

# AMNESTY INTERNATIONAL

## £ TUNISIA

### @Imprisonment of a Journalist

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Hamadi Jebali, editor of the weekly al-Fajr (Dawn) was sentenced by the military court in Tunis on 31 January 1991 to one year in prison, with immediate effect, for publishing an article calling for the abolition of military courts in Tunisia.

The article entitled "When will military courts, serving as special courts, be abolished?" and written by Mohammed Nouri, a Tunisian lawyer, was published in edition No.15 of 27 October 1990. Al-Fajr is the organ of the Islamic movement, al-Nahda, which does not have official recognition from the state.

The writer of the article, Mohammed Nouri, was tried at the same time and was sentenced to six months' imprisonment but was granted bail until his appeal before the cour de cassation (Cassation Court). Both Hamadi Jebali and Mohammed Nouri were charged with defamation of a judicial institution under Articles 50, 51, 68 and 69 of the 1975 Tunisian Press Code. Article 50 extends the scope of defamation to include unnamed official bodies if these are recognizable from the context of the discourse or publication.

Under Article 13 of the Press Code prior authorization by the Ministry of Interior is required to publish any newspaper or periodical. Publication of the weekly al-Fajr was authorized in January 1990. Once authorization for a publication is granted the Press Code requires that the first printed copy of each issue be submitted to the Ministry of Interior which can intervene to stop distribution. In recent months, issues Nos. 9, 17 and 24 of al-Fajr were seized and distribution was stopped. Issue No. 15 in which the above article appeared was submitted to the Ministry of Interior but it was not seized.

Hamadi Jebali, who is a member of the executive council of the al-Nahda movement, also received a six-month suspended sentence and a fine of 1500 dinars on 10 October

1990 for publishing an article entitled "The people of the State or the State of the People?" in al-Fajr No.9 of June 1990.

In the past few months in Tunisia members, sympathizers and suspected sympathizers of the al-Nahda movement have been a target for arrest and short-term detention. Of the several hundreds arrested since September 1990 many were reportedly held in garde à vue incommunicado detention, in the custody of the police force, beyond the maximum 10-day period permitted by Tunisian law. Most of those arrested have been released without charges but some have been charged with offences such as belonging to an unauthorized organization, encouraging and participating in unauthorized demonstrations and disturbing public order and sentenced to terms of imprisonment varying from three months to over two years.

Amnesty International considers Hamadi Jebali to be a prisoner of conscience, imprisoned for peacefully exercising his rights to freedom of expression. Appeals for his immediate and unconditional release should be sent to:

Son Excellence  
Président de la République  
Palais Présidentiel  
Tunis  
Carthage Tunisie

Télex: 14900 prpsa tn 12163 ppsd tn  
Fax: 216 - 1 - 744721  
Télégrams: Président Ben Ali, Tunis, Tunisia

M. Abdelhamid Escheikh  
Ministre de l'Intérieur  
Ministère de l'Intérieur  
Place du Gouvernement  
Tunis  
Tunisie

Télex: 13662 sdap tn  
Télégrams: Ministre Intérieur, Tunis, Tunisia

M. Chedly Neffati  
Ministre de la Justice  
Ministère de la Justice  
Boulevard Bab Benat Tunis

Télégrams: Ministre Justice, Tunis, Tunisia

**COPIES TO:** Tunisian diplomatic representatives to your country

**PLEASE SEND ALSO COPIES OF YOUR APPEALS, FOR INFORMATION, TO:**

Ligue Tunisienne pour la Défense des Droits de l'Homme  
1, rue Canada  
Tunis  
Tunisia

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

INTERNAL (for AI members only)

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COUNTRY: TUNISIA  
SUBJECT TITLE: IMPRISONMENT OF A JOURNALIST

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, that those responsible for outreach to journalists have received a copy for action, and that the document is centrally filed for future reference.

Writers & Journalists groups/coordinators should organize letter-writing to the Tunisian authorities calling for the immediate and unconditional release of Hamadi Jebali. Approaches to journalists and journalists organizations should ask them to take up the case, publicise it and send appeals. All letters should be copied to the Tunisian Embassy, where these exist, and copies of any replies should be sent to the research team in the International Secretariat.