

EXTERNAL (for general distribution)

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EXTRA 12/95 Fear of Unfair Trial

6 February 1995

TUNISIA

Mohamed KILANI

Mohamed Kilani, a leading figure of the unauthorized *Parti Communiste des Ouvriers Tunisiens*, PCOT (Tunisian workers' communist party), was arrested around 29 January 1995 and is due to be tried in Gabès on 8 February 1995. There are strong reasons to fear that his trial will not be conducted in compliance with international fair trial standards.

Mohamed Kilani had been in hiding since November 1992, when he had been sentenced *in absentia* in Gabès to two years and six months' imprisonment on charges of belonging to an unauthorized association and holding unauthorized meetings. He was also sentenced *in absentia* in January 1993 in el Kef to 10 months' imprisonment for the same charges. Both trials violated international standards for fair trials and all those imprisoned as a result of these trials are prisoners of conscience.

BACKGROUND INFORMATION

Unfair trials in Tunisia continue to result in the imprisonment of prisoners of conscience. Those imprisoned are prosecuted for their known or suspected affiliation to unauthorized associations or political parties, and for having exercised their right to freedom of expression and association : a right guaranteed by international treaty bodies to which Tunisia is a state party.

The trials in which Mohamed Kilani was sentenced *in absentia* were fraught with violations of procedures; the detainees were tortured and ill-treated and were refused medical examinations, their arrest dates were falsified, and their defence lawyers were not allowed to call defence witnesses.

The human rights situation in Tunisia has continued to deteriorate since the end of 1990, and over the past year the circle of repression has significantly widened. The same repressive measures initially used by the Tunisian authorities against known or suspected Islamist opponents are now widely used against known or suspected government critics and political opponents across the political spectrum.

Scores of prisoners of conscience have been imprisoned over the past two years on charges of belonging to the banned PCOT; its spokesman is currently serving a prison sentence of eight years and seven months imposed in 1994. Most of those released from prison are forced to sign daily at the police station, and others who have not been detained have had their passport confiscated on the grounds that they "criticize Tunisia abroad". Major French newspapers, the most read foreign media in Tunisia, have been banned from the country for almost a year. The Tunisian authorities have denied permission to international human rights organizations to visit prisoners and continue to refuse to provide details of the trials which have resulted in the imprisonment of hundreds of prisoners of conscience.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes either in French/Arabic/English or in your own language:

- Expressing concern at the arrest of Mohamed KILANI, who was sentenced in absentia to imprisonment as a prisoner of conscience. He should be immediately and unconditionally released;

- Urging the Tunisian authorities to ensure that his trial is carried out in full accordance with international standards for fair trial, and expressing concern that the trials in which he was sentenced in absentia did not comply with international standards for fair trial.

APPEALS TO

1) Minister of Justice

M. Sadok Chaâbane
Ministère de la Justice
Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisie

Faxes: +216 1 568 106

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

Telegrams: Ministère de la Justice Chaâbane, Tunis, Tunisie

Salutation: Dzar Minister

2) Minister of Foreign Affairs

M. Habib Ben Yahia
Ministère des Affaires Étrangères
Place du Gouvernement, La Kasbah
Tunis
Tunisie

Faxes : +216 1 791005

telex: 14470 mafta tn 14471 mafta tn 14472 mafta tn

Telegrams: Ministère des Affaires étrangères Ben Yahia, Tunis, Tunisie

Salutation: Dzar Minister

COPIES OF YOUR APPEALS TO:

M. Salem Makki
Conseiller Présidentiel chargé des droits de l'homme
Palais Présidentiel
Carthage/Tunis
Tunisie

Faxes: +216 1 731 009 or +216 1 742 513

The Ligue Tunisienne des Droits de l'Homme, LTDH
21 Rue Imam el Bakri
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and to diplomatic representatives of Tunisia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.