

EXTERNAL (for general distribution)

AI Index: MDE 30/14/95
Distr: UA/SC

31 May 1995

Further information on UA 113/95 (MDE 30/13/95, 18 May 1995) - Fear of Torture / Legal concern / Health concern and new concern: Prisoner of Conscience

TUNISIA Hafedh BEN GHARBIA, aged 30, electrical engineering student

Amnesty International has learned that Hafedh Ben Gharbia, arrested on 21 April 1995, was held in illegally prolonged incommunicado detention until 18 May.

He was then tried in Tunis on 27 May and sentenced to 14 months' imprisonment on charges of participating in a meeting and demonstration in Germany in 1988.

The prosecution is reported to have appealed, seeking a higher sentence. Reports that Hafedh Ben Gharbia was severely beaten and ill-treated while in incommunicado detention have not been investigated by the court.

Hafedh Ben Gharbia was sentenced on the basis of a new article added in November 1993 to the Tunisian Code of Penal Procedure which make it possible to imprison Tunisian nationals for peaceful activities in other countries, such as meetings or demonstrations, which are considered an offence in Tunisia - even if these are not considered an offence in the country where they took place. Hafedh Ben Gharbia is one of several prisoners of conscience to have been imprisoned under this new law. Moreover, the events he is accused of participating in, in 1988, fall beyond the statute of limitation, which is set at three or five years depending on the severity of the offence.

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

- expressing concern that Hafedh Ben Gharbia has been imprisoned as a prisoner of conscience and urging that he be released immediately and unconditionally;
- expressing concern that he was held in illegally prolonged incommunicado detention and urging that the reasons for such prolonged incommunicado detention, and reports that he was beaten and ill-treated during this period be promptly and impartially investigated;
- asking why Hafedh Ben Gharbia has been tried in 1995 on charges that fall outside the Tunisian statute of limitation, as they relate to events that took place in 1988.

APPEALS TO:

1) Minister of the Interior

M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av Habib Bourguiba
Tunis
Tunisie

Faxes: +216 1 340 888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Intérieur, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

2) Minister of Justice

M. Sadok Chaâbane
Ministre de la Justice
Ministère de la Justice

Boulevard Bab Benat

Tunis

Tunisie

Faxes: +216 1 568 106

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

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

COPIES OF YOUR APPEALS TO:

Rachid Driss

President, Comité supérieur des droits de l'homme et des libertés fondamentales,
85 ave de la Liberté

Tunis

Tunisia

Faxes: +216 1 796 593 or +216 1 270 646

Me Taoufik Bouderbala, Président

Ligue Tunisienne des Droits de l'Homme, LTDH

21 Rue Imam el Bakri

1002 TUNIS Belvedere

Tunisia

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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 15 July 1995.