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Tunisia: Prisoners of conscience should be released immediately

"The Tunisian authorities should immediately and unconditionally release the four members of the Tunisian Workers' Communist Party (PCOT) arrested and imprisoned on Saturday 2 February 2002," Amnesty International said today. Three of the men had been sentenced to heavy prison terms in what an observer mandated by Amnesty International called "a parody of justice". The fourth man was arrested after the court hearing.

Hamma Hammami, Abdeljabbar Madouri and Samir Taamallah appeared before the court on Saturday for a retrial after four years of living in hiding. In July 1999 they had been sentenced in absentia to nine years and three months' imprisonment on charges of membership of an unauthorized association. After this unfair trial Amnesty International had called for the sentences to be annulled.

"Amnesty International considers the men as prisoners of conscience as they have never used or advocated violence," the organization said.

According to Amnesty International's observer, the defendants, defence lawyers and international observers were kept waiting for most of the morning in the courtroom when dozens of policemen arrived. At around 1.45pm the defendants were forcefully taken out of the court by six policemen without explanation. The observer reported that the lawyers who were standing next to the defendants were pushed away so violently they and the people standing around them were knocked to the ground. The police then gave orders to evacuate the room and took the defendants to an unknown location.

When the court session convened at about 5pm only two of the defendants were brought before the judge, while the whereabouts of Abdeljabbar Madouri remained unknown, giving rise to concerns that he may have been ill-treated. Within minutes the court confirmed the nine-years and three months' sentences each for Hama Hammami and Samir Taamallah and increased by two years to over 11 years the sentence of Abdeljabbar Madouri. The defendants were then immediately remanded in custody.

Throughout the proceedings the rights of the defence were disregarded. Neither the defendants nor their lawyers were allowed to address the court.

Ammar Amroussia, another PCOT member who had been at large since November 1997 and was present in the court, was arrested outside the court after the 5pm session to serve a prison sentence of two years and four months. As his sentence has already been confirmed after an appeal in 1997, under Tunisian law he will not have the right to see a lawyer.

Scenes of police brutality were reported throughout the day in and outside the court. A foreign journalist was assaulted by the police and his camera destroyed. At least two supporters of unauthorized political parties were hospitalized after they had been beaten up and severely injured by the police.

"Amnesty International has monitored these cases for many years – these developments are the latest in a series of flagrant violations of these men's fundamental rights to freedom of opinion and association and the right to fair trial", the organization said.

Thirty years after his first arrest in February 1972 during the presidency of Habib Bourguiba, Hama Hammami remains one of the thousands of victims of the widespread repression that continued after President Ben Ali seized power in 1987.

"The Tunisian authorities are using the post-11 September 'war on terrorism' to justify continued repression against all dissenting voices across the political spectrum. International public opinion and decision makers should not allow the Tunisian authorities to commit blatant human rights abuses with impunity in the name of 'anti-terrorist measures'," Amnesty International concluded.

Background

On 31 January Mohamed Mouada, former leader of Tunisia's main opposition party 'Movement of Democratic Socialists' (MDS) was conditionally released from prison. He had been arrested in June 2001 to serve the remaining nine-year prison sentence for the non-violent expression of his political beliefs. The conditional nature of his release is obviously an attempt to silence him. Mohamed Mouada could be rearrested any time under the pretext of non-observance of the imposed conditions.

Unfair trials remain one of the key human rights concerns in Tunisia. On 30 January 2002, 34 civilians were sentenced to between eight and 20 years of imprisonment following an unfair trial before a military court on charges of "belonging to a terrorist organization operating from abroad". The vast majority of the defendants were not present at the trial and defendants have no right of appeal.

The European Union failed again to address the serious human rights situation in Tunisia during last week's Association Council meeting between Tunisia and the European Union, describing

cooperation with the Tunisian authorities as "excellent". This was despite repeated calls by human rights organizations that the European Union urgently needs to observe the legally binding human rights clause which was designed as an essential element of cooperation between the European Union and Tunisia within the framework of an Association Agreement concluded in 1995. Up to 1,000 political prisoners, most of them prisoners of conscience, remain in detention in Tunisia.

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