

No Holiday
Prison Conditions in Tunisia



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CAMPAIGN PACK

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Introduction

Tunisia is a country in North Africa on the Mediterranean sea. It has for the last few years been touted as the ideal holiday destination for budget-conscious travellers, with industry, economy and publicity being aggressively pursued to position Tunisia as “The new Spain” for global holiday makers.

However, Tunisia also hides a dark secret. It is routinely condemned by numerous human rights organisations (extracts of which appear in this campaign pack), due to its prison conditions, political repression and a dictatorial president who believes that he is above the rights of law and due process.

Since 1991, Tunisia has aggressively and purposely cracked down on any dissent or protest particularly from Islamic groups and reformers. Any act which it perceives or claims to be anti-government, including criticising the human rights of Tunisia, is defined as terrorism under the Terrorism Act 2003. It defines terrorism as :-

“acts of incitement to racial or religious hatred or fanaticism regardless of the means employed”

This can of course include meetings, protests, blogs and letter-writing. In fact, many have been prosecuted under these laws. This includes :-

A Swiss journalist who was part of Amnesty International, Yves Steiner, was expelled from the country after violating “public order”. The crime was enquiring about the Human rights situation in the country.¹

A Tunisian web editor, Zouhair Yahyaoui, was jailed for 28 months for running a website promoting human rights in Tunisia.²

Tunisia has also pursued an aggressive ban on Muslim dress, banning the wearing of Islamic Headscarves (Hijab) in public places. This has been law since 1991, however it has now become a focus of the police as tourism comes to the area. Police patrol the city centres and resorts, and if someone is found to be wearing Hijab they must remove the Hajib and sign a pledge not to wear it again for fear of arrest.³

There is also severe censorship with regards Tunisian citizens’ internet access. Both ISPs operating in the country are heavily monitored and controlled by close associates of Ben Ali, including his daughter. Internet cafés are also monitored closely, with managers obliged to pass information of suspicious or political browsing to the police.⁴

Of greatest concern however are the conditions of the prisons within Tunisia, of which we have focussed upon two detainees as case studies.

¹ BBC News 2006

² Reporters Sans Frontieres

³ BBC News 2006 Report

⁴ Ibid

Prisons And Judiciary

Tunisia's prisons are amongst the worst in the world, particularly the ones developed to house political prisoners. They are routinely condemned for their abuse of due process, practice of torture and insensitivity to the conditions of incarceration. This is not to mention that all trials in "terrorism" cases are tried under a military court, in which legal safeguards are not met. These have been discussed briefly below.

Torture

From the time of arrest, torture is practiced and widespread. These include beating with electric cables, electrocution, beatings with clubs, suspending detainees from the ceiling, and rape / threats of rape of family members and the inmate themselves. Most disturbing is the seeming impunity to which the torturers operate in the country. In 2007 not one person was brought before the courts for practicing torture.⁵

Right to A Doctor

This is allegedly a part of Tunisian law, however in practice detainees are denied this, and threatened if they should request the visit of a doctor. Judges also routinely deny the detainee this right.⁶

Right to A Lawyer

Under Tunisian law, detainees can be held for 6 days without access to a lawyer, thereby making torture and ill-treatment routine. This period in practice (though not legislated) is often extended in "terrorism" cases.

Solitary Confinement

Inmates are held in solitary confinement for 22 hours a day in the cases of major "terrorism" convictions. They are denied natural light, proper exercise and inadequate hygiene. A Change of Clothes and other essential items are often denied. The only person the inmate will see is their captors.⁷ On at least one occasion, common-law prisoners were forced into the cell with a political prisoner and instructed to rape him.⁸

General Conditions of Incarceration

This account was provided from an anonymous detainee within a Human Rights watch report on Tunisia :-

[In] the *siloun*, which is a dark, tiny cell with no ventilation or facilities, the prisoner, even if he is young, gets sick, because the *siloun* is suffocating in summer and freezing in winter. There is no toilet. Plastic or glass bottles serve as urinals. The *siloun* is equipped with medieval chains. If the prisoner is punished by being handcuffed, he must satisfy his needs in a plastic pot and his cellmates must cover it. The prisoner is held naked or given a prisoner's uniform made of thick cotton, dirty, and full of lice, which gives you scabies or allergies. The blankets are dirty, foul, and full of lice and bugs. The administration can send a prisoner to the *siloun*

⁵ Country Reports on Human Rights Practices, US State Department 2006:

⁶ The Administration of Justice in Tunisia, March 2000, Human rights Watch

⁷ *ibid*

⁸ *ibid*

as punishment for as long as a month and can extend the period as it pleases. When a prisoner is put in the individual or group *siloun*, he is always also forbidden to receive visits by his family or food packages from them, and forbidden to make purchases at the prison canteen.⁹

Visiting Conditions

Conditions are under heavy monitoring, extremely brief and harsh. It is not an atmosphere which is humane nor will it facilitate the freedom to discuss rights abuses that are currently taking place. One report of a visitor describes this as follows:-

“Everything stops. All the doors are closed and neither my husband nor I see any other prisoners. There are always at least four guards present, one at least behind me and three behind Hamadi. There is a grill between us and we are more than one meter apart. In principle, the visit is supposed to last fifteen minutes but the guards can cut it short if they do not approve of our conversation. So what we talk about is limited to “I’m fine,” “Everything’s OK,” that sort of thing.”¹⁰

Case Study One ; Saifallah Ben Hassine

Saifallah ben hassine is a Tunisian who is currently being held in deplorable conditions. He was extradited from Turkey in 2003 to face politically-motivated charges.

A military court sentenced him to 64 years in prison, without transparent judicial process nor anything that could be constituted as evidence. Most of the ‘evidence’ was obtained through the torture of others and the rest on conjecture.

What is most deplorable however are the continued harsh conditions that he has been subjected to, as well as the outright inhumanity of his jailers? According to reports he is both asthmatic as well as suffering from a debilitating kidney condition. To date he has still not received medical attention for this. His conditions of confinement are that he is held in a small 4 square meter cell, without adequate hygiene, ventilation nor natural light

Communication is virtually impossible. Only 3 letters have been received from him to his wife and family since his incarceration. His mother and sisters visits to him are extremely intimidating and continually frustrated. ¹¹In one visit, he showed indications of being seriously assaulted. On other occasions, the prison has told his family he does not want to see them when the opposite is in fact the case.

The visits when they do occur involve 2 guards and a prison officer in the room. When the conversation deviates from the mundane to that of conditions, the visits are terminated. On one occasion, he was dragged away screaming “please help me” after a 2 minute visit terminated early.¹²

⁹ Solitary Confinement in Tunisia, HRW 2001

¹⁰ *ibid*

¹¹ Cageprisoners, 2007

¹² Alkarama for Human Rights, 10 July 2007

Case Study Two : Abdullah bin Omar

Abdullah bin Omar was repatriated from Guantanamo bay in 2006. Since then, he was subjected to appalling treatment. He was held in solitary confinement with only 15 minutes exercise permitted without natural light. He was not provided with any means to see the time thereby stopping him praying and subjecting him by default to sensory deprivation. He was told that his wife and daughters would be raped. He was prohibited from contact of any other inmates, and requiring glasses to read yet not provided them, he cannot even read to pass the time. He was eventually placed in a cell with other prisoners.¹³

Case study Three : Lofti Lagha

Lofti Lagha was also repatriated from Guantanamo Bay. He was denied a lawyer for 7 weeks from arrival, and during that time suffered horrific abuses. He was led hooded to the Interior ministry, and threatened with assault, torture and beatings. He was then told his wife and daughters would be tortured and raped in front of him, and prevented from sleeping. He was then placed in solitary confinement. He was prohibited from contacting his family to inform them of his whereabouts, and the first his family heard of him was when watching a middle-eastern news channel.¹⁴

¹³ “From Guantanamo To Worse”, New Statesman

¹⁴ *ibid*

Summary and Actions Required

It is clear from reading this small snapshot of incarceration conditions and treatment of prisoners that Tunisia has no interest in protecting the human rights of its citizens. This is probably motivated by a number of factors, including the wish to silence opposition thereby allowing the dictatorship to continue, to bolster tourism by removing Islamic sentiments from the country, or other factors which only president Ben Ali knows.

However, Tunisia places great importance on its marketing as a tourist destination, and surely it cannot sit well on anyone's conscience to visit a country where human rights are so grossly and regularly violated.

As such, the best actions one could take is to inform the country why you will not be visiting Tunisia, as well as asking them what steps they intend to take to ensure that the human rights situation in the country is rectified. A sample letter and contacts have been provided.

It is also important to place pressure on Tunisia to adjust their human rights practices for the better by signing any petitions or protests organised by either ourselves or other organisations for prisoners in Tunisia. It is also important to write to the prisoners where their details are known, so that the Tunisian government is aware that others know about their human rights situation and wish to help them get the rights that they deserve.

You can also keep updated with this and other campaigns via the helptheprisoners.org website or via other organisations.

APPENDIX A : KEY CONTACTS

Please address any letters to one or all of the below :-

President

Président M. Zine El Abidine Ben Ali
Président de la République
Palais Présidentiel
Tunis – Tunisie
Telegram: Président de la République, Tunis, Tunisie
Fax: + 216 71 744 721

Interior Minister

M. Hédi Mhenni
Ministre de l'Intérieur
Ministère de l'Intérieur
Avenue Habib Bourguiba
1000 Tunis – Tunisie
Telegram: Ministre de l'Intérieur, Tunis, Tunisie
Fax: +216 71 340 888/ 340 880
E-mail: mint@ministeres.tn

Minister of Justice and Human Rights

M. Bechir Tekkari
Ministre de la Justice et de Droits de l'Homme
Ministère de la Justice et de Droits de l'Homme
31 Av. Bab Benat
1006 Tunis - La Kasbah – Tunisie
Telegram: Ministre de la Justice, Tunis, Tunisie
Fax: + 216 71 568 106
E-mail: mju@ministeres.tn

Tunisian National Tourism Office

1, Ave. Mohamed V – Tunis
Tel: (+216-71) 341 077
Fax : (+216-71) 350 997

APPENDIX B : SAMPLE LETTER

Please send the below, personalising it if possible, to the addresses and emails listed in “Key Contacts”.

Dear <NAME>,

I write to you as I am extremely concerned about the deteriorating human rights situation in Tunisia, which disturbs me greatly. I am also aghast that you would continue to solicit tourism to your country when you continue to treat prisoners held in your country abysmally.

I have read that since the president, Ben Ali, has been in power Tunisia has:-

- a. Tortured Political prisoners and those held on terrorism charges,
- b. Imprisoned many in solitary confinement without adequate access to natural light or clean clothing
- c. Threatened detainees with the rape of their family members
- d. Created hostile and intimidating atmosphere for family members to visit detainees

I am aware that all of the above has happened to Sayfella Ben Hassine, Abdullah ben Omar, and Lofti Lagha, and no doubt has happened to many more held within your prisons.

In Sayfellahs case, he has been held without adequate medical attention, with communication between himself and his family severely hampered and abused by his captors.

In Abdullah ben Omars case, his family members were not even informed that he was being held until middle east news covered the story.

In Lofti Laghas case, he was told his wife and family would be raped.

This is not the way a country which allegedly values international norms and laws should behave. As such, I will not be considering Tunisia as a holiday destination this year, and will do all that I can to advise others to also avoid visiting Tunisia until these human rights violations are addressed and rectified.

I look forward to hearing from you on how you intend to restore human rights in Tunisia.

Regards,

<NAME>