Code (*Code Pénal*) by introducing a two-level legal system for criminal courts involving a right to appeal. Civilians who are brought before military courts are deprived their right to appeal.

For years, Amnesty International has denounced the practice of trying civilians before military courts. For more than a decade, civilians have been brought before military courts on allegations of belonging to a "terrorist organization" while no substantive evidence was produced to back these allegations. Hundreds of members or alleged members of the unauthorized Islamist opposition party *Al-Nahda* (Renaissance) were tried in unfair trials before military courts.

Up to 1000 political prisoners, most of them prisoners of conscience, remain in prison in Tunisia. Amnesty International calls for all political prisoners to be retried in conformity with international standards for fair trials, or release, and all prisoners of conscience to be immediately released.

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