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ETUNISIA

@Tourkia Hamadi - Prisoner of Conscience

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Tourkia Hamadi, a 29-year-old mother of two girls aged three and six, was arrested on 10 July 1995 and is now serving a six-month prison sentence. She was tried on 5 May 1995 by the court of first instance on charges of supporting the illegal Islamist party *al-Nahda* and of assisting her husband to flee Tunisia. Her sentence was confirmed by the appeal court on 10 July and she was imprisoned immediately after the trial. Amnesty International considers Tourkia Hamadi to be a prisoner of conscience, who has not used or advocated violence and who is detained for her conscientiously held beliefs, and is calling for her immediate and unconditional release.

Her husband, an alleged sympathiser of *al-Nahda*, went into hiding in 1991 at the time of mass arrests of *al-Nahda* supporters and fled Tunisia in 1992 to seek political asylum in France. Since 1992, and especially from October 1994, Tourkia Hamadi was often arrested and reportedly questioned about her husband's whereabouts and activities. She is

detained in Tunis Prison, in the north of Tunisia, a long distance away from her family

who live in Gabes, in the south of the country.

Tourkia Hamadi's husband, Fadel Beda, was also tried, *in absentia*, in the same trial and was sentenced to three years' imprisonment on similar charges.

Nine other people were convicted on similar charges in the same trial. Three of them, Omar, Ali and Hassan Dakhil, all of them asylum-seekers in France, were tried *in absentia* and sentenced to three years' imprisonment.

The other six, who were arrested in October 1994, include Mohamed el-Idi el-Gasri, Tourkia Hamadi's brother in law, and Ahmed Dakhil, brother of Omar, Ali and Hassan Dakhil. They received prison sentences of three and four years. Another of Tourkia Hamadi's brothers in law, Abdelkader Beda, was released in July 1994 after serving a two-year sentence on charges of belonging to an unauthorized association (*al-Nahda*). He was also given five years' administrative control and he has to sign every day, and often twice a day, at two different police stations in the Qbilli area where he lives.

Cases like that of Tourkia Hamadi have become increasingly common in Tunisia over the past few years. Just in the last few months dozens of women are reported to have been arrested and accused of belonging to an unauthorized association (*al-Nahda*), participating in unauthorized meetings and giving financial help to the families of detained Islamists. Some of those arrested were subsequently released without charge, while others were imprisoned. They include Aicha Dhaouadi, a secondary school teacher mother of a four-year-old girl from Bizerte, whose husband fled Tunisia in 1992¹. She was arrested on 19 May and is currently serving a nine-month sentence for supporting an illegal political party and collecting donations.

Tourkia Hamadi and Aicha Dhaouadi, like other women whose husband have fled Tunisia, had their passport confiscated and were unable to leave the country with their children to join their husbands abroad.

BACKGROUND

Over the past three years scores of women have been imprisoned for their alleged support of unauthorized political opposition parties, and hundreds have reported being detained for questioning, threatened with prosecution and intimidated. Most of them have been accused of supporting *al-Nahda*, but other women suspected of supporting the unauthorized *Parti*

¹ See Amnesty International report, *Tunisia: Aicha Dhaouadi - Prisoner of Conscience; June 1995*, AI Index: MDE 30/15/95

Communiste des Ouvriers Tunisien (Tunisian Workers' Communist Party), PCOT, have also been detained and harassed.

Many of the women who have been imprisoned or detained are wives or relatives of Islamist opponents in exile or in prison who are themselves suspected of sympathizing with the Islamist movement. Scores of these women have reported being ill-treated, sexually abused and threatened with rape during questioning in police stations and in the Ministry of the Interior². They have reported being repeatedly arrested for questioning about the whereabouts of their husbands or relatives and their contact with them, being asked to divorce their husbands, and being threatened with prosecution or dismissal from their jobs in the public sector. Those who do not work have reported being questioned about their source of income. Women and men who are known or suspected of giving financial support, however small, to families of Islamist prisoners or exiles have been detained and imprisoned on charges of belonging to an unauthorized association, participating in unauthorized meetings and unauthorized collection of funds.

Women wearing the headscarf are perceived by the authorities as sympathizers and supporters of the banned Islamist group, and over the past year the authorities have continued to increase the pressure on these women to stop wearing the headscarf by threatening to prosecute and imprison them. Most have complied to avoid prosecution. Moreover, the wives of imprisoned Islamists cannot visit their husbands in prison if they wear the headscarf³.

The increased number of women victims of human rights violations in Tunisia falls within the pattern of a widening circle of political repression during the past five years. At the end of 1990, the authorities began a major crackdown on the Islamist opposition, which resulted in the arrest and imprisonment of thousands of known or suspected activists and supporters of *al-Nahda*. Since then the circle of repression has continued to expand and has included political opponents and government critics, both men and women, across the political spectrum, especially supporters and sympathizers of the PCOT.

Wives of Islamist opponents who have fled Tunisia have had their passports confiscated and cannot leave the country. The practice of confiscation of passports is widespread in Tunisia for political opponents and government critics across the political spectrum⁴.

² See Amnesty International report, *Tunisia: Women victims of harassment, torture and imprisonment; June 1993*, AI INDEX: MDE 30/02/93.

³ A law, known as *Circulaire 108*, issued in 1987 by the then Prime Minister Mohamed Mzali in the government of former President Habib Bourguiba, states that women working in the public sector and female students may not wear the Islamic dress. This law does not appear to have been generally enforced in the years after 1987, until the early 1990s.

⁴ Radhia Nasraoui, a well-known human rights lawyer and wife of a leading figure of the PCOT, himself currently imprisoned as a prisoner of conscience serving a sentence of eight years and seven months, had her passport confiscated in November 1994 and has been unable to get it back since.

Individuals or groups of individuals who have sought to protest at the increased curtailment of freedom of expression and association have been threatened with prosecution if they did not withdraw their statements. Despite the repeatedly stated commitment of the Tunisian authorities to respecting and promoting human rights and especially women's rights, women who have sought to criticize the authorities have not been spared threats and harassment.

A group of women who signed a petition calling for the respect of freedom of expression, which was published in foreign media outside Tunisia, were summoned by police for questioning, and were told to formally deny having signed the petition. Some of them reported having been threatened with prosecution and dismissal from their jobs. Most of the women refused, but some agreed to state that they had signed the petition on the understanding that it was not going to be used outside Tunisia or against Tunisia.

In March 1995 the Tunisian authorities prevented the Amnesty International Section in Tunisia from holding a public meeting to celebrate Women's Day, at which a lawyer from the Tunisian Association of Democratic Women had been invited to speak. In April a confidential letter sent by the Tunisian Association of Democratic Women to the Minister of Justice urging him to ensure the good and fair application of the law resulted in the woman lawyer who had signed the letter on behalf of the association being summoned by the magistrate for interrogation on several occasions and accused of defamation against the authorities; it is not known at present if she will be prosecuted, as the case does not appear to have been officially dropped.

The past eighteen months have been marked by an atmosphere of increased curtailment of freedom of expression which began before the Presidential election in March 1994, and which led to new cases of arbitrary detention and imprisonment. Unprecedented restrictions were imposed on the media, and the foreign newspapers most read in Tunisia (*Le Monde*, *Libération*, *Le Monde Diplomatique*, the *Guardian*, *al-Hayat*) were banned, some of them for over a year, after they had carried articles critical of the Tunisian Government. Foreign journalists were expelled or forbidden entry to Tunisia, and Tunisian journalists who contributed articles considered to be critical of the Tunisian Government to foreign newspapers have since been subjected to harassment, and one was dismissed. During 1994 other foreign observers, including an Amnesty International delegate and a lawyer from *Reporters Sans Frontières*, were expelled or denied access to Tunisia.

KEYWORDS: WOMEN1 / PRISONERS OF CONSCIENCE1 / BANNING / TEACHERS / PHOTOGRAPHS /

Please send appeals to the following authorities in Tunisia, calling for the immediate and unconditional release of Tourkia Hamadi:

Minister of Justice

M. Sadok Chaâbane
Ministre de la Justice

Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisie
Faxes: +216 1 568 106
Telexes: 13000 maet tn
(via Ministère de l'Intérieur)
Telegrams: Ministre de la Justice
Chaâbane, Tunis, Tunisie
Salutation: Monsieur le Ministre /
Your Excellency

Minister of Foreign Affairs
M. Habib Ben Yahia
Ministre des Affaires Etrangères
Place du Gouvernement,
Tunis, Tunisie
Faxes : +216 1 791 005
Telexes: 14470 mafta tn 14471
mafta tn 14472 mafta tn
Telegrams: Ministre des Affaires
étrangères Ben Yahia, Tunis, Tunisia

Minster of the Interior
M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av Habib Bourguiba
Tunis
Tunisie
Faxes: +216 1 340 888
Telexes: 13662 sdap tn
Telegrams: Ministre de l'Intérieur,
Tunis, Tunisie
Salutation: Monsieur le Ministre / Your
Excellency

de l'homme et des libertés fondamentales,
85 ave de la Liberté
Tunis
Tunisia
Fax +216 1 796 593 or +216 1 270 646

Me Taoufik Bouderbala, President
Ligue Tunisienne des Droits de
l'Homme, LTDH
21 Rue Imam el Bakri
1002 TUNIS Belvedere
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Fax: +216 1 801 599

COPIES OF YOUR APPEALS TO:

M.Rachid Driss
President, Comité supérieur des droits

