

EXTERNAL

AI Index: MDE 30/22/95

19 October 1995

Further information (3) on EXTRA 12/95 (MDE 30/03/95, 6 February 1995) - and follow-ups MDE 30/06/95, 23 February, and MDE 30/12/95, 9 May - Fear of Unfair Trial/Prisoner of Conscience and new concerns: Incommunicado Detention/Fear of Ill-treatment

TUNISIA Mohamed KILANI

Mohamed Kilani, a leading figure of the unauthorized *Parti Communiste des Ouvriers Tunisiens*, PCOT (Tunisian Workers' Communist Party) arrested last January and currently serving a seven-year prison sentence, is being held incommunicado without access to his family and lawyers. He was due to appear in court on 9 October, and again on 17 October, but the authorities failed to bring him to court on both occasions without providing any explanations. Neither his family nor his lawyers have been able to visit him or to obtain any information on his whereabouts since 5 October, when he was detained in el-Houareb Prison. On 13 October, the prison authorities did not allow his wife to visit him, saying that he was being "punished".

On numerous occasions in the past few years, prisoners who were "punished" were beaten and ill-treated and were denied access to their families and lawyers. Such reports of ill-treatment and beatings have increased in the past year. Amnesty International is concerned that Mohamed Kilani may be at risk of ill-treatment while he is held incommunicado without access to his family and lawyers.

Mohamed Kilani was sentenced to two years' imprisonment on 22 February 1995 in Gabès on charges of supporting an unauthorized association (the PCOT) and holding unauthorized meetings. He was also sentenced on 27 April 1995 in a separate trial in Tunis to five years' imprisonment on charges of supporting a "terrorist organization" for allegedly possessing a leaflet produced by an unauthorized Islamist group in 1991. His defence lawyers withdrew from the trial in protest at the refusal of the authorities to provide them with copies of the incriminating leaflet, and to date they have still not been able to obtain a copy of the leaflet from the court. The appeal hearing was due to take place on 9 October but he was not brought to court. On 17 October he was due to be tried in el-Kef in a third case for which he had been sentenced *in absentia* in January 1993 to 10 months' imprisonment on charges of supporting an unauthorized organization (the PCOT). Amnesty International considers Mohamed Kilani to be a prisoner of conscience and calls for him immediate and unconditional release.

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 incommunicado detention of Mohamed Kilani, and asking that his family and lawyers be immediately informed of his place of detention and allowed access to him;
- stressing that Article 70 of the *Code de Procédure Pénale*, (Code of Penal Procedure) guarantees detainees' access to their defence lawyers at all times;
- seeking assurances that he is being treated humanely and asking for information about his state of health and place of detention;
- stressing that he is a prisoner of conscience and asking that he be immediately and unconditionally released.

APPEALS TO:

1) Minister of the Interior

M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av Habib Bourguiba
Tunis, Tunisie

Faxes: +216 1 340 888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Intérieur, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

2) Minister of Justice

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

Faxes: +216 1 573 756

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

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

Salutation: Monsieur le Ministre / Your Excellency

COPIES OF YOUR APPEALS TO:

Me Taoufik Bouderbala, Président
Ligue Tunisienne des Droits de l'Homme
21 Rue Imam el Bakri
1002 TUNIS Belvedere
Tunisia

Faxes: +216 1 801 599

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 16 November 1995.