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INTRODUCTION

Current concerns arise against a background of widespread human rights violations which have continued during the past four years, during which thousands have been arbitrarily detained, subjected to torture and ill-treatment, and imprisoned after trials which did not comply with international standards for fair trial. None of the numerous cases of torture and ill-treatment of detainees, illegally prolonged *garde à vue* (incommunicado) detention and falsification of arrest dates, and deaths in custody submitted by Amnesty International to the Tunisian authorities over the past four years have been adequately investigated. Of thousands of individuals, most of them prisoners of conscience, imprisoned after unfair trials in political cases over the past four years many of them remain in prison today. These violations continue in disregard of both the Tunisian Government's obligations under international human rights treaties, and Tunisian law.

Since February 1994, just before the presidential elections, an increased crackdown against government critics and known or suspected political activists across the political spectrum, has further curtailed freedom of expression and association in the country. Those targeted have included human rights activists, lawyers, academics, journalists, women, and Tunisians living abroad returning to Tunisia for visits.

Amnesty International's concerns are described in more detail in a document issued in January 1994 (Rhetoric versus reality: the failure of a human rights bureaucracy, AI Index: MDE 30/01/94)

ARBITRARY DETENTION OF GOVERNMENT CRITICS AND POLITICAL ACTIVISTS

A number of individuals were arbitrarily detained as prisoners of conscience during 1994 for having exercised their right to freedom of expression. They include Moncef Marzouki, a medical doctor and the former president of the *Ligue Tunisienne des Droits de l'Homme*, LTDH (Tunisian Human Rights League), who was arrested on 23 March and detained for four months for having reportedly questioned the independence of the Tunisian judiciary in an interview with a Spanish newspaper. Moncef Marzouki denied the accusations, but despite the fact that the newspaper stated publicly that he had not criticized the Tunisian judiciary, and that a mistake had been committed in translating his interview into Spanish, he continued to be detained until 13 July. He was then released on bail and is now awaiting trial.

In February 1994, Moncef Marzouki had announced his intention to stand as a candidate against President Zine el Abidine Ben Ali in the presidential elections the following month¹. Shortly afterwards Moncef Marzouki was reportedly accused by the police of stealing a car, but he was not formally charged. After

¹President Ben Ali was the only candidate in the elections and according to official reports he won over 99% of the votes.
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the elections he was arrested.

The only other person who announced his intention to stand against President Ben Ali in the March elections, lawyer Abderrahmane Hani, was also detained. He was arrested on 15 February 1994 and held for over two months on charges of "setting up an unauthorized association and spreading false information". He was released on bail on 23 April and was later sentenced to eight months' imprisonment (suspended).

Boudjema Remili, a leader of the *Tajdid* (Renewal, former communist party) party, was arrested on 21 March 1994 after an interview he gave to a foreign newsagency in which he talked about alleged irregularities in the elections. He was released on bail a week later. He was sentenced to eight months' imprisonment (suspended) and a 1,000 dinars fine on 2 July for "spreading false information".

Mustapha Ben Jaâfar, a leader of the *Mouvement des Démocrates Socialistes*, MDS (Movement of Socialist Democrats), was detained for several hours for interrogation on 15 April 1994 after issuing a communique stating that he had applied for registration for a *Forum Démocratique* (Democratic Forum).

BACKGROUND TO AMNESTY INTERNATIONAL CONCERNS

The detention of Moncef Marzouki, Abderrahmane Hani and others occurred in an atmosphere of increased curtailment of freedom of expression during the election period. Restrictions included a ban on the broadcasting of a French television program about Tunisia and the banning of several foreign newspapers or magazines which carried articles critical of the Tunisian Government, including the French dailies *Le Monde* and *Libération*, the British daily *The Guardian*, and the French monthly *Le Monde Diplomatique*; most of these publications continue to be banned in Tunisia. Foreign journalists, including correspondents from *Le Monde* and the BBC, were expelled or forbidden entry to Tunisia, and Tunisian journalists who contributed to articles considered to be critical of the Tunisian Government to foreign newspapers have since been subjected to harassment. One of them, who worked for the official Tunisia Press Agency, lost his job. Other foreign observers, including an Amnesty International delegate and a lawyer from *Reporters Sans Frontières*, were expelled or denied access to Tunisia. Amnesty International's delegate continues to be denied access to the country.

A group of women who signed a petition calling for the respect of freedom of expression, which was published in foreign media outside Tunisia, were questioned by police, and asked to formally deny having signed the petition. Some reported having been threatened with dismissal from their jobs. Most of the women refused, but some agreed to state that they had signed the petition on the understanding that it was not going to be used outside Tunisia or against Tunisia. A similar incident had also occurred in February 1993, when a group of left-wing intellectuals had set up a committee to defend prisoners of conscience. The committee was immediately banned and Salah Hamzaoui, an academic and the coordinator of the committee was detained for two weeks during which he was ill-treated. All the members of the committee were interrogated and subsequently harassed. They were accused of setting up an unauthorized association and were threatened with prosecution. Even though no further legal action appears to have been taken by the authorities against them, the case has not been formally dropped, and the threat of prosecution still stand.

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The impunity with which serious human rights violations have continued to be perpetrated by the Tunisian security forces, and threats and pressure to which detainees, their families, lawyers and human rights activists have been subjected, have made it increasingly difficult for anyone to denounce cases of human rights violations in Tunisia.

Such intimidation denies victims of human rights violations their right to a remedy under Article 2 (3) of the International Covenant on Civil and Political Rights (ICCPR). In particular, it denies victims of torture and ill-treatment and witnesses the right to complain and to testify without being intimidated, guaranteed by Article 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention Against Torture).

Families of victims and lawyers are increasingly unwilling to publicize the cases of their relatives and clients because the numerous complaints filed in the past years have been ignored, and in addition relatives of victims who have put in complaints and given information concerning the cases of their relatives to international organizations have often been interrogated, threatened with detention and in some cases have themselves been detained and ill-treated. Lawyers who requested investigations into allegations that their clients had been tortured and held in illegally prolonged *garde à vue* detention and who spoke out against these practices have been subjected to various forms of harassment. Some lawyers known for defending political cases and their families have been unable to obtain passports. They include Mohamed Chakroun, a former Minister of Justice and former head of the Bar Association, Bachir Essid, who was imprisoned for three years in 1990, and the family of Najib Hosni, a human rights lawyer who defended many political cases across the political spectrum. Najib Hosni was arrested on 15 June and continues to be detained on charges of falsifying a land contract. Since he received an award by the Lawyers Committee for Human Rights at the end of 1992, he had been subjected to continuous harassment, and following visits by international human rights observers his office and house were put under police surveillance, and his staff and clients questioned.

Relatives of detainees or of individuals who are sought by the authorities on suspicion of activities on behalf of *el-Nahda* have also been subjected to harassment including repeated short-term detention, interrogation and house raids, especially at night and without warrants. Former prisoners and their relatives are often unable to obtain a passport and their movement within the country is likewise restricted. Scores have had their identity card confiscated, which puts them at risk of further arrest if they are stopped for identity checks. After their release, prisoners of conscience and other political prisoners are routinely required to sign at the police station (defined as "administrative control"), usually daily, but in some cases twice a day and in others weekly. Scores of former prisoners have reported that it is impossible for them to work because they have to report daily to the police station, where they are often kept waiting before being allowed to sign. Administrative control has usually been imposed arbitrarily, that is without any court order, and in general former detainees have tended to comply with this order out of fear of further detention. However, a legal amendment of November 1993, automatically imposes administrative control on all those sentenced for certain offences (see page 9).

RECENT CASES OF TORTURE, ILLEGALLY PROLONGED *GARDE à VUE* DETENTION AND IMPRISONMENT OF PRISONERS OF CONSCIENCE

Update on human rights concerns

The human rights concerns which Amnesty International has been raising with the Tunisian Government for the past four years remain outstanding. Although Tunisia is a State Party to the UN Convention against Torture, and to the ICCPR, torture and ill-treatment have continued to be used to force detainees to sign *procès verbaux* (police declarations), often during illegally prolonged *garde à vue* (incommunicado) detention.

In all the cases of illegally prolonged *garde à vue* detention known to Amnesty International the dates of arrest have been falsified on police records to show that detainee was not held in *garde à vue* beyond the maximum legal period.² Although Tunisia is obliged to conduct prompt and impartial investigations of all reports and complaints of torture under the UN Convention Against Torture and the ICCPR, most requests by detainees' families and lawyers for medical examinations and investigations into allegations of torture have been ignored. In the only case in 1994 known to Amnesty International where a request for a medical examination was granted to a detainee who had been tortured, it was carried out several weeks after the torture and ill-treatment had taken place by a doctor appointed by the authorities. There has been no thorough, impartial and independent investigation into any of the reports or complaints of torture to date.

Hamma Hammami, a leading figure of the unauthorized *Parti communiste des ouvriers tunisiens*, PCOT (Tunisian workers' communist party), and the director of *al Badil*, the newspaper of the PCOT, was arrested on 14 February 1994 on charges of maintaining an unauthorized association (the PCOT), holding unauthorized meetings and distributing leaflets. He later stated in court and to his lawyers that he was tortured and ill-treated, first in Sousse police station and then in the Ministry of the Interior where he was subsequently taken. He stated that he was severely beaten on the head and body, sexually humiliated and threatened with rape, and made to lie on the ground whilst policemen stood on his neck causing near-asphyxiation and put a gun to his head threatening to kill him. His family and lawyers, and lawyers from the *Ligue tunisienne des droits de l'homme*, LTDH (Tunisian League for Human Rights), who saw him days after his arrest confirmed that he bore bruises and marks on his face and neck. A photograph taken by the police after the arrest also shows these marks on his face. After the torture he reportedly fainted repeatedly, was unconscious for several hours, and suffered from severe headaches and dizziness. Repeated requests by himself, his family and lawyers for an immediate medical examination were ignored for three weeks after his arrest. He was finally examined on 8 March by a doctor appointed by the authorities, whose report stated that "there were no signs of trauma to the head, trunk or limbs". In addition, Hamma Hammami is reported to suffer from kidney stones and a heart condition, and requires regular medication, but his family was not allowed to bring this to him until two weeks after his arrest. He continues to suffer from severe headaches, but further requests by his family and lawyers for a specialist medical examination by a neurologist have been ignored by the Tunisian authorities.

At the time of arrest he had been in hiding since November 1992, when other PCOT activists had been arrested. He had been tried *in absentia* with 11 others in December 1992 in Gabès, and sentenced to four years and nine months' imprisonment for maintaining an unauthorized organization, holding unauthorized meetings, distributing leaflets and collecting funds without authorization. He was retried for these offences on 7 April 1994 in Gabès and was sentenced to four years and one month's imprisonment. In 1991 Hamma Hammami, had also been sentenced to two and half years' imprisonment (suspended) for

²According to Article 13 bis of the Tunisian Code de Procédure Pénale, CPP (Code of Penal Procedure) detainees may be held in *garde à vue* detention for a maximum of four days, renewable once by written order of the Procureur de la République, and further extended by two days "in cases of absolute necessity", to a absolute maximum of 10 days. The same article guarantees the right of detainees to be medically examined during *garde à vue* detention if they or their family request it.

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articles critical of the government published in *Al-Badil*.

After his arrest he was also charged with carrying a false identity card and assaulting and injuring two of the three armed police officers who arrested him. At the trial, which took place on 6 April in Sousse, the prosecution presented a medical certificate stating that these police officers had been injured, but refused to call them to court to testify. No other evidence was produced by the prosecution to substantiate the charges. He was sentenced to five years and six months' imprisonment.

Defence lawyers were not allowed to call any witnesses in either trial, and the judges failed to address breaches of procedure and to order investigations into allegations of torture. An Amnesty International delegate who sought to observe the trials was refused entry to Tunisia on 5 April 1994. Other international observers, including another Amnesty International observer, who had travelled to Tunisia in March to observe the trials, found that the trials had been postponed without prior notice. The total prison sentence of nine years and seven months in the two cases was reduced to eight years and seven months on appeal in June.

During the first 10 days of May 1994 Hamma Hammami was punished by the prison authorities for starting a hunger strike by being kept chained in an isolation cell and was refused sugar to take with his water.

Mohamed Hedi Sassi was arrested on 18 April 1994 at night and accused of distributing leaflets about the case of Hamma Hammami and signed by the PCOT, and of writing PCOT slogans on the walls, quoting a verse from a poem from a well-known Tunisian poet.³ He was held in illegally prolonged *garde à vue* detention until 26 April, during which period he was tortured in police stations in Den Den and in Bardo (both in Tunis). He stated in court and to his lawyers that he had been tortured by being suspended in contorted positions, having liquid poured into his nose and which came out of his ears, and being severely beaten all over his body. Defence lawyers who saw him over a week after his arrest confirmed that he bore marks and bruises above his left eye, and on his wrists, ankles, toes and lower calves, which were consistent with his allegations.

He subsequently complained of sharp pain and loss of hearing in his left ear, but repeated requests for a medical examination were ignored by the authorities. The complaint filed by his lawyers regarding his torture was reportedly forwarded to the police station where he was allegedly tortured but does not appear to have been investigated to date. The date of arrest on his *procès verbal* (police declaration) was falsified to show that he was arrested on 23 April.

Mohamed Hedi Sassi was tried in Tunis on 11 May and was sentenced to four years and one month's imprisonment on charges of belonging to an unauthorized organization (the PCOT), distributing leaflets, insulting public order (*outrage à l'ordre public*) and writing slogans on the walls. His sentence was upheld on appeal on 30 September. He had previously been sentenced *in absentia* on 10 November 1993 in Monastir to 18 months' imprisonment for maintaining an unauthorized organization, holding unauthorized meetings and distributing leaflets. He is due to be retried for these offences, but the trial has already been postponed four times because on each occasion the prison authorities failed to bring him to court.

³The verse "the chains must be broken" from a poem by Belkacem Chebbi.
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Amnesty international considers Hamma Hammami and Mohamed Hedi Sassi as prisoners of conscience.

The pattern of torture and ill-treatment of detainees in *garde à vue* detention, convictions often based on confessions alleged to have been extracted under torture and denied in court by the accused, and the imprisonment over the past four years of thousands of individuals for the peaceful exercise of their right to freedom of expression association and assembly has been extensively documented by Amnesty International in previous reports. The organization has repeatedly raised its concerns with the Tunisian Government about numerous such cases, and called on the government to fulfil its obligations under international human rights treaties, but no substantive responses have been received and no steps taken to investigate and redress past abuses and prevent their recurrence.

In the trials described above, and in other trials of individuals accused of political activities such as belonging to an unauthorized organization, holding or participating in unauthorized meetings, distributing leaflets, participating in demonstrations, and unauthorized collection of funds, violations and misapplication of Tunisian law have also been widespread at all stages of the proceedings before and during the trial: Tunisian law limits *garde à vue* detention and forbids torture and ill-treatment of detainees.⁴ Convictions and sentences for unauthorized meetings, or "secret meetings" result from a misapplication of the law, as there is no law in Tunisia regulating private meetings. Law 69-4 of 24 January 1969, which regulates public meetings, is used to convict individuals accused of having met with others (sometimes only one other person) in private. Similarly, convictions and sentences for unauthorized collection of funds result from a misapplication of the law of 8 May 1922. According to Amnesty International's information, under this law those who donate money cannot be prosecuted, and those who receive money can only be prosecuted if they deliberately made an effort to collect the money, not for simply accepting money from a relative or a friend as has been the case of most of those convicted over the past two years.

Those currently imprisoned after having been convicted of such charges include prisoners of conscience Monia Mannai, Khadija Naouar, Najet Mejri and two other women who were arrested on 16 July 1994, who were sentenced on 25 July to one year's imprisonment for belonging to an unauthorized organization (*el-Nahda*), participating in illegal meetings and unauthorized collection of funds. They are detained in Manouba women's prison, and their appeal was due to be heard on 7 September but was postponed because they were not brought to court from prison. The husbands of Monia Mannai and Khadija Naouar are both currently serving long-term prison sentences on charges of political activities on behalf of *el-Nahda*. At least four of them had been previously detained, and Khadija Naouar had been released only about three months before this latest arrest.

They, like scores of other women currently or previously imprisoned, are accused of helping financially the families of other detainees or of receiving financial help and charged with unauthorized collection of funds. Those tried on this charge are usually also charged with membership of an unauthorized organization and participating in illegal meetings. Kheira Meddeb, a 22-year-old student from Bizerte is currently serving a three-year sentence imposed earlier this year on the same charges. Many of the wives of detained members or supporters of *el-Nahda* who are imprisoned or abroad have lost their jobs; other did not work; if they are known or suspected of having received financial help they and those who are

⁴Article 103 of the CP provides a penalty of five years' imprisonment and a fine for any public official who, in the exercise of his function, uses violence or causes it to be used against a detainee, a witness or an expert in order to obtain confessions or declarations.

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known or suspected of having helped them financially are imprisoned for unauthorized collect of funds.

CONCERNS ABOUT PENAL CODE AND CRIMINAL PROCEDURE CODE AMENDMENTS

Amnesty International is concerned about a number of amendments made on 22 November 1993 to the Tunisian *Code Pénal*, CP (Penal Code), and the *Code de Procédure Pénale*, CPP (Code of Penal Procedure), which have led to the imprisonment of prisoners of conscience. Both the UN Working Group on arbitrary detention and the Human Rights Committee, the body of experts which monitors implementation of the ICCPR, have expressed their concern about legislation which is broadly and vaguely worded. On a number of occasions, the Working Group has called upon governments to eliminate offences which are described vaguely or encompass indeterminate situations.

Article 52 bis, added to the CP, gives a broad and vague definition of "terrorism" and automatically imposes a period of five years of administrative control upon release of the detainee. It states:

"...Est qualifié de terroriste, toute infraction en relation avec une entreprise individuelle ou collective ayant pour but de porter atteinte aux personnes ou aux biens, par l'intimidation ou la terreur. Sont traités de la même manière, les actes d'incitation à la haine ou au fanatisme racial ou religieux quels que soient les moyens utilisés. L'application de la surveillance administrative pour une période de cinq ans est obligatoire... La peine ne peut être réduite à moins de sa moitié...". ("...Are defined as terrorist all actions relating to individual or collective initiative, aiming at undermining individuals or properties, through intimidation or terror. Are treated in the same way acts of incitement to hatred or to religious or other fanaticism, regardless of the means used. The imposition of administrative controls for a period of five years is compulsory... The sentence cannot be reduced to less than half the maximum...")

Article 305 of the CPP, was replaced by Article 307 bis, which makes it possible to prosecute Tunisian citizens for acts committed outside Tunisia but which are considered an offence under Tunisian law - even if these acts are not punishable under the law of the country where they were committed - now states:

"Peut être également poursuivi et jugé par les tribunaux tunisiens tout tunisien qui commet en dehors du territoire tunisien, l'une des infractions mentionnées à l'article 52 bis du code pénal, alors même que lesdites infractions ne sont pas punissables au regard de la législation de l'Etat où elles ont été commises". (Any Tunisian who commits, outside Tunisian territory, one of the offences mentioned in Article 52 bis of the CP, can be prosecuted and tried by Tunisian courts - even though these offences are not punishable under the law of the country where they were committed").

Prior to this amendment Article 305 of the CPP stated that Tunisians could be prosecuted and tried by Tunisian courts for offences committed outside Tunisia, "...unless it is recognized that the foreign law does not punish the offence concerned..." (...à moins qu'il ne soit reconnu que loi étrangère ne réprime pas la dit infraction...").

A number of Tunisians living abroad were recently imprisoned on application of this law when they returned to Tunisia to visit their families for having exercised their right to freedom of expression and association in another country. Others were imprisoned in the past for exactly the same alleged acts even though Tunisian law stated clearly that no one could be prosecuted for acts committed in a country where

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such acts are not punishable under the law of that country.

This had happened to Taoufik Rajhi, a Tunisian academic living in France who was arrested and imprisoned when he visited his family in July 1993, and whose case is mentioned in an Amnesty International report issued in January 1994 (*Tunisia: Rhetoric versus reality: the failure of a human rights bureaucracy*; AI Index: MDE 30/01/94). *The Fédération Internationale des Droits de l'Homme*, FIDH (International Federation of Human Rights), which had sent observers to his trial, published a report in November 1993, which it had previously made available to the Tunisian Government. The report concluded that Taoufik Rajhi had been denied the right to fair trial, guaranteed by Article 14 of the ICCPR and other international standards on a number of grounds. He was convicted on the basis of his confession which he denied in court as having been extracted under torture and the court failed to authorize a medical examination or otherwise investigate his complaint. He was prosecuted for acts which were either barred by the statute of limitation in Tunisian law (because the acts occurred more than three years earlier),⁵ or alleged to have been committed in France and were not punishable under Tunisian law at the time.

After his release Taoufik Rajhi had to sign at the police station daily and was prevented from leaving Tunisia for several months.

Amongst the prisoners of conscience imprisoned under the new laws of November 1993 are: Ali Mabouj, a former student in France arrested at his home in Ben Guerdane (near Medenine) on 6 February 1994 when he was visiting his family. He was held in *garde à vue* detention illegally prolonged until 22 February, during which time Amnesty International contacted the Tunisian authorities on several occasions seeking information on his whereabouts. However the arrest date on his *procès verbal* was falsified to show that he had not been held by police beyond the legal period of four days. During his *garde à vue* detention his family made repeated inquiries with the authorities, but was unable to obtain any information on his whereabouts. He was tried in Medenine in May on charges of belonging to an unauthorized organization, participating in illegal meetings and collecting funds without authorization.

In court he denied his confession and stated that he had been forced to sign the *procès verbal* under torture, but his complaint was disregarded by the court and no investigation was ordered. According to his lawyer he was convicted on the basis of his confession, even though most of the acts which he in the *procès verbal* concerning his involvement with el-Nahda and meetings he said that he had with other members of that party had taken place more than three years earlier. These acts were therefore beyond the statute of limitations under Tunisian law, or had allegedly occurred outside Tunisia before November 1993 and were therefore not punishable under Tunisian law. However, he was sentenced to three years and nine months' imprisonment, including two and half years for belonging to an unauthorized organization, one year for participating in illegal meetings and three months for unauthorized collection of funds. The sentence was reduced to three years on appeal on 28 September.

Adel Selmi, a doctoral student at the *Ecole des Hautes Etudes de Sciences Sociales*, EHESS, in Paris, was arrested on 10 June 1994 on arrival at Tunis airport and held in illegally prolonged *garde à vue* detention for 17 days until 27 June. The arrest date on his *procès verbal* was falsified to show that *garde à vue* detention did not last longer than the legally permitted four-day period. He stated in court that during *garde à vue* detention he was tortured by being suspended in contorted positions and having his head

⁵As provided by Article 5 of the Tunisian Code de Procédure Pénale, CPP (Code of Penal Procedure). Amnesty International October 1994AI Index: MDE 30/22/94

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plunged in buckets of water, and he showed his wrists and ankles which still bore marks. He denied the accusations of belonging to an unauthorized organization, participating in an unauthorized demonstration in January 1991 and collecting funds without authorization, and stated that he had been forced to sign a *procès verbal* under torture. His allegations of torture and illegally prolonged *garde à vue* detention were ignored by the court and no investigation was ordered.

According to his defence lawyers and to international observers present at the trial, there was no evidence to substantiate the charges other than his confession which he denied in court. Other individuals named by the prosecution as having accused the defendant of the above offence were never brought to court to testify. The charges were vaguely formulated: the organization he was accused of belonging to was not mentioned explicitly in the charge, though it is believed to be the unauthorized Islamist party *el-Nahda* (Renaissance); no specific date or venue was mentioned for the unauthorized demonstration he was convicted of having participated in January 1991, and such acts are in any case beyond the statute of limitations because they are more than three years' old. He had returned to Tunisia on several occasions after January 1991, and there had been no attempt to arrest him, nor had he been tried *in absentia*. Adel Selmi was convicted and sentenced to four years and two months' imprisonment on 12 July 1994 and his sentence was upheld on appeal on 20 September.

PRE-TRIAL DETENTION

In November 1993, Article 85 of the CPP was also amended to reduce the maximum period of pre-trial detention from 18 to 14 months for crimes (*crimes*) and from 12 to nine months for lesser crimes (*délits*). Such prolonged pre-trial detention is inconsistent with the right to trial within a reasonable time or release as guaranteed by Article 9 (3) of the ICCPR.

Several individuals remain detained since 1991 or the beginning of 1992 without trial. For example, Bahzed Chouchene, a second year student at the faculty of Islamic Civilisation at Zitouna University was arrested on 12 September 1991. He remains detained in the *9 Avril* Prison in Tunis awaiting trial. Adel Thabti, a third year history student at Tunis University who was active in the student union, has been detained since January 1992 without trial. Mohcen Ayyari, Noureddin Ferchichi, Riadh el-Menzli, Taher Alouani and Belhassen Aghrebi, were all arrested on 9 October 1991 and remained detained without trial until 5 May 1994, when they were sentenced to five years' imprisonment on charges of belonging to an unauthorized organization (*el-Nahda*).

CONCLUSION

Amnesty International has over the past four years repeatedly expressed its concern to the Tunisian Government about continuing and widespread human rights violations. The organization has documented hundreds of individual cases of illegally prolonged *garde à vue* detention, torture and ill-treatment, death in custody, unfair trial, and imprisonment of prisoners of conscience, and has repeatedly urged the Tunisian Government to take the necessary measures to put an end to such violations.

However, not one single case of torture, death in custody or illegally prolonged *garde à vue* detention has been adequately investigated to date, and torture and ill-treatment of detainees, often held in illegally

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prolonged *garde à vue* detention, continue to be practised in the Ministry of the Interior and in police stations and detention centres around the country.⁶ Hundreds of individuals continue to serve sentences imposed in trials which were a travesty of justice and which violated their fundamental right to a fair trial. As the human rights violations continue, and the pressure on those who denounce them increases, fewer and fewer individuals, whether the victims themselves, or their families and lawyers, are ready to take the risk of denouncing these violations for fear of the consequences.

Over the past four years Amnesty International has continued to urge the Tunisian authorities to take the necessary measures to put an end to the practice of torture and imprisonment of prisoners of conscience. The organization has made detailed recommendations to the Tunisian Government including concerning the concrete steps to be taken to ensure that cases of torture and deaths in custody are promptly, impartially and independently investigated. Amnesty International has also continued to urge the authorities to release immediately and unconditionally all prisoners of conscience and to release political prisoners convicted in unfair trials, unless they are to be retried in full accordance with international standards for fair trial.

⁶Although the Tunisian Government states in its fourth periodic report to the Human Rights Committee (dated March 1993) that more than 100 police officers have been brought to justice for "offences constituting an abuse of authority", that other cases are pending before the courts, and that more than 20 law-enforcement officers have been dismissed by the Ministry of the Interior "on grounds of violence and abuse of authority", Amnesty International has to date been unable to obtain details of any investigation carried out into cases of torture and ill-treatment of detainees in the Ministry of the Interior and in police stations. Amnesty International October 1994AI Index: MDE 30/22/94