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Sign-in' Requirement Shows Police, Not Courts, Restricting Freedoms

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(Washington, D.C.) - Tunisia should stop insisting that former political prisoners sign-in regularly with the police, an onerous obligation that has no clear basis in Tunisian law, Human Rights Watch said today. Some prisoners are made to sign-in daily at specific times and often made to wait, making it difficult to resume their daily lives and find work.

Human Rights Watch released an exchange of letters with the Tunisian government on the sign-in requirement, one of several arbitrary police measures imposed on political prisoners after their release.

"The sign-in requirement illustrates how the police, and not the justice system, decide just how little freedom a former prisoner is to have," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch.

These measures, documented in Human Rights Watch's March 2010 report, "[Repression of Former Political Prisoners in Tunisia: A Larger Prison](#)," include arbitrary denial of passports, constant police surveillance and harassment, and oral orders from the police confining the released prisoners to their home district. In its correspondence with Human Rights Watch, the Tunisian government cites no legal basis for the sign-in requirement.

Tunisia's penal code allows trial courts to impose "complementary" sentences of "administrative control," obliging former prisoners to live at a fixed address for a specific time period. Nothing in the law specifies that administrative control may include a requirement to report regularly to the police. Nevertheless, the police require many newly freed prisoners to sign-in daily, often making them wait for hours at the station and threatening to re-arrest them for noncompliance. Inconvenient and time-consuming sign-ins only add to the obstacles the former prisoners face in finding employment.

Police often detain those who disobey their oral sign-in orders, even though Tunisian courts have often sided with prisoners who have challenged these requirements. For example, in 2009 the Court of Cassation, Tunisia's highest court of appeal, acquitted Qabil an-Nasri of Menzel Bourguiba, on charges of disobeying his administrative control order. The court said that while the order confined him to a specific address, it contained no sign-in requirement.

Despite rulings like this one, the sign-in orders continue. The police in Bizerte jailed another former prisoner, Zied Ferchichi, on March 23, 2010, after he refused to sign in, contending that the order has no legal basis. Ferchichi is serving three years of administrative control after completing a prison sentence in 2008.

He was freed on April 7 after the Bizerte Court of First Instance acquitted him on charges of disobeying his administrative control order. But on May 9, Ferchichi told Human Rights Watch that the police detained him again without explanation and released him four days later without charge but with an oral warning to sign-in.

Tunisian officials who met with Human Rights Watch on March 22 and 23 insisted that the sign-in requirement was not arbitrary. Ridha Khemakhem, general coordinator of human rights at the Justice Ministry, stated that the legal basis for the requirement was a circular ("*circulaire*") that has the force of law even though it has not been published. Neither Khemakhem nor Tahar Fellous Refa, a director general at the Interior Ministry, would release the circular to Human Rights Watch.

"A country that respects the rule of law should not invoke unpublished laws or circulars when the stakes are a person's basic freedoms and noncompliance means jail," Whitson said.

Khemakhem acknowledged to Human Rights Watch that the former prisoners do not receive their sign-in requirements in writing. But, he said, the police ask them to sign a statement to the effect that they have been given oral instructions to sign-in.

In its follow-up letter to Human Rights Watch, the Justice Ministry stated that the judiciary decided upon and enforced administrative control sentences, and that these were based on law and "subject to strict rules as regards the territorial scope of the control and the periodicity of the concerned person's signing before the legally competent authority."

However, the Justice Ministry's letter provided no legal source for the sign-in requirement. The penal code articles defining administrative control refer to only one kind of restriction - the designation of the person's residence - and do not empower authorities to add further measures restricting the movement of former prisoners.

"Tunisian courts, like those in many countries, impose certain restrictions on freed convicts," Whitson said. "What is unacceptable is that Tunisia's police go beyond those legal measures and turn the lives of former political prisoners into what many call a larger prison."

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