

URGENT ACTION

FORMER HEAD OF TRUTH COMMISSION ARBITRARILY DETAINED

On 1 August 2024, a Tunis investigative judge ordered the pre-trial detention of prominent human rights defender Sihem Bensedrine who was president of the Truth and Dignity Commission (IVD) until 2018. Sihem Bensedrine has been under investigation since February 2023 under charges of “fraud”, “forgery” and “abuse of official capacity” following a complaint about the alleged falsification of the chapter about corruption in the banking sector in the IVD final report. Sihem Bensedrine pre-trial detention is arbitrary because it is based solely on the peaceful exercise of her human rights. The detention also falls short of international standards of fairness. Her prosecution appears to be a reprisal for her work exposing human rights violations as head of the IVD. Sihem Bensedrine is currently detained pending trial in the Manouba prison for woman. Authorities must immediately release Sihem Bensedrine, drop all the charges against her, and end the misuse of the criminal justice system to target her.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President of the Republic Kais Saied
Route de la Goulette
Site archéologique de Carthage, Tunisie
Email: contact@carthage.tn
Twitter: @TnPresidency

Your Excellency,

I write to you to urge you to immediately release Sihem Bensedrine and drop the criminal charges against her as they are based on her work as President of the Truth and Dignity Commission (IVD) which documented and referred to prosecution the crimes committed under previous regimes. Sihem Bensedrine is a human rights defender and a journalist who has long denounced human rights violations in the country.

Sihem Bensedrine has been under investigation since February 2023 following a complaint by a former IVD board member alleging forgery because revisions had been made to the IVD final report after it was submitted to the President in December 2018. On 7 March 2023, an investigative judge charged Sihem Bensedrine with forgery, fraud and abuse of official capacity and banned her from traveling. On 1 June 2024, the judge ordered Sihem Bensedrine's pre-trial detention and she was taken into custody on the same day.

Sihem Bensedrine's prosecution appears to be a form of reprisal against the work of the IVD and her detention is arbitrary. Sihem Bensedrine must not be punished for exposing allegations of human rights abuses and corruption committed by past regimes. Tunisian authorities must uphold and ensure her human rights and protect her and the IVD members from reprisal including in the form of civil or criminal prosecution brought against them because of their work or the content of their reports.

I urge you to immediately release Sihem Bensedrine, drop all the charges against her and end the misuse of the criminal justice system to target her. Pending her release, she must be granted regular access to her family, lawyers and adequate medical care, and held in conditions that comply with international standards for the treatment of prisoners.

Yours sincerely,

ADDITIONAL INFORMATION

Sihem Bensedrine, 74, is a prominent human rights defender recognized for her independent journalism and [human rights work](#) under Ben Ali's regime. Since President Kaies Saied's power grab in July 2021, she has been a vocal critic of actions undermining Tunisia's rule of law and judicial independence. From 2014 to 2018, she led the IVD, an organization established to document and seek accountability for human rights violations and corruption by state officials from 1955 to 2013, with the authority to refer [serious cases](#) to specialized transitional justice criminal chambers.

In December 2018, the IVD concluded its work and transferred 205 cases of human rights violations and corruption for prosecution before the 13 Specialized Criminal Chambers in Tunisia. A number of these cases were related to alleged corruption within the banking sector. Individuals accused by the IVD of several corruption related offences include former ministers, high profile businessmen, former governors of the Central Bank, high ranking state bank employees and government officials.

The IVD, established in March 2014 with a four-year mandate (extendable by one year), extended its mandate until the end of 2018 [despite opposition](#). On 28 December 2018, the Presidency informed the IVD that its report was due on 31 December. To meet the deadline, the IVD board, chaired by Sihem Bensedrine, adopted a preliminary report on 30 December 2018, pending revisions. The [final report](#) was published on the IVD website on 26 March 2019 and in the Official Gazette (JORT) on 24 June 2020. Throughout its mandate, the IVD faced [efforts](#) to undermine its work, with government agencies like the ministries of interior and defence failing to fully cooperate.

In May 2020, a former IVD Commissioner filed a complaint against Sihem Bensedrine with the National Higher Instance Against Corruption, accusing her of "forging the final report" by adding a section on corruption in the Tunisian banking system, specifically regarding a dispute between the government and the French Tunisian Bank. The complaint alleges she did this for personal gain, as the added section could lead to costly reparations for the government. In March 2021, the National Higher Instance Against Corruption referred the complaint to the Tunis General Prosecution.

In 2021, the judicial police's economic investigations unit opened an investigation into the complaint and summoned members of the IVD for questioning. The complaint alleged that revisions added to the preliminary version of the report in the chapter on corruption in the banking system amounted to "forgery" with the intention of "bring harm to the Tunisian state."

In the context of this investigation, on 22 November 2022, an investigative judge in the Economic and Financial Judicial Pole questioned Sihem Bensedrine as a witness. On 20 February 2023, the prosecution requested the investigating judge to bring criminal charges against Ms. Sihem Bensedrine for "taking advantage of her position in order gain undue advantages, causing damage to the administration to achieve a benefit, and through forgery and use of forged documents under Articles 32, 96, 98, 172, 175, 176 and 177 of the Penal Code. On 2 March 2023, the investigating judge changed Sihem Bensedrine's status in the investigation from witness to suspect. On 7 March 2023, the judge issued a travel ban against Sihem Bensedrine.

On 1 August 2024, following a hearing with the investigative judge, an investigative judge of the Economic and Financial Judicial Pole at the Tunis Court of First Instance ordered the pre-trial detention of Sihem Bensedrine under the same charges. The criminal charges against Sihem Bensedrine, which she denies, are based on the claims of the former commissioner who submitted the complaint. The prosecution did not present any concrete evidence to justify the pretrial detention order or the criminal investigation that was opened under such serious charges. Sihem Bensedrine's detention is contrary to the international standards of fairness.

Given the failure thus far of the prosecution to provide concrete evidence of any criminal act that could be related to the changes introduced to the IVD report, the criminal charges against Ms. Sihem Bensedrine, appear to be a form of retaliation for the work she undertook as president of the IVD, and more particularly for the opinions or facts contained in the IVD final report and the prosecutions instigated by IVD against alleged perpetrators.

In May 2023, UN human rights experts voiced [concern](#) that Sihem Bensedrine's prosecution seemed retaliatory, linked to her role with the IVD and its corruption cases. International standards mandate states to ensure the right to truth about gross human rights violations through non-judicial means like truth commissions, and to protect IVD members from defamation or legal action related to their work.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French and English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 October 2024.

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Sihem Bensedrine (She/Her).