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Tunisia: two prisoners released and one convicted; arbitrary decisions versus the duty to see justice done

Amnesty International welcomes the release of prisoners of conscience Hamma Hammami and Samir Taamallah, but is concerned about the situation in Tunisia, where arbitrary decisions continue to take precedence over the duty to see justice done.

"We are delighted for Hamma Hammami and Samir Taamallah, who are once again enjoying the freedom of which they were unjustly deprived," said Amnesty International. "However, the announcement in Tunisia of the release of a prisoner of conscience must be received with a degree of caution. With such arbitrary decisions, the Tunisian authorities are toying with the freedom of Tunisian citizens, alternating arrests and releases".

Apparently motivated by considerations relating to their health, the decision to conditionally release these two prisoners of conscience does not resolve the underlying problem. First, Abdeljabbar Madouri, convicted on 30 March, after the same unfair trial on the same charges relating to his membership of the *Parti communiste des ouvriers tunisiens (PCOT, unauthorised) Tunisian Workers' Communist Party*, does not appear to gain anything from this decision.

Secondly, the announcement of the release of Hamma Hammami and Samir Taamallah comes two days after the rejection of their appeal on points of law, when the Court of Cassation failed in its duty to put right the injustice done to these three men, who had been convicted after an unfair trial.

Finally, past experience shows that conditional releases leave the door open to arbitrary measures leading to re-imprisonment. Amnesty International recalls that prisoners of conscience must be released unconditionally.

Both Abdeljabbar Madouri and Ammar Amroussia, another PCOT militant who was also arrested on 2 February, must be released immediately and unconditionally, as must all those who are serving prison sentences simply for having exercised their right to freedom of expression.

Amnesty International's concerns about the arbitrary nature of decisions made by the authorities in Tunisia are further illustrated today by the fate of the journalist Abdallah Zouari, whose release on 6 June after eleven years in prison was short-lived.

According to information gathered by M^e Brigitte Azema-Peyret, the French honorary counsel appointed by the French Section of Amnesty International and the *Fédération internationale des ligues des droits de l'Homme* (International Federation for Human Rights), the court at Medenin today gave its verdict, confirming a sentence of eight months' imprisonment for failure to comply with an administrative control: the basic principles guaranteeing a fair trial were violated, in particular because the rights of the defence had not been respected.

Abdallah Zouari had been arrested on 19 August as he was in the process of challenging an arbitrary decision of the Ministry of the Interior obliging him to leave his home in Tunis for the town of Khariba-Hassi in the south of Tunisia.

"It is high time the Tunisian authorities took the necessary steps to ensure that an independent system of justice is in operation, to prevent or put right the harm caused by arbitrary decisions", added Amnesty International.

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