

# ILF

THE INTERNATIONAL  
LEGAL FOUNDATION



## **Urgent Call to Action to the President of the Republic of Tunisia to Protect Prisoners from COVID-19**

As esteemed members of the Tunisian legal and human rights community, we respectfully write this letter to the President of the Republic of Tunisia to express our concerns regarding the health and safety of those who are in prisons across Tunisia in light of the spread of the novel coronavirus, COVID-19. The World Health Organization (WHO) Interim Guidance on Preparedness, prevention and control of Covid-19 has identified persons locked in detention centers and prisons as being at high risk of contracting COVID-19 because of the confined conditions in which they live together, and because they typically have greater underlying health conditions. The WHO has also made clear that the increased risk of COVID-19 spread in detention facilities extends to detention staff and their families, and the community-at-large.

Mr. President, the majority of prisons in Tunisia, 28 units, have a dilapidated infrastructure and lack healthcare requirements. In addition, Tunisia's prisons face the problem of overcrowding, as the prison population in a number of prisons exceeds 300% of their capacity. This has caused many prisoners to live in inhumane conditions in small areas, where the total number of detainees is about 24000. This overcrowding has contributed to the outbreak of many infectious diseases such as tuberculosis, scabies and ophthalmia, which makes this situation a cause of great concern. The concern becomes greater in the midst of the present exceptional circumstance with the existence of a highly contagious virus, which will infect thousands of prisoners and officers in prisons in addition to their families.

Mr. President Tunisia has the responsibility to protect the liberty, health and safety of detainees and prisoners even during states of emergency, in line with global response.

Mr. President, we would like to express our satisfaction and great appreciation of the measures you took, such as giving instructions to ensure the sterilization of the prison units and to support of healthcare staff, along with inviting the Special amnesty committee to study all the files of the prisoners to consider the possibility of a special amnesty, in addition to granting special amnesty in two occasions to 2090 prisoners. However, this number is not sufficient to reduce the gravity of this epidemic in prisons, as the number of those arrested is approximately 22000 detainees. Accordingly, the hereunder signing organizations suggest that you take immediate and complementary measures such as granting a special supplementary amnesty to release the

most vulnerable to COVID-19 and to reduce overcrowding in prisons in Tunisia in conformity with articles 371 and 372 of the Criminal Procedure Code.

- (a) Grant amnesty to and release prisoners aged 60 or over regardless of the length of time they have left on their sentences.
- (b) Grant amnesty to and release prisoners sentenced to five years or less regardless of the length of time they have left on their sentences.
- (c) Grant amnesty and release all female prisoners regardless of the length of time they have left on their sentences.
- (d) Grant amnesty to and release convicted people sentenced to 5 to 10 years, if more than one third of the sentence is served.
- (e) Grant amnesty to and release prisoners who have underlying health conditions.
- (f) Grant amnesty to and release all children who are placed in juvenile rehabilitation centers or in segregated sections of prisons, and on whom final judgments were issued, regardless of the length of time they have left on their sentences.

Mr. President, this exceptional situation has imposed on us a call to take all pre-emptive measures and precautions to prevent a catastrophe that might occur if the epidemic were to break out in prisons.

Mr. President, we present you this letter as you are the guarantor of the rights enshrined in the constitution including providing humane conditions for prisoners and the right of all Tunisians without exception to health as per the provisions of Articles 30 and 38 of the Constitution, and we are sure that you will take into account our suggestions in order to avoid what might happen in the country if the epidemic broke out in prisons. We also would like to express our readiness to provide any cooperation that would help to accelerate any protective measure to avoid the overcrowding of prisons in these circumstances.