

Tunisia Jails Repatriated Women With Suspected ISIS Ties

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Ensure Humane Treatment, Due Process, Medical Care

(Tunis) – Families of women and children with ties to suspected members of the Islamic State group (ISIS) who were recently repatriated to [Tunisia](#) say that all of the women are in detention, Human Rights Watch said today. Some have faced abuse, have contracted Covid-19, and have been denied their rights.

The Tunisian authorities should immediately ensure that all repatriated women are treated humanely, receive necessary medical treatment, and are granted their full due process rights while in detention.

“While the authorities should assess these women individually and prosecute any who committed serious crimes, there is no excuse for depriving them of their rights,” said [Hanan Salah](#), senior Middle East and North Africa researcher at Human Rights Watch. “Prison authorities should end all alleged abuse, ensure access to lawyers, and ensure that adequate preventive measures and health care are in place to prevent the spread of Covid-19.”

Between March 11 and 18, 2021, Tunisian authorities repatriated 10 women and 14 children who were held in Libyan prisons, some for more than 5 years, for having ties to suspected members of the extremist armed group Islamic State (also known as ISIS), according to the [Tunisian Observatory for Human Rights \(TOHR\)](#). One woman, who has two children, was a child herself when she went to Libya, her brother said. All the repatriated children were released to the care of relatives or are under government care in social service facilities.

Relatives and lawyers of four of the women said they are detained in Manouba Prison. None had access to a lawyer during interrogation, and one of them said the family could not afford to hire a lawyer. One woman told her relatives she was beaten by investigators during interrogation and coerced to sign an interrogation report. Formal charges against the women remained pending, relatives and lawyers said.

Two relatives said that detention conditions were abysmal and that at least three repatriated women said they had contracted Covid-19 and believed that some other repatriated women were also sick with Covid-19.

Detainees are often at heightened risk of Covid-19 due to close proximity, inability to practice “social distancing,” a lack of adequate sanitation and hygiene, a [high incidence of underlying medical conditions](#), and lack of adequate medical care.

Containing Covid-19 and offering adequate medical treatment to those affected should be a priority for the authorities. But they should not use Covid-19 as an excuse for indefinite detention without charge, Human Rights Watch said.

The father of one of the women told Human Rights Watch that his daughter, who was repatriated on March 18, told him that she had contracted Covid-19. He said they were separated by a glass barrier during his five-minute visit: “She was sick when I saw her and told me that other women had also contracted Covid-19. She told me that the women were not receiving any medical treatment inside the prison.”

His daughter also told him that she had been ill-treated while in detention in Tunisia: “My daughter told me that officers at the Gorjeni Anti-Terrorism Unit beat her during interrogation and coerced her to sign interrogation reports. She told me that she had beating marks on her body. She said that authorities confiscated all her belongings and left her with just the dress that she was wearing. She told me that she has no underwear, and that the women had nothing inside the prison.”

The basis for the continued detention without charge of the women is [Tunisia's 2015 counterterrorism law](#), which extends incommunicado detention from 6 to up to 15 days for terrorism suspects, permits courts to close hearings to the public, and allows witnesses to remain anonymous to the defendants. The law allows the police to interrogate suspects without a lawyer for 15 days. The law endangers human rights, lacks safeguards against abuse, and [should be amended](#), Human Rights Watch said.

As a state party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, [Tunisia is required to ensure](#) that anyone deprived of their liberty is treated humanely and with dignity and is afforded their full due process rights. The UN Standard Minimum Rules for the Treatment of Prisoners ([Mandela Rules](#)) establish standards to which all UN member states should adhere.

Tunisian authorities, as an immediate step, should grant unfettered access to lawyers and allow family members to visit the detained women, Human Rights Watch said.

In keeping with [United Nations resolutions](#), Tunisian authorities should prioritize rehabilitation and reintegration services for the repatriated women and children, Human Rights Watch said. Children who lived under ISIS control and women trafficked by ISIS should be treated first and foremost as victims, and children should face prosecution and detention only in exceptional circumstances. A continued lack of reintegration support would contradict international principles for children associated with armed groups. Children should remain with their parents absent compelling evidence from independent experts that separation is in their best interest.

"These Tunisian women and children have already spent up to five years in abusive arbitrary detention in Libya because the two countries failed to reach a repatriation agreement sooner," Salah said. "Those not suspected of serious crimes badly need assistance, rehabilitation, and reintegration, especially the children, some of whom were born in prisons in Libya and know no other life."

Background

Thousands of foreign fighters and their family members, including hundreds of Tunisian nationals, went to Libya in 2016 when ISIS controlled some areas in Libya.

Libyan forces battling ISIS in [Sebratha](#) in February 2016 and [Sirte](#) in December 2016 captured hundreds of women and children with suspected ties to ISIS fighters, including Libyans, Tunisians, and other foreigners and [detained them](#). Tunisia repatriated nine orphans from Libya between [2019](#) and [2020](#), but had been deadlocked with Libyan authorities on bringing home or helping repatriate the rest. According to TOHR, in 2020, Tunisian authorities also repatriated from Libya one woman with suspected ties to ISIS who remains under investigation.

Ten more Tunisian women and twenty-one children, most of them young, await repatriation from Libya, according to TOHR, which has been tracking cases of Tunisian citizens with suspected links to ISIS members abroad.

Scores of other Tunisians are arbitrarily detained as ISIS suspects and family members in northeast Syria. The Tunisian authorities should take all feasible steps to bring their nationals home or assist their repatriation for [rehabilitation and reintegration](#) and, if warranted, monitoring or prosecution in line with international legal standards.

Account 1

A lawyer who represents two of the women repatriated to Tunisia on March 18 said that both had contracted Covid-19, which prompted the judges in their cases to postpone the proceedings. The lawyer said that officers from the Gorjeni Anti-Terrorism Unit under the Tunisian Interior Ministry had interrogated both women, who are in Manouba's women prison, without the lawyer being present:

I tried to visit both my clients in Manouba but authorities told me that the women were tested and had contracted Covid-19. They are being investigated by different judges but have not yet been seen by them. One of the women was supposed to appear before a judge but because she has Covid-19, the judge postponed the session, but I don't have a date yet. The other judge responsible for the case of my other client already let us know that he would not proceed with the case until after the month of Ramadan.

The lawyer said the clients had not been formally charged and that the lawyer's priority was to meet with both women.

Account 2

The father of one woman, who was repatriated together with her child on March 18, said that the authorities had handed over the child, who is under 6 years old to him for care and that he managed to visit his daughter at the women's prison in Manouba only once. His daughter told him that she had contracted Covid-19:

I only saw her for five minutes and she was crying throughout. She asked about her daughter. She also asked for fresh clothes. She was wearing just a light dress and didn't seem well. She said that the other women who were repatriated didn't have anything with them. She said that she and the other women have Covid-19, but I don't know where she contracted it. She told me that authorities are keeping the women who have Covid-19 together in one room.

He said that his daughter was interrogated by the Gorjeni Anti-Terrorism Unit, but that she does not have a lawyer because he could not afford to pay for one. He did not know the exact crimes the authorities accuse her of.

Account 3

The brother of one woman who was repatriated on March 11 with her two young children, both under 6 years old, said that his sister was still a child herself at the time she traveled to Libya in 2016 with her husband, who subsequently died. He said his sister had appeared in court for at least one session, where he briefly saw her, and that she was currently in Manouba prison.

He had not been able to get access to visit her there and did not know about her detention conditions. He also said that he did not know what were the formal charges against his sister, but that authorities had accused her of "traveling without a passport," which is [illegal in Tunisia](#).

Human Rights Watch also spoke with this woman's lawyer, who confirmed that she had been interrogated by officers at the Gorjeni Anti-Terrorism Unit without him being present, although he was allowed to briefly speak with her there. The lawyer said that she appeared before the investigating judge of Counterterrorism Judicial Pole who had 14 months under Tunisian law to finalize his interrogation. The lawyer said that authorities appear to be holding his client on the basis of the 2015 counterterrorism law. The two children are under the care of their grandparents.

ecoi.net summary:



Women with ties to suspected members of the Islamic State (IS) group who were repatriated are in detention

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