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TUNISIA

A WIDENING CIRCLE OF REPRESSION

INTRODUCTION AND BACKGROUND

The pattern of arrests, torture and imprisonment of opposition political activists and government critics remains entrenched and widespread. Despite the release of some well known prisoners of conscience, the human rights situation remains bleak. As the circle of repression widens, the detention and imprisonment of prisoners of conscience continues to be widely used to silence and intimidate human rights activists, trade unionists and government opponents or critics across the political spectrum, and torture continues to be used with impunity.

Human rights defenders have come under increasing attack and new measures have been taken to further curtail freedom of expression and association, restrict the activities of local and international human rights organizations and other associations, and reduce the already limited space for discussing and promoting human rights and fundamental liberties. As a result one non-governmental organization (NGO) after another has been forced into silence.

In addition to those who are being detained, tortured and ill-treated for their opinions or for the exercise of their human rights, trade union or peaceful political activities, an increasing number of people, often women and even children, are being subjected to human rights violations as a “punishment” for the political activities or opinions of their relatives.

Wives of prisoners and of exiled opponents have been targeted in particular, their freedom of conscience and association restricted and their physical and mental integrity, as well as their right to marriage and family, violated. They are often detained, interrogated, tortured and ill-treated, including sexual abuse, restricted in their movements, prevented from working, harassed, put under pressure to end all contact with their husbands and even to divorce; anyone who gives them financial assistance, however small, is prosecuted and imprisoned. Thus entire families are finding it increasingly difficult to survive.

Victims of human rights violations who have dared to lodge formal complaints have not only had their complaints ignored, but have often been subjected to further violations and intimidation.

Such practices are in violation of the solemn obligations which Tunisia voluntarily undertook when it ratified international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (Convention against Torture), and the African Charter of Human and Peoples' Rights (African Charter).

Over the past years Amnesty International has issued several reports documenting serious and widespread human rights violations in Tunisia.¹

The patterns of violations described in Amnesty International's report *Tunisia: Repression thrives on impunity*, published in November 1995, as well as in previous reports, remains unchanged. Human rights continue to be violated daily, belying official claims that human rights are respected and promoted in Tunisia.

This report focuses on the plight of the vulnerable, wives, children and relatives of prisoners and exiled opponents, and also details new cases of imprisonment and attacks on human rights defenders, trade unionists and other prisoners of conscience, and highlights new restrictions which further curtail the activities of human rights defenders and of local and international human rights organizations in Tunisia.

HUMAN RIGHTS DEFENDERS UNDER ATTACK

Several prisoners of conscience on whose behalf Amnesty International and other human rights organizations had campaigned were released at the end of 1995 and during 1996. However, for most their release was conditional and they remain subject to constant police surveillance, some were again detained, questioned and intimidated and most have had their passports confiscated.

Human rights lawyer Najib Hosni, who had been arrested in June 1994, was sentenced to eight years' imprisonment in January 1996 on trumped-up charges of falsifying a land contract. He was also accused, in a separate case, of links with a "terrorist" group, but was acquitted of these new charges in November 1996. During his imprisonment he received several international human rights awards and prizes in recognition of his courage in defending the rights of the vulnerable, and he was finally released in December 1996 after massive international pressure. However, his release was conditional and he remains barred from resuming his work as a lawyer and his passport remains confiscated. Immediately after his release he was again rearrested and interrogated about an interview he had given to foreign media, his telephone was disconnected and has never been restored, and to date he remains under strict and

¹ - *Tunisia: Prolonged incommunicado detention and Torture* (AI Index: MDE 30/04/92); March 1992

- *Tunisia: Heavy Sentences After Unfair Trials* (AI Index: MDE 30/23/92); October 1992

- *Tunisia: Women victims of harassment, torture and imprisonment* (AI Index: MDE 30/02/93); June 1993

- *Tunisia, Rhetoric versus reality: the failure of a human rights bureaucracy* (AI Index: 30/01/94); January 1994

- *Tunisia: Repression thrives on impunity* (AI Index: MDE 30/19/95); November 1995

constant surveillance, unable to receive any mail or telephone calls. No investigation was ever carried out into the torture he had been subjected to during his interrogation in the Ministry of the Interior at the end of 1995. Najib Hosni had often been subjected to harassment and surveillance for some time prior to his imprisonment.

Khemais Chammari, member of parliament for the opposition party *Mouvement des démocrates socialistes* (Mouvement of Socialist Democrats), MDS, and former Secretary General of the *Ligue tunisienne des droits de l'homme* (Tunisian Human Rights League), LTDH, who had been arrested in April 1996 and sentenced to five years' imprisonment, was also released conditionally in December 1996. The conditions of his release included a ban on any form of political activity, and after his release he was kept under constant police surveillance and his passport was confiscated.² His wife, a lawyer and women's rights activist, was subjected to constant police surveillance and harassment during his imprisonment and after his release, and her passport was also confiscated for a time.

Tunisian nationals who are staff or members of Amnesty International are not involved in the work on the human rights situation in their own country, by virtue of the organization's own statute; yet they too have been continuously harassed and intimidated.

Kamal Sammari, a Tunisian member of staff of the International Secretariat of Amnesty International was arrested in August 1996 upon his arrival in Tunisia, where he had planned to spend the summer holiday with his family. He was held in secret detention for one week in the national security building within the Ministry of the Interior, where he was questioned about his work for the organization; he was then released without charge and without explanation. During the entire duration of his detention his wife and children were unable to obtain any information on his place of detention and reasons for his arrest, and were under constant surveillance.

Hechmi Jegham, president of the Tunisian Section of Amnesty International and a well-known lawyer, was arrested on two occasions in March 1997 and detained for several hours. He was questioned about an international lawyers' conference to which he had been invited and which was due to take place in Tunisia and was subsequently banned.

Members of the Tunisian Section of Amnesty International have often been harassed and intimidated. They were asked by police for copies of the Section's correspondence and others put under pressure to leave the organization. Their meetings and other activities have often been banned or disrupted by police. Their mail continues

² He obtained his passport and was able to leave the country in April 1997.

to be intercepted and their telephone and fax were disconnected on several occasions. The section office has been broken into and an individual caught stealing mail from the mail box was never prosecuted.

In October 1996 Salah Zeghidi, vice-president of the LTDH, was arrested and held overnight upon his return to Tunisia from France, where he had participated with other human rights organizations in a public meeting on the human rights situation in Tunisia. He was questioned about a statement on the situation in Tunisia which he had made during the public meeting in Paris, and about his contacts and relations with representatives of other NGOs present at the meeting. He was released without charge.

Other human rights defenders have continued to be subjected to surveillance and harassment and to have their movements restricted. The former president of the LTDH,

Dr. Moncef Marzouki, who had been detained for four months in 1994, continues to be prevented from leaving the country. In October 1996 he was prevented from participating in an Amnesty International conference on torture held in Stockholm. Human rights experts and activists from more than 50 countries attended the conference, and Dr. Marzouki was the only one who could not attend because of restrictions imposed by his own government.

Human rights lawyer Radhia Nasraoui has a long history of harassment and intimidation. At the end of April 1997 her office was raided during the night; the door was broken down, the computer and telephones stolen and the files of her own and her colleagues' clients were scattered all over the floor. The incident followed a period of renewed harassment; several victims of human rights violations on whose behalf she is acting have been questioned by police about how they came to be in contact with her and where they obtained the money to pay her fees. Her office was raided on a previous occasion when her fax machine and the photograph of her imprisoned husband, a prisoner of conscience were stolen. In the past few years, when her husband was in hiding and later imprisoned, security forces often came to her home, including at night, her small daughter was interrogated by police in her absence and other members of her family were also questioned and harassed by the police.³

Notwithstanding the increased targetting of human rights defenders there remains a body of activism, and men of women continue to stand up for their rights and for the rights of other victims with courage in spite of the repression

Increased restrictions on public liberties

³ See *Tunisia: Repression thrives on impunity* (AI Index: MDE 30/19/95 of November 1995, footnote 12 on page 6 and also page 13 (for details of the case of Radhia Nasraoui's husband, Hama Hammami).

New measures have been taken which are aimed at further controlling and restricting public liberties and human rights activities. The LTDH, and other NGOs have often been prevented from carrying out their activities, including those entirely unrelated to the human rights situation in the country, such as the promotion of human rights or the celebration of International Women's Day. A seminar on *garde à vue* (incommunicado) detention organized by the LTDH in November 1996 was banned, and a meeting organized in January 1997 by the *Collectif 95 Maghreb Egalité*, a Maghreb women's rights group, set up to examine ways of enhancing women's rights after the UN World Conference on Women, was also prevented from taking place. Other conferences or meetings were prevented from taking place either because directly banned or because of government pressure on the hotels where the events were scheduled to take place. As a result of such pressures by the government one NGO after the other has been silenced, and the media refrains from publishing or commenting on any information issued by Tunisian or international organizations on the human rights situation in the country.

Other restrictions on human rights activities include the ban on an Amnesty International researcher, who has been denied access to the country since 1994, and on researchers from other organizations, including *Reporters Sans Frontières* (RSF). In May 1996 the President of the *Fédération Internationale des Droits de l'Homme* (International Federation for Human Rights), FIDH, was expelled upon arrival in Tunisia. The Secretary General of Amnesty International was under constant surveillance during his visit to Tunisia in June 1996, and was denied permission to visit some prisoners of conscience. Representatives of other international human rights organizations, including Human Rights Watch and the Lawyers Committee for Human Rights, were under constant surveillance during their visits to the country in 1996 and in previous years.⁴

Foreign journalists have also been followed or prevented from meeting with victims of human rights violations. At the beginning of 1997 several journalists were prevented from visiting former prisoner of conscience Mohamed Mouadda, leader of the MDS who had been arrested in October 1996, sentenced to 11 years' imprisonment in February 1996 and conditionally released in December 1996. In February 1997 a BBC journalist was prevented from visiting former prisoner of conscience Moncef Ben Salem, a professor of mathematics who was released from prison in 1993 and who remains under strict surveillance and is prevented from working. His wife and children are also under constant police surveillance.

⁴ In September 1996 Amnesty International, the FIDH, Human Rights Watch, the Lawyers Committee for Human Rights and RSF signed an open letter to President Zine El Abidine Ben Ali expressing concern at the deterioration of the human rights situation in the country.

Such surveillance is clearly aimed at deterring those who wish to meet human rights activists and victims of human rights violations, as well as giving a clear signal to the victims themselves, who are well aware such contacts are likely to lead to further harassment and intimidation.

In January 1997 a circular was issued by the Ministry of Higher Education requiring that anyone organizing a meeting or conference in Tunisia must submit in advance to the Ministry of the Interior the list of participants, a copy of the agenda and details of the date, time and place of the meeting. In addition, the organizers must submit in advance the text of any speeches or conference papers for legal registration (*dépôt légal*).

A circular issued by the Ministry of Tourism in March 1997 requires hotel managers to inform the police of any meeting, seminar, conference, wedding or other function to be held in their hotel; it instructs them to communicate to the police details including the name of the organizer, and number and nationality of the participants to the meeting, and it specifies that police authorization is necessary in all cases. The last-minute cancellation of previously hired hotel halls, on the pretext of sudden repairs or unavailability, has often been used as a means of banning human rights conferences or meetings. This new circular formalizes the previously unwritten but nonetheless well-known rule according to which police authorization is necessary for any meetings for any purpose.

These recent measures are part of a deliberate policy to increasingly restrict freedom of association and expression, and further reduce the space for raising issues relating to human rights and fundamental liberties.

DETENTION, TORTURE AND ILL-TREATMENT OF PRISONERS OF CONSCIENCE

The pattern of detention, imprisonment, torture and ill-treatment of prisoners of conscience accused of political opposition activities continues to be widespread. Since the publication of its last report in November 1995, Amnesty International has received information about hundreds of people who have been detained or imprisoned as prisoners of conscience.

The majority of those arrested are accused of supporting the unauthorized Islamist group *al-Nahda* (Renaissance), many of whom were supporters or sympathizers

of the group in the late 1980s and early 1990s.⁵ Whereas in the past such individuals were charged with “belonging to an unauthorized association”, they are now often charged with supporting a “terrorist” organization, a charge based on the new Article 52 bis of the *Code Pénal* (Penal Code), CP, of November 1993⁶, which is classified as a crime and which incurs a heavier sentence. Thus, men and women, who have not used or advocated violence, are being tried and imprisoned today for having allegedly supported *al-Nahda* or attended meetings of *al-Nahda* supporters in the late 1980s or early 1990s.

Ahlam Garat-Ali, a mother of four, and Salwa Dimassi, were arrested in May 1996 with a group of other women and men.

They were reportedly beaten and ill-treated during the first days of incommunicado detention. The police interrogated them primarily about their meetings with other supporters of *al-Nahda* in the late 1980s and early 1990s, but they have been charged with belonging to a “terrorist” gang. They remain in prison without trial. Her husband, who was previously imprisoned, has to report to the police every week.

Abdewahab Memmiche, a Tunisian-British citizen who has been living abroad for many years but who has continued to visit his family regularly, was arrested when he

⁵ Since the major crack-down on members and supporters of *al-Nahda*, in 1991-92, the group is not known to have carried out any political activities inside the country.

⁶ The charge of “belonging to an unauthorized association” is classified as a misdemeanour and has a statute of limitation of three years; The charge of supporting a “terrorist” organization (Article 52bis of the CP) has a statute of limitation of 10 years. For further details of these laws, see pages 22 and 23 of the report *Tunisia: Repression thrives on impunity*, of November 1995.

went to Tunisia in January 1997. He was held for a day in the Ministry of the Interior where he was beaten and questioned about his possible contacts with Tunisian exiled opponents in London.

Several sympathizers of left-wing groups were also detained or imprisoned as prisoners of conscience in recent months. Among them was Moncef Zidi, a 38-year-old librarian from Nabeul and a sympathizer of the unauthorized *Parti communiste des ouvriers tunisiens* (Tunisian Workers' Communist Party), PCOT, who was arrested at the end of December 1996. He was held in secret detention in Nabeul police station for nine days, during which he was beaten and ill-treated, and was then released on bail. A week before his arrest police officers had raided and searched his brother's house and had threatened to arrest him if they could not find Moncef Zidi.

Abdel Moumen Belanes, Ali Jallouli and Bachir Abid are also accused of supporting the unauthorized *Union de la jeunesse communiste*, Union of Communist Youth, and the PCOT. They were first arrested in November 1995 and were held in secret detention and tortured by being suspended in contorted positions, having their heads plunged into buckets of water and chemicals while being suspended on a pulley, electric shocks, beatings, especially on the head and genitals, and sleep deprivation for up to seven days. They were released on bail after more than three months in detention but were again detained on several occasions. Abdel Moumen Belanes was re-arrested in March 1997 and sentenced to one year's imprisonment on charges of having insulted persons of authority; he was accused of having said, during a previous period of imprisonment, that Tunisian newspapers were full of pictures of the President and Ministers. He went on hunger strike for 26 days in March and April 1997 to protest at his detention, the lack of medical care and the poor conditions of his detention. He is currently held in Nadhor prison, where at the end of April his lawyers were refused permission to visit him.

Najoua Rezgui, a young woman suspected of supporting an illegal left-wing group, who was released from prison in March 1997 after serving a sentence of two years and four months on charges of belonging to a criminal gang, was rearrested in April 1997 and held overnight in Krib police station, where she was beaten and ill-treated.

The fact that detainees are often tortured and ill-treated in the Ministry of the Interior itself, and the systematic failure by the authorities to investigate complaints of torture and to bring to justice those responsible, indicates that such practices are tolerated

if not encouraged by the authorities at the highest level. The failure of the authorities to carry out adequate and impartial investigations into allegations of torture violates Tunisia's obligation under the Convention Against Torture, which also requires the Tunisian authorities to "take effective legislative, administrative, judicial and other measures to prevent acts of torture...".

Detention of Trade Unionists

Several trade unionists have been arrested since the beginning of the year in connection with the publication of petitions and appeals. A first public appeal was issued by leaders of the *Union générale des travailleurs tunisiens* (UGTT), Tunisian Workers' General Union, in January 1997 to protest at government interference in the management of the UGTT; an appeal was issued in March by the Higher Education and Scientific Research Branch of the UGTT to the Minister of Higher Education, protesting at the circular issued by that Ministry in January 1997 (mentioned on page 4); a petition was issued in April 1997 and signed by 202 people, among them trade unionists, human rights activists, university lecturers, teachers, medical doctors, lawyers, journalists and other professionals, condemning increasing restrictions imposed by the authorities on political and civil liberties, freedom of expression and information and trade union rights, and calling on the authorities to take concrete measures to redress the situation and to abide by international standards; another petition was issued, also in April, by trade unionists reiterating similar concerns.

Rachid Ennajar, Monji Souab, Jilani Hammami, Ahmed Berramila, Hedi Hedili, Abdelhamid Ettoumi, Ali Fitati, Kheirddine Bouslah and Abdelmajid Sahraoui, were arrested in April 1997. The first four were held in secret detention in the Ministry of the Interior and other places for up to 14 days and others were released after several hours of interrogation. They were all questioned about their known or suspected involvement in the above-mentioned appeals and petitions. Abdelmajid Sahraoui had already been previously arrested in January and February 1997 in connection with the first appeal. On each occasion he was questioned about some letters of protest which he and other trade unionists had written to the leader of the UGTT to complain about government interference in the management of the union, and about the above-mentioned petitions. The authorities not only refused to provide any information on his whereabouts to his family during his detention, but they also denied that he had ever been arrested in responses to international trade union bodies and other NGOs who had expressed concern about his detention. At the beginning of May Rachid Ennajar, Monji Souab, Jilani Hammami and Ahmed Berramila were brought before a judge and

charged with possessing and distributing leaflets, spreading false information liable to disturb public order and insulting an official institution.

THE FAMILY AS AN ARENA FOR POLITICAL REPRESSION

In recent years wives and relatives of prisoners and exiled opponents have often been detained, interrogated, and subjected to torture and ill-treatment and various forms of harassment. Such practices are aimed at “punishing” them for having remained in contact with their exiled husbands and relatives and putting pressure on them to break off such contacts.

Mothers, fathers, brothers, sisters and other relatives of prisoners and exiled Islamist opponents have often been interrogated, beaten and ill-treated by members of the security forces, both in their homes and in the State Security building in the Ministry of the Interior or in police stations. Elderly men and women have been subjected to such treatment after having visited their exiled sons abroad. Many families have told Amnesty International that during interrogation they tried to no avail to explain to the authorities that they do not share or support the political ideas of their exiled relatives and that their contact with them has been solely in the context of family relations. Other families have stated that even though they would like to remain in contact with their exiled relatives they have had to break off all contact to escape persecution by the authorities.

In a report issued in June 1993 Amnesty International described cases of wives of imprisoned and exiled opponents who had been targeted because of the beliefs imputed to them by virtue of their relationship and association with perceived government opponents. Since then, as the number of imprisoned and exiled men has continued to grow, more and more women have been targeted purely because of their marital or other family relationship.

Imprisonment as prisoners of conscience of wives and relatives of imprisoned or exiled opponents

The most widespread pattern is repeated short-term detention and interrogation, often accompanied by beatings, torture and ill-treatment, including sexual abuse. Women are also often forced to report to police, gendarmerie, and national guard stations or to the Ministry of the Interior on a regular basis - weekly, daily or even twice a day. During their interrogation they are usually questioned about their contacts with their exiled husbands and about their means of survival. The detail of the questioning indicates that

they are kept under strict surveillance; women are often interrogated about where they obtained the money to buy new clothes or school bags for their children or even to buy food for their imprisoned husbands. Anyone, including relatives, who gives them any financial help, however small, is liable to prosecution, along with them for “unauthorized collection of funds”⁷. Mere survival has thus been made increasingly difficult for many women and children. This pattern, which is in stark contradiction with the discourse of the Tunisian authorities in favour of women’s rights, illustrates to what extent family and marriage have become arenas for the Tunisian Government to further its policy in disregard for basic human rights. The degree of control imposed on freedom of conscience and association subordinates women’s rights to state policy and does not regard women as individuals in their own right.

Mahjouba Boukhris, a 35-year-old nurse and mother of three whose husband is serving a 12-year prison sentence imposed in 1992, was sentenced to seven years and three months’ imprisonment in November 1996 on charges of unauthorized collection of funds, and participating in a “terrorist” gang. The only “evidence” produced by the prosecution were the police statements, which, she later stated in court, she had been forced to sign under duress, in which she admitted having met other sympathizers of the unauthorized Islamist group *al-Nahda* and having participated in the collection of some money for families of prisoners several years before.

Latifa Drissi, a 28-year-old woman mother of a 12-year-old girl and of an eight-year-old boy, was sentenced to two years and two months’ imprisonment in July 1995 for supporting an unauthorized association and unauthorized collect of funds. Nabiha Tourjman, a 24-year-old civil servant, was given the same sentence in the same trial.

Wives of Islamist opponents are not the only targets of state repression aimed at putting pressure on their male relatives. Alia Cherif-Chammari, a lawyer and women’s rights activist, was subjected to constant surveillance, harassment and intimidation both before and after the arrest of her husband, Khemais Chammari (mentioned on page 3). Her passport was confiscated and she was prevented from leaving the country; her telephone and fax, both at her home and her office, were disconnected. Such harassment against her

⁷ See pages 18 to 22; Amnesty International report: *Tunisia, Repression thrives on impunity*, of November 1995.

continued, after her husband was conditionally released from prison at the end of 1996, until April 1997.

The above are only a few examples of a pattern of violations of international human rights treaties, as well as the deliberate misapplication of Tunisian law to imprison prisoners of conscience for having exercised their right to freedom of expression and association.

Violations against physical and mental integrity

In addition to other forms of torture and ill-treatment, several women have also been put under pressure by the police to divorce their imprisoned or exiled husbands.

The case of Samira Ben Salah is one such example. Her ordeal began after her husband, a supporter of *al-Nahda* sought by the authorities, fled the country in 1991. She was frequently arrested and interrogated and in October 1992 she was sentenced to six months' imprisonment, during which her four daughters, aged between eight years and 18 months, were left to be cared for by her relatives. After her release from prison in May 1993 she was arrested on a regular basis and was tortured and ill-treated during interrogation, often in the Ministry of the Interior itself; on several occasions she was undressed, sexually abused, threatened with rape, and told to divorce her husband. After more than two years of such torture and threats, she agreed to file for divorce, hoping that this would spare her further persecution, but as her divorce hearing approached in October 1996 she was informed by the security forces that she would have to marry a man of their choice. At that point she decided to contact a lawyer to lodge a formal complaint and withdrew her divorce procedure, and at the same time international organizations and well known personalities intervened on her behalf with the Tunisian authorities who promised to solve the problem. Her divorce procedure was annulled by the court, and by the time President Ben Ali visited Germany in November 1996 Samara Ben Salah had received assurances from the authorities that she would be allowed to leave Tunisia with her four daughters to go and join her husband exiled in Germany. She was finally able to leave Tunisia in December 1996.

However, to date hers is the only case to have ended in a positive way; other women who have lodged complaints for the ill-treatment they have been subjected to and filed requests to get back their passports have not only had no success, but have been subjected to further harassment. In recent months, several women have been interrogated about their contacts with their lawyer and were asked where they had found the money to pay for the lawyer and why they wished to have a passport.

Some women, wives of exiled Islamist political opponents, have reported being put under pressure by police to divorce their husbands. One woman told Amnesty International:

“I try to resist to such pressures by telling them (the police) that I have no contact with my husband anymore and that I do not want to have anything to do with him, but that I do not want to divorce him so as not to allow him to marry again, to punish him for having caused me so much trouble. But if they discover that I am still in contact with him it’s finished, they will put me in prison”.

Dozens of women have reported to Amnesty International that they were undressed, threatened with rape and sexually abused during interrogation in the Ministry of the Interior and in police and National Guard stations across the country. Their names and details are not included in this report so as not to further violate their right to privacy.

At least two women have reported having been asked by police to undergo gynaecological tests and having being threatened with prosecution for adultery if they were found to be pregnant. One woman, a mother of four, reported that she was taken by two National Guard officers to a gynaecologist and forced to undergo such examination. In addition to the humiliation of the forced medical examination, this caused great distress and psychological suffering to the woman, who lives in a small town

in the south of Tunisia, and who worried about what people in her community, who know that her husband left the country several years before, would think knowing that she had a pregnancy test. To date she continues to be summoned by police, cannot leave her home town without police authorization, even to go to visit her family in a nearby town, and cannot leave the country.

Wearing the *hijab* (Islamic headscarf), or even an ordinary headscarf is seen by the authorities as evidence that the women belong to or support political Islamist groups. As a result of harassment and intimidation by the security forces, especially since 1992-93, women stopped wearing the *hijab* and often wore a headscarf instead. However, in recent years increasing pressure has been put on women to stop wearing the headscarf. Women working in the public sector were threatened with dismissal if they did not stop wearing the headscarf, even though they only wore it outside the workplace, and some were dismissed. Women who were summoned for interrogation or who were arrested in the streets and taken to the Ministry of the Interior or to police stations had their headscarves removed by force.

Cases of such gross violations of human rights against women are widespread and have been repeatedly brought to the attention of the Tunisian authorities by Amnesty International and other human rights organizations. The fact that such practices continue clearly show that the Tunisian authorities, who often stress their support for women's rights⁸, do not hesitate to violate these same rights with impunity.

Broken families

For many women whose husbands are in exile life in Tunisia has become increasingly difficult: under strict surveillance, often arrested and interrogated, unable to work, threatened with imprisonment if they receive any financial help from anyone or if they are found to be in contact with their husbands, unable to obtain a passport and prevented from leaving the country. Their arrests and long periods of imprisonment and the repeated police raids have left their children traumatized.

Women are left with a terrible choice; either accepting never to see their husband again, and for their children to grow up without their fathers, or to attempt to escape illegally, which puts them at risk of long term imprisonment if they are caught. In both cases the family unit is destroyed by virtue of state policies.

⁸ Indeed Tunisian legislation does contain important provisions and guarantees for women's rights.

Many of them would like to leave Tunisia, both to escape the repression and to join their husbands in exile, but they are unable to obtain a passport for themselves and their children. Aicha Dhaouadi and Tourkia Hamadi are just two examples⁹; After their husbands, both supporters of *al-Nahda*, fled Tunisia in 1992 they were frequently arrested, interrogated and ill-treated, and in 1995 they were both imprisoned, for nine and six months respectively. During their imprisonment their small children had to be taken care of by other relatives. Since their release at the beginning of 1996 they have had to report to the police on a regular basis and were unable to leave the country. Amnesty International and other organizations campaigned on their behalf and in April 1997 the Tunisian Government informed Amnesty International that “in the framework of the humanitarian dimension of the action of the Tunisian Government, Aicha Dhaouadi and Tourkia Hamadi were given passports so as to allow them to join their husbands abroad, in spite of their activism within a secret and extremist movement”.¹⁰ Thus the fundamental right of every individual to freedom of movement, enshrined in the Universal Declaration of Human Rights (Article 13), is seen by the Tunisian authorities as a right which may be arbitrarily withheld, or granted as a “humanitarian gesture”. At the time of writing Aicha Dhaouadi and Tourkia Hamadi had obtained passports for themselves but not for their children and were therefore unable to leave the country.

Jalila Jalleti, a pediatric nurse and mother of four, was routinely arrested, questioned, beaten and tortured and told to divorce her husband, a supporter of *al-Nahda* who left Tunisia in 1990. At the end of 1992 she was held for 17 days in secret detention and again beaten and ill-treated and her leg was fractured. She was sentenced to a year’s imprisonment, during which her children were left to be cared for by her relatives. Like others in her situation, since her release from prison she has lost her job, has to report to the police up to five times a day, continues to be harassed, and is not been able to leave the country.

⁹ For a description of their cases see *Tunisia: Repression thrives on impunity*; pages 19 to 21.

¹⁰ On the same occasion the Tunisian Government also informed Amnesty International that Khemais Chammari, whose case is mentioned on page 3, was also given back his passport, as a humanitarian gesture. Khemais Chammari’s wife had also had her passport confiscated and was prevented from leaving the country during his imprisonment.

Zohra Sa'd Allah, a mother of three whose husband was imprisoned for four years and subsequently left the country in 1995, and Mounia Daikh, a mother of three whose husband left Tunisia several years ago, also continue to be subjected to harassment. They have both been repeatedly arrested and ill-treated during interrogation, their homes have been raided by police, including at night, and they are prevented from leaving the country.

With little hope of being able to obtain a valid travel document, some women have tried to leave the country by other means. Souad Charbati, a mother of four whose husband had fled the country some years before, tried to leave Tunisia illegally but was arrested and imprisoned. She was arrested in August 1995 in Tataouine as she was reportedly intending to cross into neighbouring Libya, and was sentenced to seven years' imprisonment and is currently serving her sentence; her children are being

looked after by relatives.

Twenty-seven-year-old Radhia Aouididi also had a long history of arrests and harassment. She was first arrested in 1984 and again in 1987; she continued to be periodically harassed and detained after her fiancé left the country in 1992. She was unable to obtain a passport and even her identity card was confiscated. In November 1996 she tried to leave Tunisia with a false passport but was arrested at the airport with Samia Ben Karmi, an Algerian student who was travelling with her. They were both beaten, ill-treated and threatened with rape during secret detention, and are now detained awaiting trial. Radhia Aouididi was intending to seek asylum in France, where her fiancé lives.

The six children of Ali Khelifi and his wife, both refugees in France, are unable to leave Tunisia to go to join their parents. Since their parents fled the country in 1992, the six children have been looked after by Ali's brother, who has nine children of his own and who in addition is also taking care of the six children of another brother who died. A neighbour of Ali's brother in Tunisia who was accused of having given some money to Ali's brother to help him look after the 21 children was sentenced to one year's imprisonment and a heavy fine in February 1997.

CONCLUSION AND RECOMMENDATIONS

Despite the release of some prisoners of conscience during the past 18 months, which Amnesty International has welcomed, human rights continue to be violated with depressing frequency. After years of widespread and systematic human rights violations and impunity for the perpetrators, culminating with a clampdown on human rights defenders, most victims no longer see any point in lodging formal complaints and human rights defenders find it increasingly difficult to carry out any activities on behalf of the victims. Thus, victims of human rights violations are denied their right to remedy under Article 2 (3) of the ICCPR and Article 7 (1)(a) of the African Charter.

The failure of the Tunisian authorities to take any concrete measures to address the human rights concerns repeatedly brought to their attention by Tunisian and international human rights organizations, and by the victims themselves and their lawyers, contrasts sharply with their often stated commitment to respect and promote human rights.

Amnesty International has continued to raise its concerns with the Tunisian authorities and to bring cases of human rights violation to their attention, urging them to ensure that the violations be investigated. Other human rights organizations have also raised their concerns with the Tunisian authorities repeatedly. In October 1994 the United Nations Human Rights Committee also expressed concern at the human rights situation in Tunisia and made a series of recommendations to the Tunisian Government. To date the Tunisian authorities have done little or nothing to implement the recommendations of the Human Rights Committee and of Amnesty International and other human rights organizations.

Amnesty International is once again urging the Tunisian Government to take concrete action to implement without further delay the recommendations it has previously made, those included in its last report of November 1995, appended to this report, as well as the recommendations of the UN Human Rights Committee, so as to redress the pattern of grave human rights violations and prevent their recurrence in the future.

APPENDIX: RECOMMENDATIONS

As a matter of urgency Amnesty International urges the Tunisian authorities to:

- Immediately and unconditionally release all prisoners of conscience.
- Repeal or amend all laws which authorize the imprisonment of prisoners of conscience.
- Release or retry according to international standards for fair trial all political prisoners convicted and sentenced after unfair trials.
- Put an end to the imposition of administrative control on prisoners of conscience upon their release.
- Put an end to the imposition of administrative control on prisoners of conscience upon their release.
- Ensure that detainees are not held in prolonged incommunicado detention, that the families of those arrested are immediately informed of their relatives' place of detention, and that untried detainees are promptly allowed access to their lawyers, their families, and independent medical doctors.
- Ensure that all allegations of torture and ill-treatment, and all deaths in custody are promptly, thoroughly and impartially investigated and the full findings of investigations made public.
- Ensure that those responsible for human rights violations are brought to justice.

Over the past five years Amnesty International has made detailed recommendations to the Tunisian Government for concrete steps to be taken to ensure that cases of torture and deaths in custody are promptly, impartially and independently investigated. The organization has suggested a number of concrete steps which the Tunisian Government could take to implement these recommendations. The organization remains concerned that these recommendations have not been implemented.

Amnesty International is also concerned that the judiciary should be enabled to exercise its profession with independence and impartiality:

- The independence of the judiciary from executive control or influence should be made absolute.
- The judges and magistrates should ensure that all allegations of torture, ill-treatment and violations of pre-trial procedures are promptly, thoroughly and impartially investigated.
- No confessions or other evidence obtained under torture or duress should be admissible in court.
- Judges should ensure the application of international human rights standards which have been ratified by Tunisia, and which according to the Tunisian Constitution supersede Tunisian law.
- Judges should refuse to sentence individuals under laws which violate international human rights standards ratified by Tunisia.

Furthermore, Amnesty International urges the Tunisian authorities to implement the recommendations made by the UN Human Rights Committee in October 1994 [see UN Index: M/CCPR/C/52/COM/TUN/3], some of which

overlap with the recommendations made by Amnesty International; these include:

- [E/para.14] "that steps be taken to strengthen the independence of human rights institutions in Tunisia" in order to "close the gap between law and practice and enhance the confidence of the public in those institutions"; the work of "any commission investigating reports of human rights abuses should be transparent and the results should be made public"; steps should be taken to "strengthen the independence of the judiciary, particularly from the executive branch";
- [E/para.15] a strong recommendation that Tunisia "consider ratifying or acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights";
- [E/para.16] with reference to reports of torture and ill-treatment of detainees, the Committee makes strong and detailed recommendations for "closer monitoring of the arrest and detention process; systematic, prompt and open investigation into allegations; prosecution and punishment of offenders; and the provision of legal remedies for victims" and notes that there should be "strict enforcement of registration procedures, including prompt notification of family members of persons taken into custody, and the 10-day limit to preventive detention. Steps should also be taken to ensure that medical examinations are automatically provided following allegations of [torture or ill-treatment] and that thorough autopsies are performed following any death in custody"; finally the Committee urges that in "all cases where investigations are undertaken, the findings should be made public";
- [E/para.19] the Committee recommends that "measures be taken to ensure the exercise of the freedom of opinion and expression in accordance with article 19 of the Covenant" and in particular urges a

"review and, where appropriate, amendment of those provisions of the Press Code which unduly protect Government policy and officials from criticism";

- [E/para.20] the Committee also recommends that the Associations Act, the Passport Act and the Political Parties Act be reviewed "to ensure that they are in full conformity with the requirements of the Covenant" and that "there be a close and independent monitoring of the exercise of [the right to freedom of religion] by all groups in Tunisia."

It should be further noted that the United Nations Human Rights Commission, at its 42nd meeting in February 1995, urged "States parties to take duly into account, in implementing the provisions of the Covenants [including the Covenant on Civil and Political Rights], the observations made at the conclusion of the consideration of their reports by the Human Rights Committee [...]".