

EXTERNAL

AI Index: MDE 30/38/96

19 November 1996

Further information on UA 236/94 (MDE 30/18/94, 17 June 1994) and follow-ups (MDE 30/21/94, 22 September 1994; MDE 30/17/95, 21 August 1995; MDE 30/29/95, 5 December 1995; MDE 30/01/96, 5 January 1996) - Possible prisoner of conscience / Fear of unfair trial / Legal concern / Torture / Fear of torture / Unfair trial and new concern: Prisoner of conscience

TUNISIANajib HOSNI, lawyer and human rights activist

Human rights lawyer Najib Hosni, accused of "arms possession" and "terrorism" in a second case brought against him whilst in detention, was acquitted on 14 November 1996 for lack of proof. The other three men accused with him were also acquitted. One of them - Mokhtar Lammouchi - had been on hunger-strike for more than 70 days to protest his innocence.

Najib Hosni had been accused of having come into possession of arms which were destined for the unauthorized Islamist party *al-Nahda*. The case rested solely on the confession of a detainee who subsequently retracted his statement, telling the investigating judge that he had been forced to sign a confession against Najib Hosni under torture.

Najib Hosni, who was arrested in June 1994, remains imprisoned serving an eight-year prison sentence on charges of "falsification of a land contract" (see previous update, MDE 30/01/96, 5 January 1996). He has also been banned from the Tunisian bar for seven years beginning after the expiry of his sentence. No convincing evidence was brought forth at the trial, which took place on 3 January 1996, and the other parties to the land contract testified that Najib Hosni was innocent. The sentence was upheld by the Tunisian Court of "Cassation" on 16 October 1996. ("Cassation" looks at the procedures and applications of the law, but does not re-examine the facts of a case.)

Between 8 and 16 November 1995, Najib Hosni was tortured and ill-treated at the Tunisian Ministry of the Interior (see earlier update, MDE 30/29/95, 5 December 1995). No investigation is known to have been carried out into the torture, and requests by his lawyers and by the *Ligue Tunisienne des Droits de l'Homme* (Tunisian Human Rights League) for a medical examination and for an investigation into the allegations of torture and ill-treatment have still not been addressed.

Amnesty International welcomes the acquittal of Najib Hosni on charges of "arms possession" and "terrorism", but remains deeply concerned at his imprisonment on charges of "falsification of a land contract". Amnesty International, who has studied the dossier in depth, considers the charges to be fabricated and reiterates its call for Najib Hosni to be released immediately and unconditionally as a prisoner of conscience.

This is for information only and no further action by the UA Network is requested.

Other parts of the AI movement are working for Najib Hosni's release. Many thanks to all who took action on this case.