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Tunisia: Trial of three PCOT members - The Court of Cassation misses the final opportunity to right an injustice

Amnesty International and the *Fédération internationale des ligues des droits de l'Homme* (FIDH) International Federation for Human Rights condemn the decision given by the Tunis Court of Cassation on Monday 2 September, rejecting the appeal of Hamma Hammami, Samir Taamallah and Abdeljabbar Madouri, all three of whom have been convicted for belonging to the *Parti communiste des ouvriers tunisiens* (PCOT, unauthorised) Tunisian Workers' Communist Party.

Amnesty International and the FIDH are renewing their call for the immediate and unconditional release of Hamma Hammami, Samir Taamallah and Abdeljabbar Madouri, all of whom are considered to be prisoners of conscience. According to the two organizations, the fundamental principle of the independence of justice has once again been violated.

M^e Brigitte Azema-Peyret, the French honorary counsel appointed as observer by Amnesty International and the FIDH, has condemned the irregularities that characterised the proceedings before the Court of Cassation, in the following terms: "the hearing lasted no more than a few minutes and was conducted in camera in the absence of the defence lawyers. The lawyers - who were not informed until Thursday, 29th August, of the proceedings scheduled for the morning of Monday, 2 September - had no time to prepare their case". Neither Brigitte Azema-Peyret, nor a representative of the *Organisation mondiale contre la torture* (OMCT) World Organisation Against Torture, were able to obtain permission to be present at the hearing. The representative of Amnesty International and the FIDH considered that, during these proceedings before the Court of Cassation, "the rights of the defence were clearly infringed". A police officer ordered the defence lawyers to present their request to put their case to the registrar. In the meantime, the Court took less than ten minutes to reach its decision, without having heard the position of the lawyers.

This examination by the Court of Cassation was the last remedy available through the courts for the three members of the PCOT, who must now serve out their sentences (three years, two months' imprisonment for Hamma Hammami, three years, nine months for Abdeljabbar Madouri and one year, nine months for Samir Taamallah).

Amnesty International and the FIDH once again condemn these serious breaches of the basic principles of the rights of the defence, which had already been criticised at the time of the three PCOT members' appeal on 30 March 2002. The Court of Cassation has failed in its duty by not taking up the serious procedural irregularities and the non-respect of the right to a fair trial which were noted from the very beginning of the proceedings. These latest developments only confirm the serious concerns that exist about the administration of justice in Tunisia.

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