



Tunisia: Arbitrary Denials of Passports to Former Political Prisoners

Tunisian authorities impose a wide range of arbitrary measures on persons convicted of politically motivated offenses after they are released from prison. These include constant police surveillance, which can amount to harassment, oral orders from the police confining them to their home district, sign-in requirements at police stations and, reportedly, pressure on employers to refrain from hiring these ex-prisoners.

One of the most common practices is the arbitrary refusal to issue passports. Law n° 75-40 of May 14, 1975, as amended by law n° 98-77 of November 2, 1998, states that every Tunisian citizen has the right to receive, renew, or extend his or her passport except “on request of the prosecution if the subject is under legal proceedings or is wanted for a felony or misdemeanor or has been sentenced to prison following conviction,” or the travel of this individual endangers the “general stability, security, and reputation of the country.”

In practice, authorities commonly refuse to issue passports to ex-political prisoners without explaining the basis on which they are doing so, sometimes refusing even to take the application from the passport-seeker. These practices are documented in Human Rights Watch’s March 2010 report, “A Larger Prison: Repression of Former Political Prisoners in Tunisia.”

In cases where authorities accept to take the application, the result is often either a rejection of the application by the Interior Ministry, no response at all, or an oral rejection of the application given by an officer at the local police station without any indication that the application was ever submitted to and processed by the office charged with handling passport applications. The ministry seldom furnishes a formal reason for denying ex-prisoners their passports unless the applicant pursues the matter before an administrative court. And even if an ex-prisoner wins a judgment in administrative court that the ministry’s decision not to issue a passport was unlawful, that does not guarantee that the ministry will subsequently issue a passport to the plaintiff. The result is that there are scores if not hundreds of ex-prisoners who have been arbitrarily denied their passport for years, in some cases for longer than a decade.

Human Rights Watch continues to receive information from former prisoners who applied unsuccessfully for passports. What follows is a sample of such cases.

Case 1: Sami Ben Saleh

A resident of Tabarkah, Sami Ben Saleh, b. 1965, was sentenced to 9 years in prison for membership in an illegal organization, but was conditionally released after 5 years in 2001. He applied for a passport in July 5, 2004 at the Tabarkah police station in Manouba province. After receiving no response to his application, he sent letters to the Ministry of Interior and the General Directorate for Borders and Aliens but they went unanswered. In August 2006, the Tabarkah police informed him orally that his application was denied and asked him to sign a document acknowledging having been informed of this decision, but he refused.

Case 2: Sami Ben Daoud

A resident of El-Mourouj 3, Sami Ben Daoud, b. 1971, said he was sentenced to 5 years in prison in 1991 for participating in a demonstration against the first Gulf war. After his release, he applied for a passport four times in the Mourouj 3 police station, the first time in 1997 and the last on May 30, 2006. He was able to obtain a receipt for his application the last time that he applied. Each time he applied, the police informed him orally that his application was refused but provided no reasons. He petitioned several times to the Ministry of Interior, the General Directorate for Borders and Aliens, and the President of the Republic, to no avail.

On May 31, 2008, the administrative court in Tunis ruled that the Ministry of Interior had wrongfully denied Ben Daoud a passport without providing a reason. Nearly two years later, the ministry has not issued him a passport.

Case 3: Mounia Ibrahim

A resident of Sousse, Mounia Ibrahim, b. 1971, says she was sentenced to a month and-a-half in prison in 1994 for membership in an illegal organization. Her passport was confiscated upon her arrest. She applied for a passport on April 12, 2008 in Zuhour police station in Sousse. After not receiving a response, she petitioned the minister of interior and the president, but her requests remain unanswered.

Case 4: Mohamed Hamrouni

A resident of Tunis, journalist Mohamed Hamrouni, b. 1965, was sentenced to 3 years and 8 months in prison in 1992 for membership in an illegal organization. He applied for a passport at the Gammarth police station on May 26, 2009. When submitting his application, Hamrouni was questioned about why he wanted a passport. Only after presenting an invitation from the American embassy for a business trip to the United States did they accept his application. Hamrouni attempted several times to get an answer to his application from the police station, but they keep referring him to the General Directorate for Borders and Aliens, who provided him with no response.

Case 5: Hamdi Zouari

A resident of Tunis, Hamdi Zouari, b. 1970, said he was sentenced to 10 years in prison in 1991 for membership in an illegal organization. He applied to renew his passport on January 27, 2007, but did not receive any response. He sent several letters of complaint to the President of the Republic, the Ministry of Interior, the General Directorate for Borders and Aliens, and the High Commission for Human Rights in July 2009, all of which went unanswered, he said. On October 12, 2009, Zouari filed a suit against the Ministry of Interior in the administrative court, which ruled on November 4, 2009 that the ministry had acted unlawfully in denying him a passport without providing a reason. Despite this, the Ministry of Interior continues to refuse to issue Zouari a passport. In December 2009 he sent several letters of complaint along with the court ruling to the President of the Republic, the ministry of interior, and the General Directorate for Borders and Aliens. He says that he has not received a response.

Case 6: Abdelkader Zayani

A resident of Tunis, Abdelkader Zayani, b. 1971, was sentenced to a year and-a-half in prison on July 15, 1997 on charges of knowingly publishing “false information” about the Tunisian government. Since his release, he has repeatedly applied for a passport. He has received several written refusals to his applications, all stating that he is a “threat to Tunisia’s reputation abroad.” Zayani applied most recently in January 2010, at the Ministry of Interior in Tunis. When he inquired about the status of his application, he was informed that he had to continue to wait for the decision. Zayani said that in 2008, he was offered a job in France as a translator that he had to turn down because of his inability to travel.