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AMERICAN BAR ASSOCIATION

October 10, 1994

His Excellency Zine El Abidine Ben Ali  
President of the Republic of Tunisia  
Palais Presidential  
Carthage/Tunis, Tunisia

Dear President Ben Ali:

Our Association and its more than 380,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from governmental interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that resolution, I am writing to you to express our deep concern regarding the detention of attorney Mohammed Nejib Hosni. Maitre Hosni, a lawyer in private practice in Kef, has handled many human rights and political cases, representing leftists, Arab nationalists, members of the Islamic opposition, trade unionists, and human rights monitors.

According to press and other reports that we have received, on June 15, 1994, Maitre Hosni was arrested and charged with falsifying a contract. He is being held in prison in Kef. We have also learned from reliable sources that it appears that the charges against Maitre Hosni were filed for the purpose of punishing him for his activities in defense of human rights and his vigorous representation of dissidents. We have been informed that, in the last two years, Maitre Hosni has been subjected to a pattern of official harassment, including police surveillance, interrogation of his clients and staff, and temporary confiscation of his passport.

These facts, if our information is correct, reflect serious violations of the rule of law in Tunisia. The independence of judges and lawyers is fundamental in maintaining the international norms of equal justice and due process enumerated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments to which Tunisia is a party. We point out that the detention of Maitre Hosni violates Articles 9 and 19

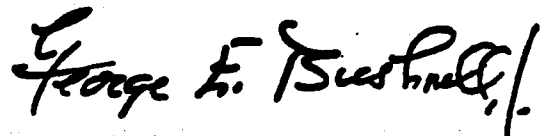
of the International Covenant on Civil and Political Rights which guarantee freedom from arbitrary arrest and freedom of expression, respectively. The charges against Maitre Hosni will undoubtedly have a chilling effect on the representation of human rights victims and individuals accused of political offenses in Tunisia.

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are responsibilities of any government, and are mindful of the dangers posed by religious extremists in the Maghreb. Nevertheless, these concerns cannot justify jailing a lawyer on account of his representation of dissidents.

We respectfully urge that your Government seek the dismissal of the case against Maitre Hosni.

Thank you for your consideration of these important matters. We look forward to your response.

Sincerely,



George E. Bushnell  
President  
American Bar Association

cc: The Honorable Warren Christopher  
His Excellency Ambassador Ismail Khelil  
His Excellency Minister Abdallah Kallel  
Ordre National des Avocats de Tunisie