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Tunisia: releases welcome but reform needed

Amnesty International welcomes the recent release of prisoner of conscience Mohammed Abbou and 21 other long term political prisoners in Tunisia. Hundred others continue to be held serving sentences imposed on them after unfair trials. The organization is calling on the Tunisian authorities to repeal or amend all laws that permit prison sentences for the peaceful exercise of the right to freedom of expression and association.

All 22 prisoners were released by a presidential pardon on 24 July to mark the 50th anniversary of the Republic of Tunisia. All of the releases are conditional. Any former prisoner who breaches the conditions of his release can be re-arrested and made to serve the remainder of his sentence by decision of the Minister of Justice, without any judicial process, or placed under house arrest for the same period.

Human rights defender and lawyer Mohammed Abbou was released after having served 28 months of his three-year- and-a-half sentence which was handed down in April 2005 after an unfair trial, which was observed by Amnesty International. He was convicted for denouncing torture in Tunisia in article he posted on the internet in 2004 and for allegedly assaulting a female colleague in 2002. Although the UN Working Group on Arbitrary Detention adopted the opinion in November that his detention was arbitrary, he continued to be detained in El-Kef prison where he was harassed on several occasions by the prison administration and visits by his wife were often interrupted or restricted.

Most of the 21 other political prisoners who were released had been imprisoned for over 14 years because of their membership of the banned Islamist organization, *Ennahda* (Renaissance), after unfair trials before the Bouchoucha and Bab Saadoun military courts in 1992. Several, including Sahbi Atig and Mohamed Gueloui, were sentenced to life imprisonment.

Some 30 other *Ennahda* prisoners, including former president of *Ennahda* Sadok Chourou, who were also sentenced after unfair trials in the early 1990s were not released. They continue to be held at various prisons in Tunisia. Some are reported to be in poor health and in urgent need of medical treatment because of ill-treatment in detention and harsh prison conditions, including prolonged solitary confinement, for many years. These include Ridha Boukadi, Mondher Bejaoui and Wahid Serairi.

In addition, the Tunisian authorities continue to hold about a thousand prisoners under the 2003 counter-terrorism law allegedly for seeking to go to fight in Iraq or for membership to a terrorist or unauthorized organization or association. Many have been handed harsh sentences after unfair trials. Those who were forcibly returned from abroad to Tunisia have also been detained in connection to terrorism charges. They have been charged under the anti-terrorism law or the code of military justice.

Despite these releases, former political prisoners continue to be subjected to arbitrary measures denying them the right to work or travel as well as access to medical care. Former political prisoner and human rights activist Lassad al-Jouhri has been denied an identity card since his release in 1998 and the authorities refuse to issue his wife and children with passports. He has repeatedly been harassed in an attempt to intimidate him. In June 2007, he was arrested and detained for several hours and asked to sign a written commitment to give up his work on behalf of political prisoners and their families, which he refused.

Other former political prisoners have been subjected to administrative control as an additional sentence whereby the authorities can choose their place of residence and change it as they deem appropriate. Former prisoners subjected to administrative control cannot leave the residence to which they have been assigned without authorization. This practice has often clearly been used as a pretext for persecution. Former political prisoner and journalist for *Ennahda's al-Fajr* newspaper Abdallah Zouari has been

subjected to five years of administrative control after he had served his 11-year prison sentence for membership to *Ennahda*. After his release, he has been forced to take up residence in Lakhriba, a remote village near the southern Tunisian town of Zarzis, some 500km south of his home in Tunis where his family live. He has been under tight control with a police car and a motor cycle stationed in front of his house, and has constantly been followed. His request to visit his wife and children in Tunis has been routinely left without an answer. His five year administrative control, which was supposed to end in June 2007, was again extended by another 26 months without any justification being given to him by the authorities.

Amnesty International calls on the Tunisian government to uphold the country's obligations under both national law and international human rights law and standards, and to lift restriction arbitrarily imposed on former political prisoners. It also calls on the Tunisian authorities to amend or repeal all laws that continue to allow prison sentences for the peaceful exercise of the right to freedom of expression and association or assembly.