

APPEAL CASE - TUNISIA

Imprisonment of Abderraouf CHAMMARI: Another blow at freedom of expression

"Mehdi Mlika¹ is corrupt and anyway the whole family is corrupt", for this sentence which he denies having said in a private meeting at work, Abderraouf Chammari was dismissed from his job and sentenced to one-year imprisonment.

AN EXAMPLE OF ARBITRARY JUSTICE

On 2 July 1999, Abderraouf Chammari, a well-known engineer, was dismissed from his job as Director of the tourism development project "*Hammamet Sud*". On 5 July 1999, he was arrested at his home by members of the security forces who searched his home and took him to the Ministry of the Interior where he was held incommunicado and interrogated. On 7 July 1999, he was brought before the public prosecutor, who charged him with defaming the authorities and spreading false information aimed at disturbing public order. The charges rest on accusations that Abderraouf Chammari alleged during a private meeting at work that former environment minister Mehdi Mlika, who is a nephew of President Ben Ali, is corrupt and that the whole family is corrupt. Abderraouf Chammari denied having made such comments.

On 29 July, Abderraouf Chammari was tried before the court of first instance in Tunis and was sentenced to one year's imprisonment on the above charges. The trial was grossly unfair in many respects: The case against Abderraouf Chammari was brought by the public prosecution, without any complaint having been lodged by the plaintiff himself, former minister Mehdi Mlika, whom Abderraouf Chammari is accused of having insulted. According to the prosecution, he said that Mehdi Mlika was corrupt in the course of a private meeting at work in the presence of

11 colleagues. The prosecution based its accusation on testimonies from three of those present at the meeting, but refused to call these witnesses to court for them to be cross-examined by the defence lawyers. The court also refused the request by the defence lawyers to call as witnesses the eight other people who were present at the meeting. Another "piece of evidence" used by the prosecution to "prove" Abderraouf Chammari's allegation of corruption against former Minister Mlika was a joke he told colleagues about a minister who built himself a house using public funds earmarked for a motorway. Abderraouf Chammari admits having told the joke but stresses that the joke was told in the abstract, without mentioning which country or minister it was about. According to the prosecution, the fact that he told such joke further supports the claim that he held views critical of the authorities.

Furthermore, Abderraouf Chammari was charged under the Press Code although he is accused of having made a statement in a private - not public - meeting. The one-year prison sentence against Abderraouf Chammari was confirmed by the appeal court on 10 August 1999.

Amnesty International considers Abderraouf Chammari a prisoner of conscience and calls for his immediate and unconditional release.

FACTORS BEHIND THIS TRIAL

Several factors may have been at the origin of Abderraouf Chammari's imprisonment. In recent months he had found himself at odds with certain officials as he criticized the fact that political considerations were reportedly used to influence the sale of flats in the development project he managed and which were to be sold on the open market.

¹ the nephew of Tunisian President Zine al-Abidine Ben Ali and the former Minister of the Environment who was dismissed after allegations of corruption.

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Abderraouf Chammari is also the brother of Khemais Chammari, an exiled human rights defender, government critic and former prisoner of conscience. Khemais Chammari is one of the founding members of the *Ligue tunisienne des droits de l'homme*, (LTDH), Tunisian League for Human Rights. He was a member of Parliament and the Vice-President of the main legal opposition party the *Mouvement des démocrates socialistes*, (MDS), Mouvement of Socialist Democrats. In July 1996, he was arrested and sentenced to five years' imprisonment on charges of having provided to a foreign lawyer documents relating to the case of the president of the MDS, who was at the time detained as a prisoner of conscience for having publicly criticized the increased restrictions on public and political freedom in Tunisia. Khemais Chammari was eventually released in December 1996 after strong international pressure and now lives outside Tunisia and continues to speak out on the human rights situation in Tunisia. In recent years and months Khemais Chammari's wife, lawyer and women's rights activist Alya Cherif-Chammari, and other members of his family have been subjected to harassment and surveillance from the Tunisian police. This is not the first time the Tunisian authorities have imprisoned relatives of human rights defenders and government critics. For instance, the Tunisian authorities have repeatedly targeted and have imprisoned three times Mohamed Ali Bedoui, brother of Moncef Marzouki, the former President of the LTDH.

WHO IS ABDERRAOUF CHAMMARI?

Abderraouf Chammari is 55 years' old, married with four children. He suffers from diabetes and a weak heart, and it is feared that the harsh conditions in prison will cause his health to deteriorate further. Abderraouf Chammari graduated from the French "*Ecole Centrale*", a leading college specialized in civil engineering, in 1971. He worked for most of his career at the Ministry of civil engineering in a senior position. Since 1992, he has been seconded from the Ministry to manage the "*Hammamet Sud*" marina project. In the public sphere, Abderraouf Chammari has also been Deputy President of the *Municipalité de Tunis*, Tunis municipal council, for the ruling party between 1985 and 1995. According to his

relatives, he was not interested in the political colour of the council but rather in taking forward the urban development of the capital.

He is not known to be a political activist and was reportedly not perceived as an opponent to the Tunisian authorities.

BACKGROUND: HUMAN RIGHTS AND FREEDOM OF EXPRESSION IN TUNISIA

Since 1990, the Tunisian authorities have increasingly repressed known or suspected members and sympathizers of political opposition groups (be they Islamists or left-wing), government critics, and their relatives. Thousands have been detained and tortured and several have died as a result of torture. There are up to 2000 political prisoners in Tunisia. The circle of repression has continued to widen and in recent years human rights defenders who have spoken out against the deterioration of the human rights situation in the country have themselves been targeted. The Tunisian press has been muzzled, and foreign newspapers and publications which are remotely critical of the Tunisian regime are banned in the country.

WHAT THE PUBLIC CAN DO:

The Tunisian authorities spare no efforts to portray Tunisia as a country where human rights and freedom of expression and association is respected. International campaigns on behalf of victims of human rights violations in Tunisia have contributed to the release of many human rights defenders and prisoners of conscience.

Members of the public can write to President Zine al-Abidine Ben Ali:

- expressing concern at the imprisonment of Abderraouf Chammari, a prisoner of conscience sentenced after an unfair trial, and calling for his immediate and unconditional release.

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