

UA 247/96

Health concern / Prisoner of conscience

25 October 1996

TUNISIA Mohamed Hedi Jouini, carpenter, aged 36

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Amnesty International is concerned about the deteriorating state of health of Mohamed Hedi Jouini, a prisoner of conscience who has been on unlimited hunger strike since about 24 September 1996. Mohamed Hedi Jouini is one of four brothers currently imprisoned as prisoners of conscience (for further information see *Tunisia: Repression Thrives on Impunity*, AI Index MDE 30/19/96, p17).

Since 1991 Mohamed Hedi Jouini has been repeatedly convicted and imprisoned for the peaceful exercise of his rights to freedom of expression and association.

He was first tried in October 1991 and sentenced to two years and three months' imprisonment for membership of an unauthorized organization (the unauthorized Islamist party *al-Nahda*) and participation in unauthorized meetings. He reportedly stated in court that he had been ill-treated during *garde à vue* (incommunicado) detention and forced to sign a *procès verbal* (police statement) acknowledging his guilt. On appeal his sentence was increased to three years and three months' imprisonment. Whilst in prison he was tried *in absentia* in 1992 on similar charges and sentenced to one year and one month's imprisonment.

In 1993, whilst still in prison, he was tried *in absentia* in a trial of a group of *al-Nahda* supporters, on the same charges of membership of an unauthorized organization and participation in unauthorized meetings, and sentenced to one year and three months' imprisonment.

He was released on 5 March 1996 upon completion of his prison sentences.

On 2 January 1996, however, he had been tried *in absentia* while he was still in prison for the same acts for which he had been tried in 1993, and sentenced to three and a half years' imprisonment. As he was not informed of the 1996 trial at the time it took place, he did not appeal to the Court of Cassation, on the grounds that he had already been tried for these acts. ("Cassation" looks at the procedures and application of the law in a particular case.)

The second trial *in absentia* for the same acts would appear to violate Article 14 (7) of the International Covenant on Civil and Political Rights, which prohibits retrial of a person who has been finally acquitted or convicted for the same acts.

He was therefore rearrested on 10 June 1996. Since his arrest he has been detained in the prison of El Kef in harsh conditions, and has reportedly been ill-treated. He began his hunger strike on 24 September 1996, but his family was only informed of his hunger strike after 20 days.

As of 22 October 1996, he had reportedly not been allowed to see a doctor and had not received any medical help. He suffers from asthma.

Amnesty International considers Mohamed Hedi Jouini a prisoner of conscience, imprisoned solely for his conscientiously-held beliefs, and calls for his immediate and unconditional release. Pending his release he should be allowed to see a doctor and be given adequate medical treatment.

**BACKGROUND INFORMATION**

Thousands of members, supporters and suspected sympathizers of the unauthorized Islamist *al-Nahda* party have been imprisoned since 1990. Many of those imprisoned for political activities on behalf of *al-Nahda* may not even be members of *al-Nahda* though most are present or past sympathizers; they include secondary school students, teachers, professionals, workers, and, more recently, an increasing number of women.

Those arrested have been routinely held in prolonged *garde à vue* detention, without access to their families, lawyers or doctors; many were tortured and ill-treated. Several died in custody, and there is evidence that some died as a result of torture. Most of those imprisoned on charges of belonging to *al-Nahda* have been sentenced to prison terms without any evidence to substantiate the charges. Many of those released upon expiry of their sentence have since been rearrested and retried on the same charges, or have had to report to the local police stations daily or weekly (*contrôle administratif*).

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

- expressing deep concern at the deteriorating health of Mohamed Hedi Jouini, who has been on unlimited hunger strike since 24 September 1996;
- expressing concern about allegations that he has been repeatedly ill-treated and tortured since his arrest in 1991, and urging that a full, independent and impartial investigation be carried out into the allegations, that the findings be made public, and that anyone found responsible be brought to justice;
- urging the authorities to provide all necessary medical care to Mohamed Hedi Jouini;
- calling for the immediate and unconditional release of Mohamed Hedi Jouini as he has been imprisoned as a prisoner of conscience.

**APPEALS TO:**1) Minister of Justice

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

**Fax: +216 1 568 106****Telex: 13000 maet tn (via Ministère de l'Intérieur)****Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie****Salutation: Monsieur le Ministre / Your Excellency**2) Minister of the Interior

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

**Fax: +216 1 340888****Telex: 13662 sdap tn****Telegrams: Minister de l'Intérieur, Tunis, Tunisie****Salutation: Monsieur le Ministre / Your Excellency**

**COPIES TO:**

Tunisian Human Rights League  
Me Taoufik Bouderbala, Président  
*Ligue Tunisienne des Droits de l'Homme (LTDH)*  
21 Rue Imam el Bakri  
1002 Tunis Belvedere  
Tunisia  
**Fax: +216 1 336 338**

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 6 December 1996.