

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Name
2024		109	Tunisia	Sihem Bensedrine

The Network of Concerned Historians perceives truth commissions as proto-historians because in their reports they write the first rough draft of history after a post-conflict period.

Therefore, we urge you to participate in Amnesty International’s campaign for the immediate release of **Sihem Bensedrine** (1950–), who as President of the Truth and Dignity Commission (IVD) in Tunisia documented and referred to prosecution the crimes committed under previous regimes between 1955 and 2013. She was criminally charged and detained on 1 August 2024, ostensibly for this truth commission work.

Amnesty International has prepared a model letter of appeal to Tunisian President Kais Saied in Arabic, English, French, and Spanish, which you can download at:

<https://www.amnesty.org/en/documents/mde30/8456/2024/en>.

We kindly ask you to use this letter or write an appeal in your own words.

Below is a NCH summary of the case, followed by the model letter and additional information.

Please take action now. Please remember to write in your professional capacity.

NCH SUMMARY

On 2 March 2023, journalist, human rights defender and former President of the Instance Vérité et Dignité (IVD; Truth and Dignity Commission, 2014–2018) Sihem Bensedrine was summoned on charges of “fraud,” “forgery,” and “abuse of official capacity” and barred from leaving Tunisia. She was one among seven former IVD members who had been subject to an investigation since March 2019. On 1 August 2024, an investigating judge of the Economic and Financial Judicial Pole at the Tunis Court of First Instance ordered her pre-trial detention in the Manouba prison for women.

Following the adoption of a Transitional Justice law in December 2013, the IVD had been established in June 2014 to investigate human rights violations and to arbitrate on cases of official corruption between 1 July 1955 and December 2013. An independent body chaired by Bensedrine (who was considered by some at the time as too close to the conservative party Ennahda), the IVD was also mandated to provide both material and symbolic reparations to victims of the violations and to draft recommendations to prevent the recurrence of human rights violations and the misuse of public funds, and to promote democracy. On 31 December 2018, the IVD had sent its final seven-volume, 3,000-page report to then President Beji Caied Essebsi (in power between 2014–2019). Since then, nothing had been done with its recommendations. Already on 8 February 2021, four United Nations (UN) Special Rapporteurs had sent a letter alerting the government to the risks of using allegations of corruption against Bensedrine as a pretext to obstruct the transitional justice process, and urged it to “ensure that criminal investigations are not used as a reprisal for the facts contained in the work or reports of the IVD.” In May 2023, independent UN human rights experts had expressed concern that the charges against Bensedrine appeared to be related to her work as IVD president. Bensedrine had also been vocal in her opposition against President Kais Saied (in office since 2019) and the systematic erosion of democracy and the rule of law under his presidency. On 8 August 2024, three UN Special Rapporteurs called on the government to “end to abusive proceedings and reprisals against her,” and expressed serious concerns about the respect for her right to freedom of opinion and expression.

Sources

Julie Schneider, "[Tunisian Truth Commission Opens Despite Internal Turmoil](#)," *International Justice Tribune* (17 December 2014); "[Le DG des Archives nationales appelle l'IVD à revoir sa méthode de travail](#)," *GNet* (2 January 2015); Julie Schneider, "[Tunisia's Truth Commission Carries on Despite Red Tape and Lacking Funds](#)," *International Justice Tribune* (28 January 2015); "[Tunis: L'IVD autorisée à accéder aux archives de la Présidence](#)," *African Manager* (27 May 2015); Carlotta Gall, "[Women in Tunisia Tell of Decades of Police Cruelty, Violence and Rape](#)," *New York Times* (28 May 2015); Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights* (London: Amnesty International, 2015), 372; Human Rights Watch, *World Report 2015* (Washington: Human Rights Watch, 2015), 544; Olfa Belhassine, "[In Tunisia, the 'Falsified' Report that Threatens Transitional Justice](#)," *JusticeInfo.Net* (23 March 2023); Human Rights Watch, *World Report 2024: Events of 2023* (New York: HRW, 2024), 624; "[Tunisia: Immediately Release Sihem Bensedrine, the Truth Commission's Former President](#)," *International Commission of Jurists* (6 August 2024); United Nations Office of the High Commissioner for Human Rights, "[UN Experts Call for Justice for Tunisian Human Rights Defender](#)" (press release; 8 August 2024); Amnesty International, *Tunisia – Former Head of Truth Commission Arbitrarily Detained: Sihem Bensedrine* (30 August 2024).

<https://www.amnesty.org/en/documents/mde30/8456/2024/en/>

AMNESTY INTERNATIONAL: MODEL LETTER

President of the Republic Kais Saied
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Email: contact@carthage.tn

Twitter: [@TnPresidency](https://twitter.com/TnPresidency)

Your Excellency,

I write to you to urge you to immediately release Sihem Bensedrine and drop the criminal charges against her as they are based on her work as President of the Truth and Dignity Commission (IVD) which documented and referred to prosecution the crimes committed under previous regimes. Sihem Bensedrine is a human rights defender and a journalist who has long denounced human rights violations in the country.

Sihem Bensedrine has been under investigation since February 2023 following a complaint by a former IVD board member alleging forgery because revisions had been made to the IVD final report after it was submitted to the President in December 2018. On 7 March 2023, an investigative judge charged Sihem Bensedrine with forgery, fraud and abuse of official capacity and banned her from traveling. On 1 June 2024, the judge ordered Sihem Bensedrine's pre-trial detention and she was taken into custody on the same day.

Sihem Bensedrine's prosecution appears to be a form of reprisal against the work of the IVD and her detention is arbitrary. Sihem Bensedrine must not be punished for exposing allegations of human rights abuses and corruption committed by past regimes. Tunisian authorities must uphold and ensure her human rights and protect her and the IVD members from reprisal including in the form of civil or criminal prosecution brought against them because of their work or the content of their reports.

I urge you to immediately release Sihem Bensedrine, drop all the charges against her and end the misuse of the criminal justice system to target her. Pending her release, she must be granted regular access to her family, lawyers and adequate medical care, and held in conditions that comply with international standards for the treatment of prisoners.

Yours sincerely,

[Your name, profession, address]

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French and English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 October 2024.

Please check with the Network of Concerned Historians if you wish to send appeals after the deadline.

NAME AND PRONOUN: Sihem Bensedrine (She/Her).

<https://www.amnesty.org/en/documents/mde30/8456/2024/en/>

AMNESTY INTERNATIONAL: ADDITIONAL INFORMATION

Sihem Bensedrine, 74, is a prominent human rights defender recognized for her independent journalism and human rights work under Ben Ali's regime. Since President Kaies Saied's power grab in July 2021, she has been a vocal critic of actions undermining Tunisia's rule of law and judicial independence. From 2014 to 2018, she led the IVD, an organization established to document and seek accountability for human rights violations and corruption by state officials

from 1955 to 2013, with the authority to refer serious cases to specialized transitional justice criminal chambers.

In December 2018, the IVD concluded its work and transferred 205 cases of human rights violations and corruption for prosecution before the 13 Specialized Criminal Chambers in Tunisia. A number of these cases were related to alleged corruption within the banking sector. Individuals accused by the IVD of several corruption related offences include former ministers, high profile businessmen, former governors of the Central Bank, high ranking state bank employees and government officials.

The IVD, established in March 2014 with a four-year mandate (extendable by one year), extended its mandate until the end of 2018 despite opposition. On 28 December 2018, the Presidency informed the IVD that its report was due on 31 December. To meet the deadline, the IVD board, chaired by Sihem Bensedrine, adopted a preliminary report on 30 December 2018, pending revisions. The final report was published on the IVD website on 26 March 2019 and in the Official Gazette (JORT) on 24 June 2020. Throughout its mandate, the IVD faced efforts to undermine its work, with government agencies like the ministries of interior and defense failing to fully cooperate.

In May 2020, a former IVD Commissioner filed a complaint against Sihem Bensedrine with the National Higher Instance Against Corruption, accusing her of "forging the final report" by adding a section on corruption in the Tunisian banking system, specifically regarding a dispute between the government and the French Tunisian Bank. The complaint alleges she did this for personal gain, as the added section could lead to costly reparations for the government. In March 2021, the National Higher Instance Against Corruption referred the complaint to the Tunis General Prosecution.

In 2021, the judicial police's economic investigations unit opened an investigation into the complaint and summoned members of the IVD for questioning. The complaint alleged that revisions added to the preliminary version of the report in the chapter on corruption in the banking system amounted to "forgery" with the intention of "bring harm to the Tunisian state."

In the context of this investigation, on 22 November 2022, an investigative judge in the Economic and Financial Judicial Pole questioned Sihem Bensedrine as a witness. On 20 February 2023, the prosecution requested the investigating judge to bring criminal charges against Ms. Sihem Bensedrine for "taking advantage of her position in order gain undue

advantages, causing damage to the administration to achieve a benefit, and through forgery and use of forged documents under Articles 32, 96, 98, 172, 175, 176 and 177 of the Penal Code. On 2 March 2023, the investigating judge changed Sihem Bensedrine's status in the investigation from witness to suspect. On 7 March 2023, the judge issued a travel ban against Sihem Bensedrine.

On 1 August 2024, following a hearing with the investigative judge, an investigative judge of the Economic and Financial Judicial Pole at the Tunis Court of First Instance ordered the pre-trial detention of Sihem Bensedrine under the same charges. The criminal charges against Sihem Bensedrine, which she denies, are based on the claims of the former commissioner who submitted the complaint. The prosecution did not present any concrete evidence to justify the pretrial detention order or the criminal investigation that was opened under such serious charges. Sihem Bensedrine's detention is contrary to the international standards of fairness.

Given the failure thus far of the prosecution to provide concrete evidence of any criminal act that could be related to the changes introduced to the IVD report, the criminal charges against Ms. Sihem Bensedrine, appear to be a form of retaliation for the work she undertook as president of the IVD, and more particularly for the opinions or facts contained in the IVD final report and the prosecutions instigated by IVD against alleged perpetrators.

In May 2023, UN human rights experts voiced concern that Sihem Bensedrine's prosecution seemed retaliatory, linked to her role with the IVD and its corruption cases. International standards mandate states to ensure the right to truth about gross human rights violations through non-judicial means like truth commissions, and to protect IVD members from defamation or legal action related to their work.