

WRITTEN QUESTION P-2951/05
by Emma Bonino (ALDE)
to the Commission

Subject: Human rights in Tunisia - the case of Mohammed Abbou

In August 2004, Mohammed Abbou, a lawyer at the Tunis Bar, member of the International Association for the Support of Political Prisoners and member of the National Council for Freedom in Tunisia, wrote an article on the 'Tunisnews' website comparing conditions in Tunisian prisons with those in the Abu Ghraib prison in Iraq. He also criticised the invitation issued by the Tunisian President, Mr Ben Ali, to the Israeli Prime Minister, Ariel Sharon, to the World Summit on the Information Society to be held in November 2005. Mr Abbou was arrested and imprisoned on 1 March 2005. He was charged with 'publishing reports to disturb the public order', 'insulting the judiciary' and 'inciting people to break the law'. On 28 April the Tunis Court of First Instance sentenced Mr Abbou to three years and six months imprisonment, also for a second case, which emerged a week before the trial, in relation to a report of assault, made by a female lawyer in July 2002. The Tunis Court of Appeal confirmed the judgment on 10 June 2005.

This sentence is the result of a judicial procedure tainted by constant irregularities: penalisation for the expression of an opinion; arrest without summons or warrant; huge difficulties in visiting Mr Abbou, as well as physical violence against his family and lawyers; the inclusion of a second case in the trial a mere week before the judgment and without informing defence lawyers; failing to publicise the debates, because even the observers appointed by the Commission have been forbidden access; failing to allow witnesses for the prosecution or the defence to be questioned; banning Mr Abbou from expressing himself fully during hearings; infringement of the most elementary rights of defence; absence of a fair trial, due to the non-existence of the principle of separation of powers, etc.

Does the Commission intend to take any specific measures against the Tunisian regime on the basis of Article 2 of the EU-Tunisia Association Agreement, whereby '(...) all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles (...) and constitute an essential element of the Agreement'?

If not, does the Commission consider Article 2 (and, accordingly, the 'democratic clause') to have become obsolete?