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Tunisia: the trial of Zouheir Yahiaoui, the right to freedom of expression on trial again

On the eve of the second hearing of Zouheir Yahiaoui's trial, Amnesty International is again drawing attention to the continuation of grave violations to the right of freedom of expression in Tunisia.

"Since July 2001, the authorities have attempted to silence judge Mokhtar Yahiaoui who had used his right to freedom of expression to call for the principle of the independence of the judiciary to be respected", the organization said. "The authorities now have a new target, Zouheir Yahiaoui, a website operator and Mokhtar Yahiaoui's nephew".

"We fear that Zouheir Yahiaoui could be another example of someone unjustly imprisoned solely because of the peaceful exercise of his right to freedom of expression", Amnesty International added, reiterating its grave concerns about the administration of justice in Tunisia.

Zouheir Yahiaoui, aged 34 and an operator of the website TUNeZINE, was arrested on 4 June 2002 in Tunis and is due to appear on Thursday 20 June before the Tribunal of First Instance in Tunis. On 13 June, during the first hearing, the defence requested and were granted a postponement of the trial. However, Akram Menakbi, president of the 4th Correctional Court, refused to provisionally release the defendant. Zouheir Yahiaoui is currently being held in the 9 avril prison in Tunis.

Zouheir Yahiaoui is the nephew of judge Mokhtar Yahiaoui, who was dismissed from his position after having written an open letter to President Ben Ali on 6 July 2001, calling for the constitutional principle of the independence of the judiciary to be respected. The TUNeZINE website, based in France, is an online information site and a forum where views on the political situation in Tunisia are exchanged. The site was one of the first to publish judge Mokhtar Yahiaoui's open letter.

Amnesty International reminds the Tunisian authorities of their obligations to guarantee the right to freedom of expression as stated in, among others, the International Convention of Civil and Political Rights, which was signed and ratified by Tunisia. Article 19 states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Background

According to information gathered by Amnesty International, Zouheir Yahiaoui was working in an Internet café on the outskirts of Tunis when six police officers arrested him around 7pm on 4 June. They confiscated computer equipment and searched Zouheir Yahiaoui's home

without a warrant before confiscating more equipment. According to information provided by the defendant to his lawyers, Zouheir Yahiaoui was ill-treated during the first two days of his detention in the Ministry of the Interior. His lawyers were not allowed to visit him in 9 avril prison until 11 June, a whole week after his arrest.

Since July 2001, Zouheir Yahiaoui's uncle, Mokhtar Yahiaoui, has been subjected to harassment and intimidation. In December he was dismissed from his position as a magistrate. On several occasions he has been prevented from leaving Tunisian territory and even from travelling within Tunisia itself. The Centre tunisien pour l'indépendance de la justice (Tunisian Centre for the Independence of the Judiciary), of which he has been president since the end of 2001, remains unauthorized, and several active members of the association have also been subjected to harassment and intimidation. Most recently, during the night of 16/17 June 2002, the offices of the lawyers Saida Akremi and Noureddine Bhiri, a member of the association, were vandalized. An official complaint is currently being lodged.

On Friday 14 June, while she was leaving school, Amira Yahiaoui, the 17-year-old daughter of judge Yahiaoui, was attacked by a stranger who beat her on her legs with a truncheon before escaping. A complaint, along with a medical certificate, was lodged the following day, Saturday 15 June, with the Procureur de la République (Public Prosecutor).

Public Document

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