

28 April 1998

Further information on Extra 128/97 (MDE 30/51/97, 30 September 1997) and follow-ups (MDE 30/51/97, 2 October 97, MDE 30/59/97, 15 December 97, MDE 30/02/98, 21 January 98, MDE 30.03.98, 12 February 98) - Prisoner of conscience/Health concern/ Legal concern

TUNISIA Khémais KSILA

On 25 April 1998, the Appeal Court in Tunis upheld Khémais Ksila's sentence of three years' imprisonment. The composition of the Appeal court was changed (one magistrate was replaced) since the first appeal hearing on 11 April, which has been postponed by decision of the court. Consequently the defence lawyers asked for the case to be re-examined by the newly-composed court, notably that the defendant be interrogated again by the court, as required by Article 165 of the *Code de Procédure Pénale* (Code of Penal Procedures), CPP, which stipulates that only judges who have been present at the hearings can take part in the judgement (*Ne peuvent y participer [à la délibération] que les juges qui ont assisté aux débats*). The court rejected the request by the defence lawyers and also rejected their request for the hearing to be postponed. The defence lawyers withdrew from the defence in protest. Shortly afterwards, the court issued its verdict confirming the three-year prison sentence.

BACKGROUND INFORMATION

Khémais Ksila was first sentenced on 11 February 1998 on charges of incitement to public disorder, spreading false information and inciting citizens to break the law. On 11 April, Khémais Ksila was brought before the Court of Appeal in Tunis for his appeal. He was interrogated by the court and the defence lawyers pleaded but the case was postponed by the judge, who said that some documents were missing from the file. An Amnesty International observer was present at this hearing.

Khémais Ksila, married with three children, has been detained since 29 September 1997. He was arrested after issuing a public statement in which he declared he was beginning a hunger strike in protest at the harassment he had been subjected to for his human rights activities and condemning the deterioration of the human rights situation on Tunisia.

In response to appeals from AI Urgent Action network members, the Tunisian authorities asserted that "his case was examined in conformity with Tunisian law and in respect of all the defence guaranties". Amnesty International reiterates its concerns that Khémais Ksila is being detained as a prisoner of conscience, for his human rights activities and for the peaceful expression of his conscientiously-held beliefs. No evidence has been provided to indicate that Khémais Ksila has committed any of the offences of which he has been accused and for which he has been imprisoned. Amnesty International calls for his immediate and unconditional release.

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

- expressing grave concern that the three-year prison sentence for Khémais Ksila has been upheld by the Tunis Appeal Court;
- reiterating that Khémais Ksila is a prisoner of conscience detained solely for his peaceful human rights activities and opinions and calling for his immediate and unconditional release;

- expressing concern at the irregularities in the court proceedings at the appeal hearing on 25 April 1998, when his three-year prison sentence was confirmed by the Court of Appeal.

APPEALS TO:

1) President of the Republic

Président M. Zine El Abidine Ben Ali
Président de la République
Palais Présidentiel
Tunis
Tunisie

Telegrams: Président, Tunis, Tunisia

Faxes: +216 1 744 721

Salutation: Monsieur le Président / Your Excellency

2) Minister of Justice

M. Abdallah Kallel
Ministre de la Justice
Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisia

Telegrams: Ministre de la Justice, Tunis, Tunisie

Faxes: +216 1 568 106

Telexes: 13000 maet tn (via Ministère de l'Intérieur)

Salutation: Monsieur le Ministre / Your Excellency

COPIES TO:

Tunisian Human Rights League
Me Taoufik Bouderbala, Président
Ligue Tunisienne des Droits de l'Homme, LTDH
7 Rue Pierre Curie
TUNIS, Tunisia

Faxes: + 216 1 336 338

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 26 May 1998.