Amnesty International International Secretariat 10 Southampton Street London WC2E 7HF England

TUNISIA IMPRISONMENT OF TRADE UNIONISTS IN 1978

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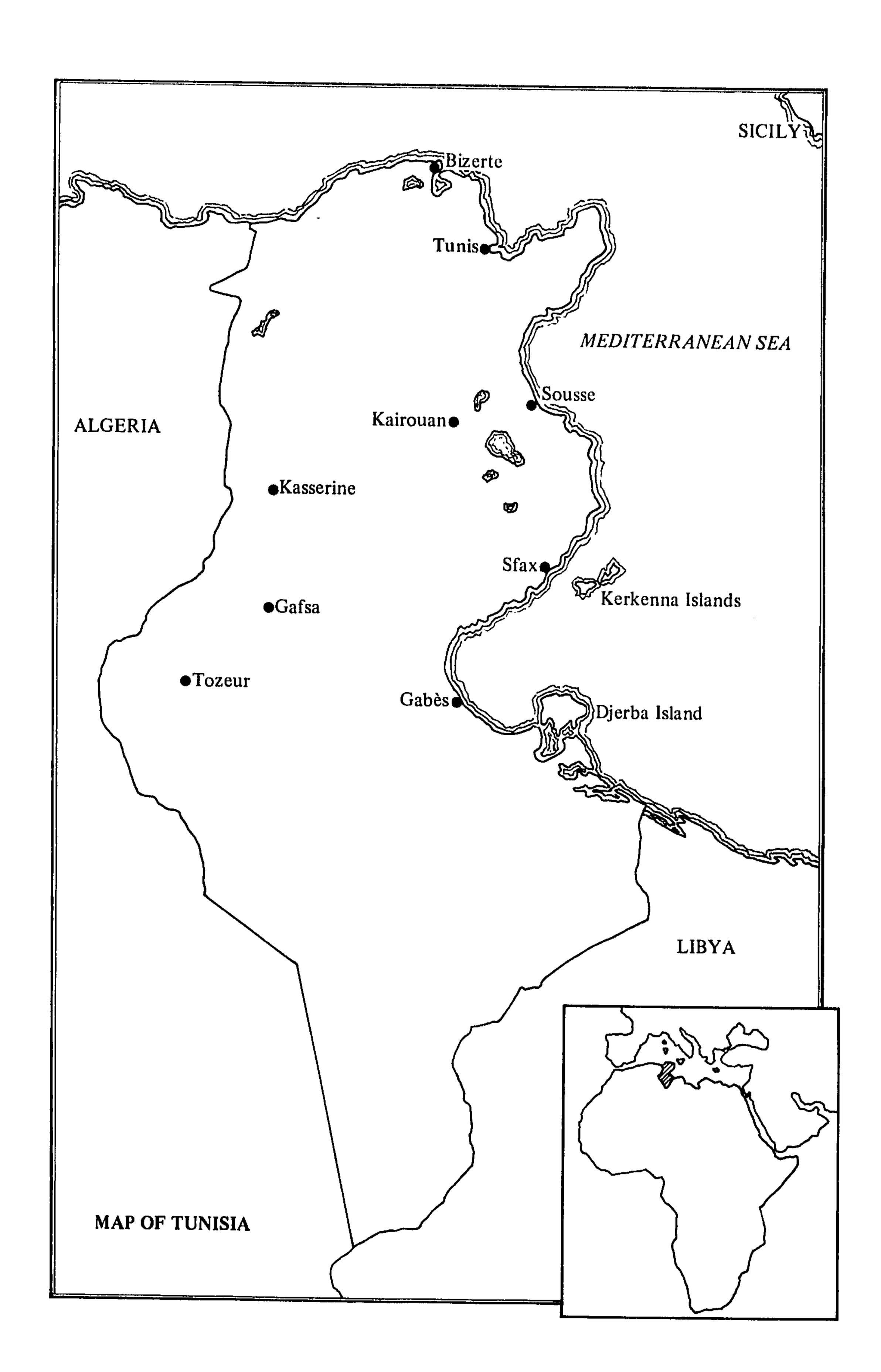
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TUNISIA

IMPRISONMENT OF

TRADE UNIONISTS IN 1978

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INTRODUCTION

In January 1978, when a general strike took place in Tunisia, many hundreds of Tunisian trade unionists were arrested throughout the country. This document outlines the circumstances of their arrest, treatment and trials.

In the years prior to 1978, AI worked against human rights violations in Tunisia which corresponded to each of the organization's statutory concerns. AI worked for the release of over one hundred prisoners of conscience—usually students and intellectuals—imprisoned under laws which specifically restrict civil and political rights. These laws (dealing with defamation of the government, spreading false information, membership of illegal organizations, conspiring against the internal security of the state) are formulated so broadly as to allow the imprisonment of people simply for the non-violent exercise of their rights to freedom of expression and freedom of association.

In past years, AI has also been concerned by unfair trial procedures, particularly in cases heard before the State Security Court, a special tribunal for political cases (see below, page 5). AI trial observers and representatives of other international organizations have consistently reported that the rights of the defence have been severely restricted and that trial procedures did not conform to internationally accepted standards of impartiality.

Tunisian legislation allows the imposition of the death penalty for a number of offences, although in practice this is rarely imposed.

In the ten years prior to the events of January 1978, AI also received frequent allegations of torture and other ill treatment of prisoners of conscience.

ARRESTS OF TRADE UNIONISTS IN 1978

The right to form trade unions in Tunisia is guaranteed by Article 8 of the Tunisian constitution, which also guarantees the right to "freedom of thought and expression, of the press, printing and meetings". The right to strike is guaranteed by the Labour Code (Code du Travail). Despite these legal provisions, in January 1978 over 1,000 persons were arrested in connection with the decision of the UGTT (General Union of Tunisian Workers) to call a one-day general strike on 26 January.

The strike was the culmination of the UGTT's frequent and outspoken criticism of the Tunisian Government's economic policies regarding the distribution of wealth in the country, mainly through the UGTT's journal Ech Chaab (The People). Hundreds of strikes had taken place during the preceding years with regard to salaries and bad working conditions. In January 1977, a social pact was agreed upon by the unions and the Government under which the Government agreed, among other things, to improve working conditions and guarantee adequate salaries in return for an undertaking that there would be increased productivity and no further strikes. During 1977 there was increasing inflation and prices of food and other basic commodities rose again while salaries failed to rise proportionately. In connection with this and also following an alleged threat to the life of Habib Achour (Secretary-General of the UGTT) in November 1977, sporadic strikes resumed and increased throughout the country. During this period, incidents of civil unrest were generally tolerated by the then Minister of the Interior Tahar Belkhodja. However, his dismissal in December 1977 and the subsequent resignation of five other Cabinet Ministers led to the formation by Prime Minister Hedi Nouira of a new Cabinet, which subsequently adopted a much harsher line in dealing with trade union opposition to government policies.

On 8 January 1978 the National Council of the UGTT began a three-day conference, when the one-day strike was agreed upon. During this

meeting, Habib Achour (then Secretary General of the UGTT) announced his resignation from the Political Bureau and the Central Committee of the sole political party in Tunisia (the PSD--Socialist Destour Party). In addition, in the course of the conference, Abderrazak Ghorbal, the Secretary General of the Sfax regional office of the UGTT, presented an internal document concerning the political situation in Tunisia. Because of this paper, he was subsequently arrested and held in preventive detention.

In the days preceding the general strike, the first since the country's independence from France in 1956, many union leaders called upon members of their unions to ensure that the strike would be a peaceful one. However, according to many reports, including statements made later by defendants in court, several regional UGTT offices, such as those at Tozeur and Sousse, were subjected to physical attacks, allegedly by the forces of the PSD, the country's governing political party. In addition, during the strike, many union offices were surrounded by armed police, who prevented people from leaving. In Tunis, according to one eye-witness account, armed police (Brigades de l'Ordre Publique) were on the streets in large numbers on 24 January and the military forces had taken up positions on the evening of 25 January, the day before the strike was to occur. The strike was country-wide and in some places there were violent clashes with the armed forces. In the days preceding and following 26 January, over 1,000 arrests took place. It was widely reported that hundreds of people, including many children, were killed or wounded.

While it is evident that incidents of violence did take place during the strike, information available to AI makes it abundantly clear that many people were arrested solely for practising their rights of freedom of association and expression. Reports from trial observers from AI and other international organizations support this assessment. Their reports indicate that charges were brought indiscriminately in very many cases, with no clear evidence of involvement of individuals in the alleged violence.

Following these events and the arrests of 11 members of the UGTT's Executive Committee, a new committee headed by Tijani Abid was formed in

February 1978. Many trade unionists refused to acknowledge the new UGTT leadership and during recent months have circulated clandestine copies of their own version of Ech-Chaab ("The People", the UGTT's newspaper). At the time of writing, more than one year after the events of 26 January 1978, arrests continue to take place of people allegedly involved in such "underground" trade union activities.

The total numbers and fate of all those arrested in Tunisia in January and February 1978 remain unknown. This is principally due to the fact that a large number of trials took place throughout the country in the weeks following the strike, often involving trade unionists from remote towns and villages. However, among those still awaiting trial more than one year after their arrest are 12 trade unionists from Sousse and four from Tunis, seven of whom are still in detention.

AI's main concerns regarding the treatment of trade unionists arrested in connection with the events of 26 January 1978 may be outlined as follows:

- The majority were arrested for the non-violent exercise of their rights of freedom of expression and association;
- There have been numerous allegations of torture and maltreatment of those arrested;
- In some trials (at Tunis and Sousse) the prosecution demanded the death sentence for trade unionists on trial;
- The arrests and imprisonment of Prisoners of Conscience were performed under the provisions of loosely worded legislation;
- Conditions of imprisonment fell below internationally accepted standards in many cases.

TRIALS OF TRADE UNIONISTS

The majority of the trade unionists who were arrested around 26 January 1978 were released after several days; many were beaten during their detention. Many others were tried within a few days or weeks by regional tribunals (tribunaux cantonaux) on a wide range of charges. Charges of breaking the curfew and defamation of the government were frequently imposed. It is impossible to give an accurate estimate of the number of people on trial, although according to a report in Le Monde (Paris), of 7 February 1978, more than 150 people were tried in one week alone and sentenced to periods of imprisonment ranging from three months to seven years. Many of these have since been released. AI received reports that before these trials many defendants did not have access to a lawyer and consequently had no legal representation in court. In one case a defence lawyer was passed the case dossier by the clark of the court and found that the verdict and sentence had already been prepared before the trial had begun. Other trials took place involving people allegedly involved in violent acts, such as arson.

The arrested leaders of the UGTT (members of its Administration and Executive Committees) and likewise trade unionists arrested in Sfax and Sousse, the second and third largest towns in Tunisia, were brought to trial only after a delay of between six and eight months following their arrest. Initially, official sources had indicated that all those arrested (including the UGTT leadership) would be tried by ordinary criminal courts. However, it became clear that the authorities regarded the majority of cases of arrested trade unionists as political in nature when they referred the cases of 30 UGTT officials to the State Security Court and secondly when the Sousse Criminal Court of Appeal declared itself incompetent to pass judgement on 101 defendants before it. Their cases were subsequently also referred to the State Security Court in Tunis.

The State Security Court was first introduced under law 68-17 of 2 July 1968. Article 3 of this law states that the State Security Court consists of a chambre de jugement (before which trials are held) and a chambre

speciale de cassation (to which appeals on questions of law or procedure may be referred). The tribunal is composed of the President and four other members, of whom two are magistrates and two members of parliament. The two parliamentary members of the tribunal are members of the only legal political party, the PSD, and this emphasizes the political perspective within which the function of the court should be seen. Article 17 of the same law empowers the tribunal to impose sanctions against lawyers for their conduct in court.

A. The Trial in Sfax (July 1978)

The trial of 12 trade unionists, including the Deputy Secretary General of the Sfax regional office of the UGTT took place in Sfax on 26 July 1978. A staff member of AI's International Secretariat was present at this trial as an AI observer. The beginning of the trial was initially delayed when defence lawyers requested that relatives of all the defendants be allowed into the court, as many had been forbidden entry. This request was finally granted. All defendants were charged under Articles 131 and 132 of the Penal Code 1/2, concerning the formation of an association with the aim of committing an assault (attentat) against people or property which constitutes an offence against public peace. According to Article 132, membership of such an association is punishable by up to five years' imprisonment with hard labour and leaders may be sentenced to up to ten years' imprisonment.

All the defendants denied the charges against them, some claiming that confessions had been extracted from them under duress or maltreatment. The trade unionists maintained that their strike had been legal and that one of the reasons for the strike had been the arrest of Abderrazak Ghorbal, the Secretary General of the Sfax office who had been arrested several days before 26 January and held in preventive detention (see above, page 3). The trade unionists also maintained in court that they had not been involved in the collection or use of arms (mainly bottles, sticks, stones, etc.) as was said in the charges against them. On the contrary, they claimed that a committee of order had been set up within the union office in May 1975 and that their aim during the events of 26 January had been to maintain order in the Sfax office as well as union offices in the region

The texts of these Articles as well as other selected Tunisian legislation are available (in French) in an AI paper dated 25 October 1978 and entitled "Extracts from Tunisian and International Legislation" (AI Index No. AFR 58/06/78).

if the need should arise, and to calm the atmosphere and prevent any acts of violence.

In this regard the defendants stated that several regional union offices had been physically attacked, by the forces of the PSD (Socialist Destour Party--the only legal party in Tunisia) prior to 26 January.

At the end of the one-day trial, five of the trade unionists were sentenced to two years' imprisonment, three received suspended sentences of two years and four were acquitted. The following five people, sentenced to two years' imprisonment are currently held in Sfax Civil Prison:

Mohamed Chaabane

Mohamed Triki

Abdelkader Ben Tahar

Mongi Nasri

Mohamed El Kadri

All their cases have been taken up by AI groups as Prisoners of Conscience.

B. The Trial in Sousse (commencing July 1978)

The Sousse trial, of 101 persons including eight women, began on 19 July 1978. Part of this trial also was attended by an AI observer.

Thirty-nine of the defendants were charged under Articles 72, 74, 79 and 118 of the Penal Code; Articles 42 and 43 of the Press Code; Paragraph 2, Article 20 of Law 33 dated 12 June 1969 and Article 31 of Law 4 dated 24 January 1969. Most of the defendants in this group had held leading trade union responsibilities. The remaining 62 defendants were charged under Articles 75, 79, 118 and 119 of the Penal Code; Articles 42 and 43 of the Press Code, Law 33 and Law 4 of 1969.

The charges against both groups of defendants in the Sousse trial are diverse, ranging from various offences against the internal security of the state to charges relating to assaults (attentats) by individuals against public authority.

At the Sousse trial (as at the Sfax trial) arms (mainly sticks, bottles, stones, etc.) were present in court which had allegedly been seized at the UGTT offices (though none of the exhibits appeared to be labelled in accordance with the provisions of Article 97 of the Criminal Procedure Code, which states that all objects seized by the police would be placed in containers and labelled with the date as well as the number of the case). During the trial the defence lawyers and defendants were frequently interrupted and obstructed by the President of the tribunal. All defendants who were questioned while AI's observer was present denied the charges against them and many claimed, in open court, that they had been tortured. Nevertheless, the prosecution demanded the death sentence for 39 of the 101 defendants, mainly for those holding leading trade union positions. The tribunal finally declared itself incompetent to pass judgement on the cases of the 101 and their cases were subsequently referred to the State Security Court in Tunis.

Following this decision, AI issued a news release drawing attention to procedural irregularities in the treatment of the hundreds of trade unionists arrested and to numerous allegations of torture, and expressed concern that the majority of the trade unionists had been arrested and imprisoned for exercising their rights to freedom of association and expression, rather than for any violent or criminal activity.

In November 1978, the examining magistrate (juge d'instruction) for the State Security Court determined that the cases against 89 accused persons should not proceed to trial, dismissed the charges and ordered their release. The remaining 12 are awaiting trial before the State Security Court. As of February 1979, three of them (Habib Ben Achour, Moncef Gmar and Amor Belajouza) remain in detention at Tunis Civil Prison, having been transferred there from Sousse prison on 6 September 1978. The nine others have been released on provisional liberty pending their trial. At the time of writing, no date has been determined for the trial.

C. The Trial in Tunis (September-October 1978)

The cases of 30 members of the UGTT's Executive and Administrative Committees (four of whom were on provisional liberty) were likewise referred by the Ministry of Justice to the State Security Court in Tunis. The first session of the Tunis trial took place on 14 September 1978. On this occasion the 76 lawyers for the defence requested a postponement of two months in order to study the case dossier of 4,000-5,000 pages. The defence lawyers claimed that they had been given only a few days' notice of the trial, which was totally insufficient. The tribunal allowed a postponement of only two weeks and the trial resumed on 28 September.

At the beginning of the trial, the President of the tribunal, Mohamed Tahar Boulaaba Fatimi, requested the defence lawyers to be brief and also reminded them of the sanctions against lawyers provided for by Law 68-17. The Council of the Bar Association protested against this statement on the grounds that it interfered with the rights and dignity of the defence. The defence further requested that all the arms allegedly seized at the UGTT office be present in court and stated that photographs of the above were insufficient.

On 28 September, one of the defence lawyers, Maître Mohamed Bellalouna, former Minister of Justice and former Chairman of the Bar Association, drew attention to the fact that many families of trade unionists were waiting outside the court, having been refused entry. He also protested against the tribunal's decision to question the defendants separately. His statement was reportedly interrupted several times by the President of the tribunal and Maître Bellalouna finally withdrew from the court and was followed by all 75 other lawyers for the defence. After a three-hour deliberation, the tribunal announced that it had appointed (commis d'office) 18 of the 76 lawyers to defend the 30 trade unionists and that the trial would resume the following day.

According to Article 141 of the Criminal Procedure Code, the President of the Court has authority to appoint a lawyer if the defendant does not choose one of his own accord. Consequently, many of the defendants rejected the lawyers assigned to them on the grounds that the lawyer originally chosen by them had withdrawn from the court and that they had not been consulted in the choice of a replacement.

All 30 defendants (including the four on provisional liberty) were charged under Articles 72, 74, 75, 76, 77, 78, 79, 121 and 307 of the Penal Code and Articles 42, 44, 45, 49, 51 and 52 of the Press Code. The first six Articles, which carry the heaviest penalties, concern offences against the internal security of the State and are so loosely worded as to allow a wide range of interpretations.

Three of these offences, Articles 72, 74 and 76, carry a possible death penalty. In fact the prosecution demanded the death sentence in accordance with Article 72 for all the 30 defendants, including Said Gagui, Secretary General of the Federation of Alimentation, who had been receiving medical treatment in hospital for several months and was unable to appear in court. (Said Gagui died in January 1979, reportedly as a result of a prolonged illness.)

Habib Achour, the former Secretary General of the UGTT, had requested the presence of certain people in court and stated that this was indispensible for establishing the veracity of the case for the defence. These included Mohamed Sayah, director of the PSD, and Abdullah Farhat, Minister of Defence. Their written statements, among others, were read in court, but they did not appear in person.

All the accused refused to defend themselves in court on the grounds that they had had no time to consult with the lawyers assigned to them. The 18 lawyers for the defence also professed themselves unable to defend their clients because of the lack of time allocated to them to study the case dossier and also because they had had no contact at all with the defendants.

On 10 October 1978, the tribunal announced the verdict: two of the defendants, Habib Achour (former Secretary General of the UCTT) and Abderrazak Ghorbal (former Secretary General of the Sfax regional office of the UGTT) were sentenced to 10 years' imprisonment with hard labour; three of the defendants were given sentences of 8 years' hard labour; four received sentences of 6 years' hard labour; six received sentences of 5 years' hard labour; eight received suspended sentences of 6 months' imprisonment, one person was sentenced to 6 months' imprisonment and six of the defendants were acquitted. The President of the tribunal also announced sanctions against two of the defence lawyers. Maître Mohamed Bellalouna was banned from the Bar for two years under Article 17 of Law 68-17 of 2 July 1969 and Maître Noureddin Boudali received a formal warning. An appeal to the chambre de cassation on behalf of the convicted trade unionists was rejected in November 1978.

In a paper issued on 24 October 1978 ("Interview with Researcher Concerning Recent Trial of Trade Union Leaders in Tunis, AI Index No. AFR 58/05/78), AI stated that "the conditions of the trial provided no opportunity to put an adequate case for the defence, despite the fact that Article 12 of the Tunisian Constitution 'guarantees the necessary conditions for self-defence'. The proceedings fell far short of internationally recognised standards of impartiality as set down in Article 14 of the International Covenant on Civil and Political Rights which the Tunisian Government ratified in 1969." Although the trial by State Security Court was officially "open", an AI trial observer was refused entry to the court and was given no reason for this. Journalists wishing to attend the trial had to obtain a special press identity card from the Ministry of Information prior to the trial. When one journalist working for Er-Rai ("Opinion"--the weekly newspaper of the Mouvement des Democrates Socialistes) tried to attend the trial, his card was confiscated by a plain-clothes policeman and he was forbidden entry to the court. Again, no reason was given.

On 28 September, when the trial resumed after an adjournment of two weeks, many families of the defendants were subjected to harassment. They arrived at the court two hours before proceedings were due to commence and were refused entry by the police. They were subsequently told to await

instructions and at 9 a.m., when the trial was scheduled to resume, they were told that they had not been granted permission to attend the trial. As the relatives were on their way home, 30 of them were arrested, and two days later 14 of them appeared before the regional court of Tunis on charges of "riotous assembly" (Law 4 of 24 January 1969) and "verbal menaces against a public official" (Article 125 of the Penal Code). According to reliable reports, at least some of those sentenced were arrested by plain-clothes police while on their way home at some distance from the court and other people. Thirteen were sentenced to one year's imprisonment and one was sentenced to 18 months' imprisonment. These sentences were subsequently reduced to four months' imprisonment for five of those arrested, including the son and son-in-law of Habib Achour, and to a suspended sentence of four months' imprisonment for the remaining nine.

ALLEGATIONS OF TORTURE

Over the past ten years, AI has received many reports of torture and maltreatment of political detainees in Tunisia. The authors of some of these reports have been interviewed by AI staff in London and while on mission in Tunisia. The high degree of consistency in these statements and the detail of evidence produced has led to a determination by AI that their content is authentic evidence of a pattern of torture.

In practice there is no limit for the period of garde à vue, the period preceding the detainee's appearance before an examining magistrate (juge d'instruction) during which he is held incommunicado in police custody (Direction de la Sûreté de l'Etat, commonly referred to as DST--Direction de la Sécurité du Territoire--as it was called during the French occupation). This means that a detainee may be held indefinitely without access to either his lawyer or family. In the cases of some of the arrested trade unionists, this period exceeded two months and many families were not able to trace their whereabouts for some weeks after their arrest.

Many of the trade unionists who subsequently went on trial stated that they had been tortured or maltreated, usually in order to extract false confessions from them. Interrogation of those arrested generally appears to have centered upon:

- the detainees' opinions of the National Council meeting of the UGTT in January 1978;
- the allegations of secret directives allegedly given by Habib Achour implying conspiracy against the security of the state;
- the allegation that arms were present within the UGTT offices.

The form of torture most commonly alleged is the "swing" system whereby the victim is suspended, usually naked, from an iron bar balanced between two tables. The bar is inserted behind the knees of the detainee whose wrists and ankles are tied together. While in this position the detainee is subjected to beatings with a length of hosepipe, wooden stick

or iron bar to sensitive parts of the body, such as the soles of the feet, the ribs and genitals.

Other forms of physical torture reportedly included cigarette burns to sensitive parts of the body and enforced standing upright for prolonged periods of time. Some detained trade unionists claimed that they had been stripped naked and forced to sit onto the neck of a bottle. In other cases, detainees were beaten so severely that teeth were knocked out or respiratory or stomach troubles caused. Many required medical treatment which was granted in certain cases. In at least two cases, electricity was used as a method of torture.

Detained trade unionists also claimed that they had been subjected to psychological torture: this consisted in the main of insults, intimidation, threats of torture and also threats to rape the detainee's wife or female relatives. Female detainees were allegedly stripped and threatened with rape. While no member of the UGTT's Executive Committee appears to have been subjected to physical torture, many complained of the effects of prolonged detention in isolation in Tunis Civil Prison and some claimed that they could hear the cries of other detainees being tortured.

During the Sousse trial, some of the defendants requested a medical examination to corroborate their complaints of torture. In addition, during the Sousse trial, part of which was attended by an AI observer, a number of defendants named those who had tortured them and in at least one case a defendant pointed to the person he personally accused of having tortured him.

On 13 September 1978, Amnesty International wrote to the Tunisian Minister of Justice, Mr. Salaheddin Baly, seeking assurance from the Tunisian Government that medical examinations had been undertaken where requested by detained trade unionists and that the Tunisian Government would initiate an independent enquiry into all allegations of torture and maltreatment.

PRISON CONDITIONS

A. Sousse

The 101 trade unionists arrested in Sousse in January 1978 were held at Sousse Civil Prison following interrogation in premises of the <u>Direction de la Sûreté de l'Etat</u>. By July 1978, 42 of the 101 defendants remained in detention, the others having been released on provisional liberty. Those still in detention on 6 September were transferred to Tunis Civil Prison where as of February 1979, three remain awaiting trial by a State Security Court.

In Sousse Prison, trade unionists were held in overcrowded cells with ordinary prisoners (prisonniers de droit commun). At one time 300 persons were alleged to be held in one large cell and many were forced to sleep on the concrete floor because of the insufficient number of beds. Bedcovers were totally inadequate during winter months and mattresses were infested with fleas and bedbugs. Detained trade unionists complained of the lack of adequate sanitation, ventilation and light as well as the cold and damp conditions caused by rain seeping into the cells.

Although many trade unionists were ill during their detention the only medical treatment supplied by the prison authorities was aspirin and families were not allowed to bring other medicines when required. Detainees complained that the diet was inadequate and that the food was contaminated and families of detainees were obliged to take food every day to the prison.

In addition, detainees at Sousse prison were not allowed access even to official newspapers. Detainees were allowed one visit a week of about 15 minutes' duration.

B. Sfax

At Sfax prison, a relatively modern building, conditions seem to have been generally satisfactory. Visits were allowed by three members of the

family once a week and families were allowed to bring medicines for detainees when necessary.

C. Tunis

Habib Achour and the other ten members of the UGTT Executive Comittee were held in conditions of isolation for approximately six months in Tunis Civil Prison. Many of those in isolation complained of the heat during the summer months and the lack of ventilation due to the fact that their cells had only one small window, placed very high up. Several suffered from acute depression or other nervous disorders, as well as stomach ailments and loss of weight which may have been attributable to their prolonged isolation.

Most other trade unionists in this prison were held together in one cell, although two detainees spent some time in cells with ordinary prisoners (prisonniers de droit commun).

Initially, prisoners were allowed one visit of 10 to 15 minutes' duration per week by one or two members of their families. However, following a strong protest by detainees and families, visits were extended to twice a week (Wednesday and Saturday) for 20 to 30 minutes' duration and four or five members of the family were allowed to visit, always in the presence of prison guards.

Food was reported to be inadequate and families were obliged to bring food every day to the prison.

D. Nador Prison (also known as Borj Er Roumi)

On 11 December 1978, Habib Achour and Abderrazak Ghorbal (Secretary General of the Sfax regional branch of the UGTT) were transferred to the prison at Nador, 8 km. from Bizerte. The majority of AI's adopted prisoners who are not trade unionists are also held in this prison, where conditions are notoriously bad. Many of the cells are damp and badly ventilated, the diet is poor and sanitary conditions grossly inadequate in some parts of

the prison. During winter months, prisoners are known to suffer particularly from the cold and damp conditions and many prisoners held for prolonged periods of time in this prison are reported to have contracted rheumatism and tuberculosis.

Habib Achour and Abderrazak Ghorbal are currently sharing a cell which is reportedly damp and small to the extent that it is impossible to stand upright. They were also, at least initially, denied exercise. All is particularly concerned for the health of Habib Achour in these conditions, as he is 66 years old and known to suffer from diabetes and rheumatism.

CONCLUSIONS:

On the basis of the findings of the two Amnesty International missions sent to Tunisia in 1978 in connection with the arrests, trials and treatment of the trade unionists, as well as information collected from other sources, AI considers that:

- The majority of the trade unionists were arrested solely for the exercise of their rights of freedom of expression and association, which are guaranteed by Articles 19 and 20(1) of the Universal Declaration of Human Rights and Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ratified by the Tunisian Government in 1969) as well as Article 8 of the Tunisian Constitution which states that:

"Freedom of thought and expression, of the press, printing and meetings, freedom to found societies, registered and according to the law, are ensured by the law. The right to form trade unions is guaranteed.

- Torture and maltreatment of arrested persons were widespread, in violation of the United Nations' Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975), as well as Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Convention on Civil and Political Rights.
- Trial procedures, particularly those in the State Security Court, fell far short of the standards established in Article 14 of the International Covenant on Civil and Political Rights and were also in contravention of Article 12 of the Tunisian Constitution which states that:

"Each person will be considered innocent

until his guilt is proven in court where he is guaranteed the necessary conditions for self-defence."

Conditions under which many trade unionists are or were being held do not conform with the United Nations Standard Minimum Rules for the Treatment of Prisoners with regard to hygiene, food, medical services and accommodation. The following five cases have been selected to illustrate AI's concerns regarding the imprisonment of trade unionists in Tunis, Sfax and Sousse following the events of 26 January 1978. All five prisoners, with the exception of Houcine El Kouki, who died after his arrest, have been taken up by Amnesty International groups as Prisoners of Conscience.

Houcine El Kouki

Houcine El Kouki was a Deputy Secretary General of the Federation of Banking and Insurance. He was arrested in Sousse on 26 January 1978 and, according to reports received by AI, was tortured during interrogation. He was 36 years old at the time. Following his interrogation, according to detainees held with him in Sousse prison, he complained of pains in his chest, stomach and back and was constantly drinking water. Conditions in the cell at that time (February) were cold and damp, and, as Mr. El Kouki was obviously ill, other detainees made efforts to keep him warm by covering him with their own jackets. Their repeated demands to prison guards for medical treatment to be given to Mr. El Kouki were ignored. He was finally transferred to hospital on 14 February, apparently already in a state of coma, and died several hours later.

Much has been written in Tunisia concerning the case of Houcine El Kouki, in official newspapers, by the Tunisian League of Human Rights and in Er-Rai and Democratie, the two newspapers of the Mouvement des Democrates Socialistes. According to some official sources, Mr. El Kouki suffered from a chronic illness which suddenly worsened, resulting in his death. Perhaps the most authoritative commentary concerning the case is a statement signed by 18 medical doctors in Sousse, which appeared in Democratie on 2 September 1978. On the basis of medical evidence available to them, they conclude that Houcine El Kouki contracted a pulmonary infection (pneumonia or broncho-pneumonia) and that his comatose state may well have been due to meningitis. They add that symptoms of a pulmonary

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infection of this nature develop over a period of two or three weeks, during which time it is generally easily curable by antibiotics if the illness is diagnosed and treated in good time. Given that Houcine El Kouki was aged only 36 and at the time of his arrest was in good health, it is quite abnormal that within 20 days of his arrest he should become comatose and die within hours of being transferred to a hospital.

Mohamed Salah Ben Kaddour

Aged 48, Mohamed Salah Ben Kaddour was arrested on 27 January 1978, the day after the general strike, at the Hotel Amilcar just outside Tunis. The hotal is owned by the UGTT and Mr. Ben Kaddour was attending a meeting there with other members of the executive committee including Habib Achour, of the UGTT at the time of his arrest. During his detention in isolation in Tunis Civil Prison before his trial, Mohamed Salah Ben Kaddour allegedly suffered from stomach disorders as well as severe loss of weight. He also suffers from heart trouble.

He was tried with other trade union leaders by the State Security Court and sentenced to six years' imprisonment with hard labour. He is currently held in Tunis Civil Prison. Mr. Ben Kaddour is married and has seven children.

Ismail Sahbani

Ismail Sahbani, aged 32, was the Secretary-General of the Federation of Metalworkers until his arrest on 26 January 1978. During his detention in police custody, he was allegedly subjected to various forms of torture, including the "swing" and suffered respiratory problems and stomach trouble as a result. After his transfer to Tunis Civil Prison, he was held in isolation for some time and in April and again in June went on hunger strike. He was then transferred to a cell with ordinary prisoners (prisonniers de droit commun) and then returned to isolation. Finally in July he was placed in a cell with other detained trade unionists.

Ismail Sahbani was tried with other trade union leaders by the State Security Court in Tunis and in October was sentenced to five years' imprisonment with hard labour, which he is currently serving in Tunis Civil Prison. Mr. Sahbani is married with two sons, aged three years and 21 months.

Rachid Slouga

Rachid Slouga worked at Abu Al Kassem Chebbi hospital in Tunis and was also Secretary-General of the Nurses' Union. On 25 January 1978, he went to the UGTT Headquarters in Tunis where many other trade unionists had gathered. The UGTT building was surrounded by police and no one was allowed to leave until the night of 26-27 January when police and armed forces entered the building and arrested Rachid Slouga, among many others. He was allegedly subjected to torture during his interrogation and after two weeks was taken to the police barracks of Salaheddin Bouchoucha, just outside Tunis. After a month, he appeared before an examining magistrate and was transferred to Tunis Civil Prison, where he remains still awaiting trial with three others, despite repeated requests for release on provisional liberty.

Mohamed Chaabane

Until his arrest on 27 January 1978, Mohamed Chaabane was working as a civil servant. He was also Deputy Secretary General of the regional office of the UGTT at Sfax. Immediately after his arrest he was transferred to Tunis. He was held in police custody until 21 March, during which time he was beaten and asked to sign confessions. He was later transferred to Sfax Civil Prison. Mohamed Chaabane was charged under Articles 131 and 132 of the Penal Code (see page 7) and was sentenced on 26 July 1978 to two years' imprisonment. Mr. Chaabane is aged 42 and is married with four children, aged 12, 11, 9 and 6 years old.

