

EXTERNAL

AI Index:MDE 30/48/97

10 September 1997

Further information on UA 149/97 (MDE 30/29/97, 27 May 1997) and follow-ups (MDE 30/34/97, 4 June 1997, MDE 30/45/97, 26 August 1997, and MDE 30/47/97, 29 August 1997) - Fear of torture/ill-treatment / Prisoner of conscience

TUNISIA Rachida BEN SALEM (f)

On 9 September 1997, Rachida Ben Salem was sentenced to two years and three months' imprisonment. She had been tried on 28 August. Her lawyers will now lodge an appeal.

Rachida Ben Salem received a sentence of two years' imprisonment on a charge of membership of an unauthorized association (the Islamist group *al-Nahda*, of which her husband is a supporter), a charge which she denies. The prosecution did not produce any convincing evidence to support this charge.

She also received a three-month prison sentence on a charge related to the law regulating border crossing. Given that at the time of her arrest Rachida Ben Salem was in Tunisia, quite some distance from the Libyan border, she was convicted on the basis of her intention to leave the country.

Regarding the first charge of membership of an unauthorized association, this seems to be based solely on Rachida Ben Salem's marital relationship with an *al-Nahda* supporter. She herself is not known to have any links with the group. Moreover, if she were a member or a supporter of *al-Nahda*, Amnesty International would still consider her a prisoner of conscience because she has not used or advocated violence.

Regarding the charge of intending to cross the border illegally, Rachida Ben Salem was intending to leave Tunisia with her children to join her husband, a political refugee in Holland, who she and her children have not seen for several years. She has been subjected to harassment and ill-treatment for several years: she does not have a passport and she has not been able to leave her country, a right guaranteed by Article 13 of the Universal Declaration of Human Rights.

Rachida Ben Salem was arrested on 18 May 1997 with her two daughters, aged five and seven, near the Libyan border. She was held in incommunicado detention in the Ministry of the Interior in Tunis until 31 May before being transferred to prison. She was reportedly insulted and had her hair pulled during her secret detention in a police station immediately following her arrest.

BACKGROUND INFORMATION

The practice of arrest, detention, torture or ill-treatment, and systematic harassment of relatives - especially wives - of imprisoned and exiled political opponents has become increasingly widespread in Tunisia. Dozens of women, the wives of exiled Islamist political opponents, and their children, are subjected to continuous police harassment. They are prevented from working, from moving within the country, or to leave the country, are threatened with prosecution if they are in contact with their exiled husbands, and are put under pressure to divorce. They and anyone who gives them financial assistance are liable to be imprisoned for "unauthorized collection of funds". Women are left with the choice of either remaining in Tunisia under constant harassment and intimidation, or trying to leave the country illegally.

In recent months, the Tunisian authorities have taken measures to solve the cases of some women whose plight had become known to the outside world. Amnesty International welcomes the measures taken to solve these cases, but remains gravely concerned at the continuing harassment and intimidation, including arrest, detention as prisoners of conscience and torture or ill-treatment, of other women.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French, Arabic, English or in your own language:

- expressing concern at the sentencing of Rachida Ben Salem to two years and three months' imprisonment, and calling for her immediate and unconditional release;
- urging that the case against her be quashed by the Court of Appeal;
- expressing concern at allegations that Rachida Ben Salem was ill-treated during secret detention in police custody, and urging that these allegations be promptly, impartially and independently investigated and that she is not subjected to further ill-treatment.

APPEALS TO:

1) Minister of Justice

M. Abdallah Kallel
Ministre de la Justice
Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisia

Telegrams: Ministre de la Justice, Tunis, Tunisie

Faxes: +216 1 568 106

Telexes: 13000 maet tn (via Ministère de l'Intérieur)

Salutation: Monsieur le Ministre / Your Excellency

2) Minister of the Interior

M. Mohamed Ben Rejeb
Ministre de l'Intérieur
Ministère de l'Intérieur
Av. Habib Bourguiba
Tunis, Tunisia

Telegrams: Ministre de l'Interieur, Tunis, Tunisie

Faxes: +216 1 340888

Telexes: 13662 sdap tn

Salutation: Monsieur le Ministre / Your Excellency

COPIES TO:

Tunisian Human Rights League
Me Taoufik Bouderbala, Président
Ligue Tunisienne des Droits de l'Homme, LTDH
7 Rue Pierre Curie
TUNIS, Tunisia

Faxes: + 216 1 336 338

and to diplomatic representatives of Tunisia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 October 1997.