

# FOREWORD

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The world of prisons is one that Ahmed Othmani certainly knew well – not only because he spent nearly ten years of his life in Tunisian jails, but also because of his tireless combat, after leaving prison in 1979, to advance human rights around the world, particularly in the context of prison.

Ahmed Othmani's journey is, in many respects, worthy of admiration. Born in 1943 into a semi-nomadic tribe in Tunisia when it was a French protectorate, he found himself very early on confronted with violence and solitude. The violence was that of the French military who, during the armed struggle of the 1950s, threatened to destroy his parents' home to try and get them to denounce the *fellaghas* fighting for Tunisia's independence.

The solitude he experienced came about because Ahmed Othmani was sent at a very early age to stay with his brother in Tunis to pursue his schooling. From the age of fourteen, he lived on his own in Tunis and all alone there had to succeed in adapting to a totally unknown urban world, surrounded by children of his own age who shared neither his way of life nor his outlook. As a student at Tunis University from 1965, Ahmed Othmani joined the far left group GEAST – Tunisian Socialist Action and Study Group

1. Former French Justice Minister and main instigator of the abolition of the death penalty in France.

– better known by the name of its review, *Perspectives*. There he became an active militant against the one-party dictatorship of Habib Bourguiba. He became acquainted with Michel Foucault, who was then teaching in Tunisia and who, in 1967, hid the young student leader when he was on the run from the police.

After his first arrest in 1968, Ahmed Othmani led a clandestine existence until his second arrest in 1973. Sentenced to twelve years in prison and locked away in solitary confinement, he felt that his life as a free man had come to an end. Once again he had to take on this challenge alone and survive the daily torture sessions to which his jailers subjected him. One of them in particular, whom he calls ‘an artist in torture’, reserved his very worst treatments for him. But Ahmed Othmani taught himself to resist them, notably by controlling his breathing, so that never once did any of his torturers manage to extract a single word or sound out of him.

During his years in prison, Ahmed Othmani studied as much as he could and subjected himself to a routine of physical exercise so as to maintain his mental and physical capacities. These activities helped him to meet this cruel challenge. The experience transformed him from a youthful opponent of Habib Bourguiba’s authoritarian regime into a mature man resolved to pursue his combat by other, ‘non-political’ forms of militancy.

Freed in 1979, Ahmed Othmani became active in Amnesty International. He had been the first Prisoner of Conscience adopted by the French Section of Amnesty, which had been founded in 1971 during his imprisonment.<sup>2</sup> Ahmed Othmani got very involved in that organisation from 1980 onwards. With his wife Simone, he helped set up the Tunisian Section – the first in the Arab world – and then, in 1984, he took up the new post of development coordinator for Amnesty in the Maghreb and Middle East.

Beyond his work for Prisoners of Conscience, Ahmed Othmani was to remain deeply affected by his prison experience and driven to act in this key area. And so in 1989, with other like-minded people, he founded his own NGO (nongovernmental organisation), Penal Reform International (PRI), with the mandate to ‘assist in the adoption of penal reforms, while taking into

2. By the Tunisian historian Jean-Pierre Darmon and French activist Marie-Josée Protais.

account the diversity of cultural context', in particular through publicity campaigns, support for specific projects and technical advice to local actors. PRI's regional programmes went on to cover every continent.

PRI's competence derives first and foremost from the composition of its staff, a group of seasoned experts drawn from work in prison, as well as its reference to the international legal instruments governing this area of work; and also to the pragmatic spirit which infuses its actions – for PRI never gets involved in any country or region without being sure that there is a real political will to reform and without identifying reliable local contacts, and financial support to ensure that all projects once started can be followed through. PRI's methods have borne fruit, as the success of its projects and their technical expertise attest.

Thus, in the area of legal aid, PRI has supported local bar associations, notably in Pakistan and Malawi, so as to speed up casework and procedures. In some Caribbean countries, PRI has set up a programme of legal aid for Death Row prisoners to allow them to go to appeal or lodge a plea for mercy.

PRI has also invested heavily in a vast programme of prison reform, especially in training prison staff and promoting non-custodial sentencing. An encouraging experience occurred in Zimbabwe as early as the 1980s, with the implementation of community service orders as an alternative to imprisonment. PRI backed the government to help it procure the necessary changes to the Penal Code, identify host institutions to receive those thus sentenced, and set up a network of people to oversee their placements. This model was later exported to other African countries, but also to Latin America and East and Central Europe.

PRI not only works to improve the criminal justice and penal systems; it is active in prevention work too, for example in assisting a local body in Addis Ababa to develop a diversionary project targeting juvenile delinquents.

PRI's programme in Rwanda deserves particular mention. This was started when the country's prisons were bursting with tens of thousands of suspects detained after the 1994 genocide. PRI was, together with the ICRC (International Committee of the Red Cross), the only international organisation carrying out practical work within the prison system. From 1998, PRI played a part in systematically training the entire prison staff, all the way from the warders, through the clerks and accountants to the prison

directors, and setting up a system of continuous in-house training. And then PRI's experts addressed themselves to creating productive work inside the prisons, through craft work and prison farms.

The Rwandan government had above all called in PRI to speed up the judicial process and help it to elaborate non-custodial alternative sentencing. A seminar convened by PRI in Rwanda brought together specialists from many countries and this led, in 2000, to the enactment of a law formalising the traditional *gacaca* (grassroots) courts and, more especially, the application of community service sentences.

PRI's work, without doubt, serves as an indispensable complement to that of intergovernmental organisations such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), set up under the 1987 Convention of the same name. The CPT's independent experts visit places of detention every year to assess the treatment of those detained in the forty-three states that are parties to this Convention. They are permitted to speak in confidence with the detainees and can, if need be, formulate specific recommendations in their reports.

Likewise, the vote at the 58th Session of the Committee for Human Rights in Geneva<sup>3</sup> (18 March to 26 April 2002) is to be welcomed: it resolved to adopt a draft Optional Protocol to the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would set up a preventive mechanism of regular visits to places of detention in all countries ratifying the Protocol.<sup>4</sup>

This significant progress is to be applauded, as is the appearance of this modest book, which is the remarkable culmination of a life of reflection and committed action undertaken over more than forty years by a man of honour and conviction.

Editor's note: Ahmed Othmani was killed in a hit and run road accident in Morocco on 8 December 2004.

3. Superseded by the Council on Human Rights in 2006.

4. Adopted in 2002.