

EXTERNAL (for general distribution)

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Further information on UA 69/94 (MDE 30/06/94, 22 February 1994) - and follow-up (MDE 30/07/94, 1 March) - Health Concern / Torture

TUNISIA: Hamma HAMMAMI, member of the unauthorized *Parti communiste des ouvriers tunisiens (PCOT)*, Tunisian Workers' Party

Amnesty International has learned that Hamma Hammami, who was arrested on 14 February 1994, eventually received a medical examination on 8 March. He has now also received the medicines necessary for the treatment of his heart condition and kidney stones.

Amnesty International is concerned about the excessive length of time between Hamma Hammami's torture (which he alleges he was subjected to for the first two days after his arrest) and the medical examination, despite repeated requests from his lawyers and family that he should receive such an examination, and despite being entitled to one under Tunisian law and international standards.

The medical report dated 8 March states that on examination there was no sign of trauma to the head, trunk or limbs. While welcoming the fact that Hamma Hammami has finally received medical care and an examination, Amnesty International is concerned that as the physical traces of torture may well have disappeared during the time between Hamma Hammami's alleged torture and his examination, the results of the latter should not be used as evidence that torture did not occur.

Hamma Hammami was due to be tried in the Sousse Court of First Instance on 23 February on charges including assaulting a policeman but his trial has now been postponed to 16 March. He is also due to be tried *in absentia* in the Gabès Court on 17 March for being a member of and illegal political party and attending unauthorized meetings and distributing leaflets of the PCOT.

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

- expressing concern at the length of time it took for Hamma Hammami to receive a medical examination despite being entitled to one under Tunisian law and international standards;
- pointing out that as any physical traces of torture may well have disappeared over the 23 days between Hamma Hammami's alleged torture and his examination, the results of the examination should not be used as evidence that torture did not occur;
- urging the Tunisian authorities to ensure that a thorough, impartial and independent investigation be carried out into the allegations of torture and ill-treatment, and that the finding of the investigation be made public.
- urging the Tunisian authorities to ensure that trial procedures enacted against Hamma Hammami comply with international standards for fair trial.

APPEALS TO: salutations for all: Excellence / Your Excellency

1) President
M. Zine El Abidine Ben Ali
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2) Minister of Justice

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Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

3) Minister of the Interior

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4) Minister of Foreign Affairs

M. Habib Ben Yahia

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

COPIES OF YOUR APPEALS TO:

M. Iadh Ouederni

Conseiller présidentiel pour les Droits de l'Homme

Attaché à la Présidence de la République

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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 22 April 1994.