

EXTERNAL (for general distribution)

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Further information on UA 69/94 (MDE 30/06/94, 22 February 1994) - and follow-ups (MDE 30/07/94, 1 March, MDE 30/09/94, 11 March, MDE 30/10/94, 18 March and MDE 30/12/94, 8 April) - Health Concern/Torture and Prisoner of Conscience and new concern: Cruel Degrading Treatment/Legal Concern

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

Amnesty International is concerned that Hamma Hammami, a prisoner of conscience imprisoned since his arrest on 14 February 1994, was subjected to cruel and degrading treatment and was denied access to his lawyers during his hunger-strike from 1 to 10 May 1994.

After he began his hunger-strike in protest at his imprisonment he was transferred from Sousse prison to Messadine and then to 9 Avril Prison in Tunis.

For the entire duration of his hunger-strike he was held in solitary confinement and was denied access to his lawyers, in breach of both Tunisian law and international standards. For several days after his transfer from Sousse prison his families and lawyers were unable to establish his whereabouts.

During his time in 9 Avril Prison he was kept permanently in chains attached to one foot, was denied access to toilet facilities and had to urinate in a bottle, and was refused sugar to take with his water (the usual form of nutrition taken by hunger-strikers).

The appeal hearings for both of Hamma Hammami's trials have been postponed to 30 May and 20 June 1994. He was sentenced to five years and six months' imprisonment in Sousse, and to four years and one month's imprisonment in Gabes.

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

- deploring the fact that Hamma Hammami was kept in chains and denied proper access to toilet facilities, stating that this practice breaches international standards such as the United Nations' Standard Minimum Rules for the Treatment of Prisoners (UN Standard Minimum Rules), which state in Rule 33 that "...chains or irons shall not be used as restraints", and in Rule 12 that every prisoner should be enabled "...to comply with the needs of nature when necessary and in a clean and decent manner";

- deploring the cruel and degrading conditions to which he was subjected, stating that these breach the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party and which states in Article 7 that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";

- deploring that he was denied access to his lawyers, in violation of Article 70 of the Tunisian *Code de Procedure Penale* provides that under no circumstances should lawyers be denied access to their clients until final judgment has been passed;

- urging the Tunisian authorities to ensure that such violations of both International standards and Tunisian law are not repeated;

- insisting that Hama Hammami be immediately and unconditionally released, stating that he is a prisoner of conscience detained solely for peacefully exercising his internationally recognized right to freedom of expression and association.

APPEALS TO:

Salutations for all: Votre Excellence / Your Excellency

1) President

M. Zine El Abidine Ben Ali
Président de la République
Palais Présidentiel
Tunis/Carthage, Tunisie

Faxes: +216 1 744 721

Telexes: 14900 prpsa tn 12163 ppsd tn

Telegrams: Président Ben Ali, Tunis, Tunisie

2) Minister of Justice

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

Faxes: +216 1 568 106 or +216 1 567 070

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

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

3) Minister of the Interior

M. Abdallah Kallel
Ministre de l'Intérieur
Ministère de l'Intérieur
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Tunis, Tunisie

Faxes: +216 1 340 888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Intérieur Kallel, Tunis, Tunisie

4) Minister of Foreign Affairs

M. Habib Ben Yahia
Ministre des Affaires étrangères
Ministère des Affaires étrangères
Place du Gouvernement
La Kasbah
Tunis, Tunisie

Faxes: +216 1 791005

Telexes: 14470 mafta tn, 14471 mafta tn, 14472 mafta tn

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

Palais Présidentiel

Tunis/Carthage, Tunisie

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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 June 1994.