

FREED BUT NOT FREE

TUNISIA'S FORMER POLITICAL PRISONERS

“Since I am not allowed to move, to travel, to work, I am confined in a prison smaller than the one I left for an illusion of freedom”

Hamadi Jebali, a former political prisoner

Political prisoners freed from Tunisia's jails are far from free. From the day of their release, they face stifling and arbitrary measures, including oppressive police surveillance, questioning about their daily activities, and routine reporting to the police. Some are rearrested and re-imprisoned for no reason other than because they expressed their rights to freedom of expression, association, assembly or movement. Others are denied access to medical care. Most are denied the right to a passport. The intimidation and harassment means that most cannot get jobs and all struggle to rebuild their lives.

Former political prisoners are denied their rights to freedom of expression, association, assembly and movement. Some are threatened to stop them speaking out or taking part in meetings. Many have their movement within Tunisia restricted and are denied passports to bar them from travelling abroad.

Such measures are blighting the lives of hundreds of former political prisoners and their families. They perpetuate, on an indefinite basis, the punishment of activists



Image of a demonstration in Tunis in 2006, taken from a video made in support of political prisoners.

for past deeds and severely constrain their political and civil rights, as well as their economic, social and cultural rights. Meanwhile, activists and other people are joining the list of those jailed simply for

expressing their views or carrying out other peaceful activities. These actions by the Tunisian government highlight its unwavering intolerance of any dissent or criticism, past or present.



Most former political prisoners have already suffered arbitrary arrest, unfair trial and long periods of harsh prison conditions. Some were held in prolonged solitary confinement; some in overcrowded cells that lacked basic hygiene. Many were tortured and otherwise ill-treated, including with threats of sexual abuse. Most were denied adequate medical care.

Now, after years in prison, they want to resume their lives. They want to spend time at home and compensate their children for the lost years. They want to revive social networks, and see friends and neighbours. They want to earn money to support their families. But the authorities multiply obstacles and crush any hope they may have of rebuilding their lives.

Tunisian law, echoing international law and standards such as the International Covenant on Civil and Political Rights (ICCPR), the UN Standard Minimum Rules for the Treatment of Prisoners (Rule 64) and the UN Basic Principles for the Treatment of Prisoners (Principle 10), states in Article 37 of Law No. 2001-52 on Prison Administration:

"Social assistance for the detainees has the aim of... monitoring the situation of the detainee after his release and aiding his reintegration into the society he belongs to..."

The Tunisian authorities are not only flagrantly failing to honour these legal obligations to help released prisoners to reintegrate into society, and to rehabilitate and compensate prisoners who have suffered human rights

violations, but they are also further victimizing former political prisoners.

Most former political prisoners were conditionally released, many after more than a decade in prison, under presidential pardons issued on national days of celebration. These pardons should be a positive sign. If, however, releases are routinely followed by harassment and intimidation, they signal not increased tolerance of dissent but rather continuing revenge for dissent. And that sends a chilling message to everyone in Tunisia to think twice before speaking out or protesting against the authorities.

SADOK CHOUROU

Sadok Chourou, aged 62, was conditionally released on 5 November 2008 after serving 18 years in prison. He had been arrested in 1991 and convicted in a mass trial before a military court in connection with an alleged plot by Ennahda, of which he was then president, to overthrow the government. He was sentenced to life imprisonment after an unfair trial.

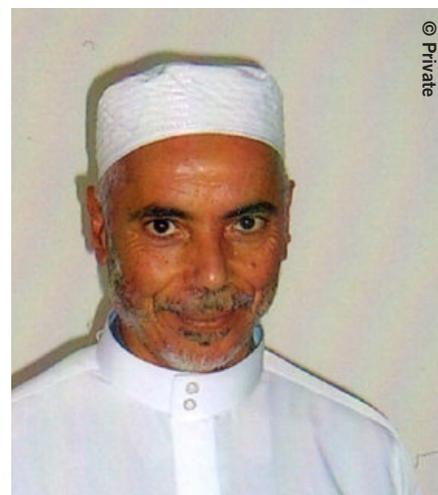
On 3 December 2008, he was rearrested at his home by 10 State Security Department officers in plain clothes. The authorities did not tell his family where they were taking him and it took his wife Emna three days to find him. In the few weeks after his release, he had given interviews to Arab media outlets about his prison experience and shared his views about the political situation in Tunisia. He said that he hoped the banned Ennahda movement would be authorized to resume its political activities.

Sadok Chourou was charged with "maintaining a banned organization" in reference to Ennahda and sentenced to one year's imprisonment on

13 December 2008. The sentence was upheld by the Tunis Court of Appeal on 4 April 2009. On about 22 April, the Nadhour prison administration told Sadok Chourou that his conditional release for his first sentence had been reviewed and overturned, and that he would now have to complete the remaining year of his initial prison term and serve his additional sentence. He is expected to be released in October 2010.

During his 18 years in prison, Sadok Chourou was repeatedly transferred between prisons, a measure that impedes solidarity among political prisoners and imposes further punishment by locating them far from their families. Often, relatives cannot afford to travel long distances regularly and therefore cannot support materially their detained family member.

The rearrest of Sadok Chourou has deeply affected Emna and their children, who had been awaiting his release for 18 years. He is now held at Nadhour prison in Bizerte, 66km north of Tunis. The authorities have refused without



explanation to issue passports for Emna and the children. The family believes that the authorities are also preventing them from obtaining jobs by exerting pressure on potential employers.

Amnesty International considers Sadok Chourou to be a prisoner of conscience, who should be immediately and unconditionally released.

THE POLITICAL PRISONERS

After President Zine El 'Abidine Ben 'Ali came to power in November 1987, relations between the ruling party and some elements of the opposition rapidly deteriorated. To constrain the growth of increasingly popular Islamist movements, the authorities proscribed parties based on religion. The largest Islamist movement then attempted to form a political party, Ennahda, but was denied legal authorization in June 1989. A widespread clampdown on Islamist activists and sympathizers ensued.

During the academic year of 1990/91, in the wake of student demonstrations, thousands of alleged members and sympathizers of Ennahda were arrested. During the protests, some students threw stones and demonstrations sometimes turned into violent clashes with the security forces. One school student was shot dead

by the police in September 1990. Many alleged members and sympathizers of Ennahda were jailed for up to three years on charges of membership of an illegal organization, unauthorized meetings and involvement in violent activities. While some Islamist activists committed isolated acts of violence at the beginning of the 1990s, the Ennahda leadership repeatedly condemned acts of violence and denied that its members were responsible for them.

In July and August 1992, 265 leaders and members of Ennahda were sentenced by military courts in Bouchoucha and Bab Saadoun to up to life imprisonment after unfair trials marred by allegations of torture and other ill-treatment. They had been accused of plotting to overthrow the government and belonging to a banned organization. The authorities have since used "security" concerns as a pretext for repressing dissent across the political spectrum. In addition to Islamists, those

targeted have included members of the banned Tunisian Workers' Communist Party (Parti communiste des ouvriers tunisiens, PCOT), the Movement of Democratic Socialists (Mouvement des démocrates socialistes) and trade unions.

Today, anyone suspected of opposing or even being critical of the government is at risk of harassment, arbitrary arrest, incommunicado detention, torture and imprisonment after unfair trial. Hundreds, possibly thousands, of people have been arrested under the 2003 anti-terrorism law, typically young men who attend mosques and discuss religious ideas. Others being targeted include members of the General Union of Tunisian Students (Union générale des étudiants tunisiens, UGET), political opposition activists, trade unionists, members of associations and NGOs denied registration by the authorities, and journalists critical of the government or alleging corruption.

LAWS OF REPRESSION

Article 8 of the Tunisian Constitution states: "Freedoms of opinion, expression, the press, publication, assembly and association are guaranteed and exercised within the conditions defined by the law..." These rights are, however, limited by other laws, decrees and circulars. Some legal provisions are specifically drafted to limit the scope of these rights. Others are interpreted and applied by the Tunisian authorities in ways that restrict the exercise of these rights. The limitations, justified in the name of protecting public order, are contrary to the Constitution and Tunisia's obligations arising from international human rights instruments it has ratified.

Law No. 69-4 of 24 January 1969 regulating public meetings, processions, parades, demonstrations and gatherings states that all such gatherings must be declared in advance

(Article 9), that the authorities can ban any demonstration likely to disturb public safety and order (Article 12), and that any gathering likely to disturb public peace is forbidden on public roads and places (Article 13). Law No. 69-4 also stipulates that the authorities must be informed before any public meeting takes place.

A January 1997 Ministry of Higher Education circular requires that anyone organizing a meeting or conference must submit in advance to the Interior Ministry a list of participants, the agenda and details of the time and place of the meeting. Referring to this circular, state authorities have banned or disrupted meetings in private homes. Law No. 59-154 of 7 November 1959 regulating associations makes punishable by up to six months in prison attendance of a meeting of an unregistered or banned organization (Article 29), and by up to

five years direct or indirect participation in maintaining or re-forming an unregistered or banned organization (Article 30).

The Penal Code and the Press Code contain a number of vaguely worded provisions which criminalize the spreading of false news aiming at disturbing public order (Article 49 of the Press Code), and the "incitement to rebellion" by speeches in public, posters or written bills (Article 121 of the Penal Code).

There are also broadly defined defamation offences in Article 245 of the Penal Code and Article 50 of the Press Code. Article 121 *ter* of the Penal Code forbids the distribution, sale, display or possession with a view to distribute, sell or display of pamphlets, bulletins, leaflets of local or foreign origin likely to harm public order or "good morality".

HARASSMENT BY ADMINISTRATIVE CONTROL

Most political prisoners are subjected to administrative control measures after their release. Additional administrative control measures are imposed on political prisoners as part of their sentence (supplementary sentence) and often require them to report regularly at their local police station following their release.

These measures are not fully set out in law. The Penal Code stipulates that “the discharge under administrative control recognizes to the administration the right to choose the place of residence of the prisoner on completion of his sentence and to change it, if it is judged appropriate” (Article 23). It also states that “the prisoner cannot, without authorization, leave the residence to which he has been assigned” (Article 24).

In most cases, the administrative control order does not mention any requirement to report to police, but only to inform them of a change of address. In practice, however, National Guard or State Security Department officers, who have authority in the district where the former prisoner lives, determine the frequency of reporting. The State Security Department officers, often referred to in Tunisia as the “political police”, are under the authority of the Interior Ministry and play a central role in the surveillance and monitoring of political activists as well as people deemed to be a threat, including Islamists, human rights activists and journalists. Obligations to report to a specific police station at specific times have developed in practice, but have no legal basis.

The frequency of reporting is determined arbitrarily and varies between prisoners. It is often daily for the first year and once a week for the following years. As the measures are not fully specified in law or

in the administrative control order, many former prisoners refuse to report to the police, risking retaliatory measures.

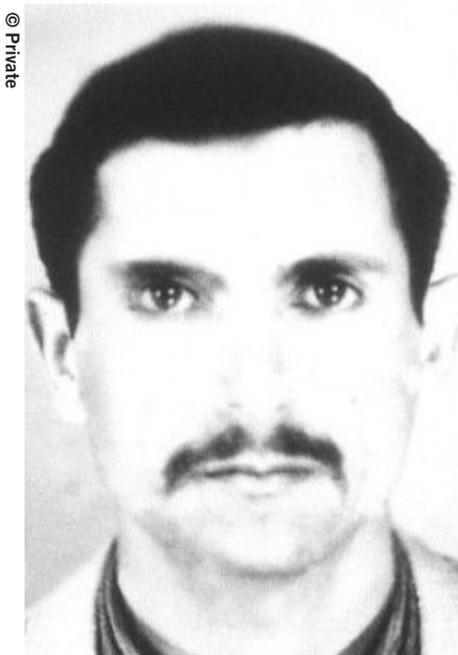
FREEDOM OF MOVEMENT

The Constitution protects the right to freedom of movement, stating that “every citizen has the right to move freely within the country, to leave it...” (Article 10). So too does the ICCPR. Although Article 12 of the ICCPR states that the right to liberty of movement and freedom to choose one’s residence within a territory and the right to leave a country may be restricted by law, these restrictions must be necessary to protect national security, public order, public health or morals or the rights or freedoms of others, and “must not nullify the principle of liberty of movement” as stated by the Human Rights Committee. Restrictions on freedom of movement should only be imposed if they are absolutely necessary, and non-discriminatory and proportionate in terms of their impact and duration. The restrictions imposed on Tunisia’s former political prisoners clearly do not meet these criteria.

The Human Rights Committee, which oversees implementation of the ICCPR, also specified: “Since international travel usually requires appropriate documents, in particular a passport, the right to leave a country must include the right to obtain the necessary travel documents”. A passport provides the means in practice to exercise the right to freedom of movement. Tunisian Law No. 75-40 of 14 May 1975 on passports and travel documents further provides in Article 13 that all Tunisian nationals have the right to obtain and renew a passport.

In reality, most former political prisoners are subjected to undue limitations to their freedom of movement within Tunisia and denied a passport on arbitrary grounds.

TAHAR HARRATHI



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Following his conditional release in November 2005 after 15 years in prison, Tahar Harrathi was subject to a five-year administrative control measure. The first year, he had to report to the police station daily. Until December 2008, he had to report once a week. Since then, he has not been allowed to leave the city of Sidi Amor Bouhajla, where he lives, without prior authorization from the police. In October 2006, Tahar Harrathi was sentenced to two months’ imprisonment for breach of his administrative control. He had gone to Tunis to see his sister, who was in a coma following a car accident. He submitted a written request to the police station, but after a week without response, he decided to travel to Tunis. Since then he has periodically been brought to the police station and threatened with imprisonment if he leaves the city.

At present, the frequency of reporting required of most former prisoners is less draconian than it was for Mohamed Toumi Ben Nejma, who had to report to the police up to 28 times a week for the first two years after his release in 1997. However, it can still be so onerous that it prevents former prisoners from obtaining paid employment and obstructs their reintegration into society.

In addition to court-issued administrative control orders, State Security officers have imposed on former political prisoners arbitrary measures amounting to an administrative control order, accompanied by threats of imprisonment. On occasion they have also extended the period of administrative control without explanation.

People under administrative control orders must seek authorization to travel abroad

or outside their area of residence. As a result, former political prisoners are often not allowed to visit family members or friends, or attend medical appointments in a different city. If they breach these conditions they are jailed or threatened with imprisonment. Sometimes, even if they strictly conform to the conditions of their administrative control, they are threatened that they will be accused of a breach.

ABDALLAH ZOUARI



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some 500km from his home in Tunis, where his wife and children live. Days later, on 19 August, he was arrested after he filed an appeal before the administrative tribunal, challenging the Interior Ministry's order. He was subsequently convicted, after an unfair trial, for failing to comply with his administrative control measure, and sentenced to eight months' imprisonment.

After his release, he was subjected to police surveillance and harassment. He was again convicted in 2003 for breaches of the administrative control order and sentenced to 13 months' imprisonment. He was released in September 2004. On 3 June 2007, two days before the five-year control order was due to end, the head of Hassi Jerbi police station told him that his administrative control had been extended for a further 26 months. The police refused to give him this decision in writing and said they were merely following orders. On 16 June, Abdallah Zouari filed a complaint against the arbitrary extension before the Public Prosecutor's office in Médenine, but to no effect.

Until 2 August 2009, when the administrative control measure was lifted, Abdallah Zouari lived under constant police surveillance. Plain-clothes officers were stationed outside his house and

followed him when he left it. He was not allowed to travel more than 30km from Hassi Jerbi without permission and his requests to visit his wife and children in Tunis were ignored. His family was allowed to visit him in Hassi Jerbi, but could not afford the trip often. During these years, Abdallah Zouari tried to work as a journalist, publishing on Tunisian news websites, such as Nawaat or Tunisnews. He was not allowed to visit internet cafés and was not able to obtain an internet connection at home, limiting his opportunities to work. When he tried to open a small business, it was shut down by the authorities without giving any legal justification.

In September 2009, he was again arrested in Hassi Jerbi and questioned about his contact with human rights organizations and his work as a journalist. He refused to sign a promise not to write articles and was threatened with the release of a film allegedly showing him engaged in sexual activity if he did not stop his human rights and journalistic activities. Police insulted him and threatened him with physical violence.

Plain-clothes officers continue to watch Abdallah Zouari's house and to follow him from time to time when he goes out. However, he is now free to travel within Tunisia.

Journalist Abdallah Zouari was released on 6 June 2002 after spending 11 years in prison for membership of Ennahda. He was sentenced to an additional five years of administrative control. On 2 August 2002, the head of the police station to which he had to report told him that the Interior Ministry required him to serve his five-year control term at Hassi Jerbi, a village in southern Tunisia

SURVEILLANCE AND INTIMIDATION

Former political prisoners, whether under administrative control or not, are often questioned by security officers about their daily activities. They are watched, followed by State Security officers in plain clothes,

and barred from attending meetings, limiting their freedom of movement. The surveillance is clearly conducted as a form of intimidation of the former prisoners, their family and friends.

Sometimes, State Security officers visit the homes, relatives and employers of

former political prisoners, and ask questions about their activities. State Security officers on occasion demand to see the identity documents of their visitors. As a result, relatives and friends are often too scared to visit or contact the former prisoners, leaving them isolated.

ABDELKARIM HAROUNI

“This harassment is an attempt to isolate me from society. Finding a job, getting married or visiting friends and relatives are difficult tasks. There is a climate of fear among my family members, the neighbours and my friends, who do not dare to visit us.”

Abdelkarim Harouni

Since his conditional release on 7 November 2007 after more than 16 years in prison, Abdelkarim Harouni, a 49-year-old engineer, has been under overt surveillance by the security forces. He was subject to administrative control measures for two years. He refused to report to the police as this was not included in the administrative control order.

Since April 2008, when he was elected Secretary General of Liberty and Equity – a human rights NGO that is denied legal registration by the authorities – Abdelkarim Harouni has been under constant police surveillance by several State Security officers on motorcycles or in cars. In June 2008, he was arrested twice after he gave an interview to the television channel Al Hiwar Ettounsi about the harassment faced by members of Liberty and Equity. Despite pressure and threats of imprisonment, he refused to sign a promise not to give interviews or make



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statements to the media, and not to have contacts with international human rights organizations. In September 2008, State Security officers in plain clothes prevented him from entering the premises of Liberty and Equity. Other members of the group have been prevented from visiting him at home.

In 2009, Abdelkarim Harouni faced a range of repressive actions. In January, while a conference organized by the Arab Institute for Human Rights was being held in Tunis, he was prevented from leaving his house. In May, he was detained for two hours under the pretext of an arrest warrant dating from 1991. In the run-up to a conference held in July organized by the Progressive

Democratic Party, a legally registered opposition political party, to which human rights NGOs were invited, he was subjected to increased surveillance and harassment. In August, his wedding was marred by the intimidating presence of and disturbances by State Security officers. In October, he was arrested in the street and questioned about his work and activities, and police surveillance increased in front of his new house, which he was forced to leave due to the reported pressure on the owner to end the lease. This harassment has negative repercussions on his economic and social well-being, as he cannot meet people or undertake any social activities and is constantly under the threat of intervention by the security forces.

HAMADI JEBALI

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Hamadi Jebali, a 60-year-old power engineer and former editor of the Islamist publication *al-Fajr* (Dawn), was released from prison in February 2006. He had been sentenced by a military court to 16 years in jail for membership of Ennahda and other related charges. Since his release he has been subject to a five-year administrative control measure in the city of Sousse, where he lives. He has to report to the police station daily, but refuses to do so. He is constantly followed by State Security and National Guard officers. Every time a relative or friend visits him, police and State Security officials identify the visitor. All this makes Hamadi Jebali feel constantly under threat. Hamadi Jebali says that all his relatives face restrictions and intimidation. Even his brother and daughter's employers were put under pressure. He and his wife were threatened with imprisonment if he participates in the activities of NGOs or revives old social and political relations. They are under tight police surveillance and their freedom of movement outside Sousse is severely restricted. They applied for passports more than a year ago, but their applications remain unanswered.

ONGOING REPRESSION AND ECONOMIC SUFFOCATION

Former political prisoners have been rearrested and prosecuted for resuming peaceful political activity or publicly criticizing the government. Some have been otherwise harassed and intimidated to stop them from exercising their rights to freedom of expression, association and assembly, in breach

of Articles 19, 21 and 22 of the ICCPR and the Tunisian Constitution.

Most former political prisoners are prevented from visiting other former political prisoners, NGOs and opposition political parties. State Security officers often physically block them in their homes, or warn them not to leave or they will be arrested, to stop them attending political meetings or human rights conferences.

ALI LAARIDH

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Since his conditional release after 14 years in prison in November 2004, Ali Laaridh, a 54-year-old engineer by training, has been arrested more than 20 times and brought to the Interior Ministry or a district police station to be interrogated about his media statements, movements and activities. He has also frequently been warned against participating in public events or issuing public statements. State Security officers are regularly in front of his home and question visitors. They follow him when he leaves his house.

Ali Laaridh was on various occasions prevented by force from attending conferences or entering the offices of political parties and civil society organizations, including human rights organizations. He says he is forbidden from leaving Tunis and has been denied a passport.

TUNISIAN HUMAN RIGHTS ORGANIZATIONS

Tunisian human rights organizations support the demands of former political prisoners to be allowed to live freely. Two NGOs, the International Association for the Support of Political Prisoners (Association internationale de soutien aux prisonniers politiques, AISPP) and Liberty and Equity, were created to support political prisoners from the time of their arrest, provide legal assistance, and defend their rights after their release. Both organizations are denied legal registration by the Tunisian authorities.

They are therefore barred from seeking authorization to hold public events or rent venues for such events, and from seeking funds. Their members cannot access their premises at the same time, if at all. Their activities can be criminalized, with their officials and members open to charges of taking part in an unauthorized meeting or belonging to an illegal organization. Their members are also regularly intimidated by the security forces for expressing their views.

Former prisoners are often physically prevented from entering buildings where meetings are being held.

The repression and persecution affect their families. Not only did families spend years travelling around the country to support the prisoners with food and clothes despite the financial burden, but they were also kept under strict surveillance

and often interrogated, harassed and intimidated, including their children. At the beginning of the 1990s, wives and women relatives of political prisoners had already borne the brunt and were targeted by the authorities; scores have reported that they were arrested and then tortured and otherwise ill-treated, including by sexual abuse and threat of rape, in incommunicado detention. Some wives

of political prisoners have been pressured to resign from their jobs. After the release of political prisoners, such intimidation and harassment of their families continue.

LASSAD JOUHRI

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“Having no identity card complicates my daily life. It prevents me from signing leases, from fulfilling administrative procedures for my family, from asking for a passport or a Bulletin 3. I cannot obtain an agreement to be a trader/retailer, for that I need to present an ID and a Bulletin 3”

Lassad Jouhri, July 2009

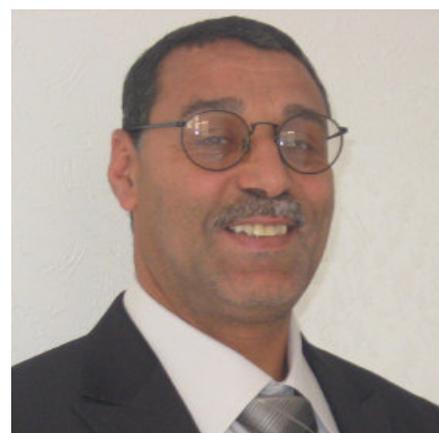
Former prisoner of conscience and human rights defender Lassad Jouhri, aged 50, was released in March 1998 after more than six years in prison for

membership of Ennahda and other related charges. Since his release, he has not been able to obtain an identity card, even though it is compulsory for all Tunisians aged over 18 to have one under Tunisian law. He appealed to the administrative tribunal, which on 13 December 2006 ordered the Interior Ministry to issue him with an identity card. The Ministry refuses to implement the decision. The authorities also refuse to issue a new passport to his wife and two daughters.

Lassad Jouhri, a founding member of the AISPP, is physically disabled. He says this is the result of injuries sustained when he was being tortured in detention between 1991 and 1994. Lassad Jouhri is frequently followed by State Security officers, harassed and interrogated. He is also regularly threatened with physical attack or imprisonment if he does not stop his human rights work on behalf of political prisoners and former prisoners. For example, in August 2002 he was assaulted by five plain-clothes policemen, and in May 2007 he was detained for a day when he was due to meet international human rights NGOs and was asked to sign a statement with a commitment to stop political and social activities.

In January 2010, Lassad Jouhri was sentenced in his absence to three months in prison for “unauthorized fundraising”. He went on the run, fearing for his life, after State Security officers searched his house and terrified his family. It is feared that this prosecution is linked to his activities in support of former political prisoners and human rights in Tunisia.

ABDELHAMID JELASSI



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After 17 years in prison, Abdelhamid Jelassi, aged 49, was conditionally released on 17 November 2007. No administrative control sentence was included in his initial sentence. Upon his release, he was put under continuous surveillance by plain-clothes State Security officers stationed near his house in Sousse, who also followed him in town and when he visited friends in Tunis. Every meeting and contact with friends and family was under scrutiny.

After he protested, he says, neighbours started to inform the police about his movements and visits. Some neighbours do not greet him or his family in the street or visit them, apparently afraid of being questioned by the police or having problems at work. His family feels socially isolated. Abdelhamid Jelassi reported that a State Security officer asked his father-in-law to report on him.

Abdelhamid Jelassi cannot find employment, despite being a qualified chemical engineer. He feels that the harassment has led to poor relations with his friends, neighbours and acquaintances, and he is always trying to avoid causing trouble for others.

Former political prisoners also face discrimination in the administrative system. Their requests for official documents, such as a copy of their criminal record (Bulletin 3) or a passport, are excessively delayed and sometimes denied. In most instances, no explanation or written decision is given.

Some of these official documents are required to find employment in public institutions or to obtain a professional licence to work as a lawyer or doctor, for example. This, on top of the constant surveillance and restrictions on their movement, adds to the difficulties faced by

former political prisoners when looking for work. After years in prison, they often lack appropriate qualifications or experience and face high levels of unemployment. When they do find a job, according to reports, pressure is sometimes exerted on employers to fire them. When they try to start small businesses, these are shut down without any legal reason or potential clients are allegedly advised to take their custom elsewhere. All these restrictions appear to be designed to suffocate them economically.

The denial of passports prevents former political prisoners from travelling abroad,

in many cases to visit their families. A passport can also be crucial for obtaining employment with one of the many international companies in Tunisia.

Many former political prisoners have challenged before the administrative tribunal the authorities' refusal to give them documents or a passport. These tribunals hear cases of alleged abuse of power by an administrative body, and have often ruled in favour of former political prisoners, including over the issue of passports. In the large majority of such cases, however, the relevant authorities have ignored the rulings.

MOHAMED ABBOU

Mohamed Abbou, a human rights lawyer and defender, was sentenced in April 2005 to 18 months in prison, after an unfair trial, for an article denouncing torture in Tunisia that was published on a website on 26 August 2004. He was sentenced to a further two years in prison for allegedly assaulting a woman lawyer, Dalila Mrad, in June 2002; witnesses say this charge was unfounded. He was a prisoner of conscience. On 24 July 2007, he was granted a presidential pardon, having served 28 months of his sentence.

Since his release, Mohamed Abbou has been prevented from leaving Tunisia seven times. Even though there is no basis in Tunisian law to prevent people from travelling abroad, and Mohamed Abbou has not been notified of conditions attached to his release, he was told by security officers at the airport in August 2007 that he was not allowed to travel because of the conditions linked to his release. No details were given.

During subsequent attempts to travel, he was told that he did not have a document from the Ministry of Justice and Human Rights to show that he had served his sentence. Then, on 3 and 6 March 2009, he was barred from travelling without explanation and security officers at the airport passport control suggested that he



should not try to leave the country again. The mysterious travel restrictions were lifted in May 2009, when he was allowed to go to France and Belgium at the invitation of Amnesty International. Mohamed Abbou has also effectively been prevented from working as a lawyer in Tunisia. His office has been watched by

security officers and potential clients have been intimidated by security officers and told to change lawyer.

Mohamed Abbou is still followed by security officers and his house is periodically surrounded by officers who monitor his visitors.

Most former political prisoners do not receive their electoral cards, despite repeated requests, and are not allowed to vote. Close relatives are reportedly similarly affected. Article 3 of the Tunisian Electoral Code stipulates that anyone sentenced to more than three months' imprisonment (or to a six-month suspended sentence) for a criminal offence cannot be registered on the electoral roll. However, Article 369bis of the Code of Criminal Procedure provides for the reinstatement of the political and civil rights of prisoners after a maximum of five years after the sentence has been

served and no new offence has been committed. Such reinstatement rarely happens in practice.

Many political prisoners were students at the time of their arrest in the early 1990s. In most cases they were not allowed to study in prison, in breach of international standards and Article 19 of the 2001 Tunisian law on prison administration. After their release, hundreds have reportedly been prevented from resuming their studies in state-run universities, in violation of

Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which guarantees the right to education, including the right to higher education.

SAMIR TAAMALLAH



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HAMDI ZOUARI



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he had received no response. In November 2009, the tribunal ordered the Interior Ministry to issue him a passport. This has not yet happened.

After he obtained his diploma in computer engineering from a private college, he worked for five foreign companies based in Tunisia. His contracts were not renewed as he needed a passport to travel abroad for training or meetings. He has now been working for a multinational company for more than two years and has been asked to go abroad for training. If he cannot travel, he fears he will be dismissed and have to reimburse the costs of training he has already received.

Hamdi Zouari, now aged 39, was arrested when he was 21 and sentenced to 10 years' imprisonment and five years' administrative control for membership of Ennahda and other related charges. When he was released on 9 September 2001, he had to report to the police station every Wednesday. Later that year he was sentenced to one month's imprisonment for breaching this condition after he failed to report one week due to a national holiday and went a day late the following week.

After his release, Hamdi Zouari asked to resume his studies at the National School for Engineers, but this was refused. In January 2007, he applied for a new passport. Eighteen months later he filed a complaint before the administrative tribunal as

"I have been working for two years for this company. I already missed a business trip in 2008 and have received warnings from my superiors. I need to travel immediately for business trips as part of my commitments towards the multinational company that hired me."

Hamdi Zouari, October 2009

After his conditional release from prison in September 2002, Samir Taamallah, a member of the banned Tunisian Workers' Communist Party and former activist of the UGET, was effectively prevented from resuming his studies at the Faculty of Literature and Human Sciences at Kairouan University. On 27 November 2002, he and two other students started a hunger strike. They ended it after receiving guarantees from the Ministry of Higher Education that they would be allowed to register. The two others were indeed able to register but Samir Taamallah was not. In 2003, he applied for a passport to allow him to study abroad, but this was also refused. Between 2002 and 2007, he was regularly arrested by State Security officers to prevent him from participating in demonstrations or human rights conferences. He was usually brought to a police station and kept, without questioning, for up to 11 hours before being released.

MEDICAL CARE DENIED

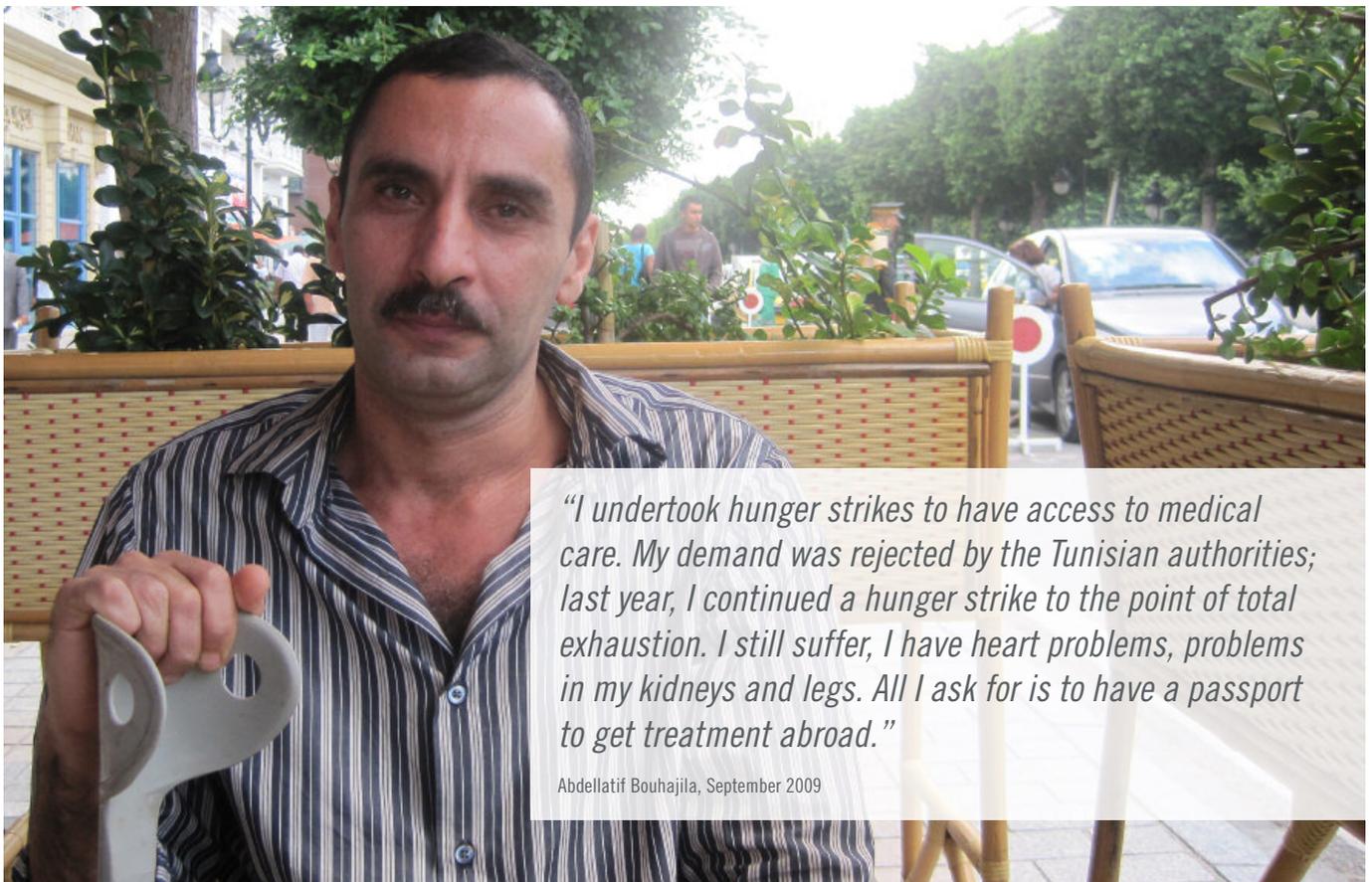
Some former political prisoners are denied access to health care. Some are not allowed a medical card (*carte de soins*) or a disability card (*carte d'handicapé*), which allow those without income or with

disabilities to access health care. In some cases this may prevent them receiving treatment for injuries or conditions caused or aggravated by torture or poor conditions in prison. Those denied a passport are also unable to go abroad for medical treatment.

Article 12 of the ICESCR provides for the right of everyone to enjoy the highest attainable standard of physical and mental health. By not allowing former political prisoners to receive the medical care they need, the Tunisian authorities are again breaching their international human rights obligations.

ABDELLATIF BOUHAJILA

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“I undertook hunger strikes to have access to medical care. My demand was rejected by the Tunisian authorities; last year, I continued a hunger strike to the point of total exhaustion. I still suffer, I have heart problems, problems in my kidneys and legs. All I ask for is to have a passport to get treatment abroad.”

Abdellatif Bouhajila, September 2009

Since his conditional release in November 2007 after more than nine years in prison, Abdellatif Bouhajila, aged 40, has been unable to get his medical files from the hospital where he was treated during his imprisonment. In addition, his hospital appointments have been systematically postponed in an apparent attempt to prevent him from receiving the medical care needed. In protest, he started a hunger strike on 2 October 2008.

Abdellatif Bouhajila had kidney surgery in 2002 and continues to suffer from heart and kidney problems, for which he requires urgent medical care. His health is said to be poor due to ill-treatment in prison and multiple hunger strikes. On 12 November 2008, he was visited by two Ministry of Public Health officials, who asked him about his medical condition and promised to provide medical assistance, but nothing further has happened since then. Abdellatif Bouhajila

has to pay for his treatment as he was refused a medical card. His April 2008 application for a passport was refused without a written explanation, denying him the option of medical treatment abroad.

HABIB ELOUZ

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Political prisoner Habib Ellouz was conditionally released from prison on 5 November 2006. He had been sentenced in 1992 by a military court in connection with his membership of Ennahda and other related charges. He remains under various administrative control measures that cover a period totalling 13 years. These restrict his freedom of movement, and prevent him from seeking appropriate medical treatment for diabetes and the glaucoma he contracted in prison. Due to medical neglect in prison, he became blind in one eye, and is at risk of losing the sight in the other. An ophthalmologist who operated on him in Tunis after his release said that his eyes should be checked every two weeks. However, due to intimidation by the authorities and his administrative control order requiring him not to leave the Sfax region without prior permission, Habib Ellouz can only be examined every three months. When he has medical appointments, the security officers insist that he should not leave Sfax, warning that other former political prisoners have been rearrested for leaving their region. When he needs to leave Sfax, he is requested to give the name and address of his doctor as well as his accommodation plans. He is followed while in Tunis, at times even within medical premises.

ACT NOW

The relentless harassment of former political prisoners is denying hundreds of people their fundamental rights and is emblematic of the Tunisian government's intolerance towards any criticism or dissent, past or present. The prisoners have already been punished, many of them after unfair trials and for activities that should not be criminalized. They should now be free to rebuild their social and family lives, find paid employment, and access appropriate medical care. They should also be free to exercise their rights to freedom of expression, assembly and association – rights for which many of them have already spent years in prison.

Please write to the Tunisian authorities and call on them to:

- stop the harassment, arrest, prosecution and conviction of individuals for peacefully exercising their right to freedom of expression, assembly and association;
 - grant legal registration to NGOs working for the rights of former political prisoners, including the International Association for the Support of Political Prisoners and Liberty and Equity;
 - undertake a thorough review of the laws, policies and practices that led to the victimization of hundreds of Tunisians, and adopt a comprehensive plan to rehabilitate victims of state abuses. Adequate reparation should be provided, including compensation, restitution, rehabilitation, measures of satisfaction and guarantee of non-repetition, as well as bringing to justice the perpetrators of human rights violations.
- Please write to the Tunisian authorities and call on them to:**
- end the harassment and stigmatization of political prisoners after their release;
 - end the imposition of abusive or arbitrary measures of administrative control on former political prisoners;
 - ensure freedom of movement to former political prisoners and allow them to reintegrate into society, through contacting their social networks, finding employment, accessing health care, and obtaining official and identity documents, including passports;
 - repeal all provisions in the Penal Code, the Press Code, the 1969 law on public meetings, the 1959 law on associations, which criminalize the peaceful exercise of the rights to freedom of expression, association and assembly;

PLEASE WRITE TO:

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Salutation: Your Excellency

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