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Giving a voice to the voiceless: Interview with Yassine Ferchichi

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Yassine Ferchichi is a Tunisian national who fled persecution from his country of origin. He was arrested and sentenced in France on terrorism charges. His conviction was largely based on statements made by M'hamed Benyamina under torture in Algerian custody. In 2009, Yassine Ferchichi was deported to Senegal in opposition with a decision of the European Court of Human Rights. Since then, he has been living homeless without any legal document.



Cageprisoners: Could you please introduce yourself?

Yassine Ferchichi: I am Yassine Ferchichi. I am a Tunisian national. I fled Tunisia on 14 October 2005 to escape the persecution of the former Tunisian government. I went to Switzerland and then entered in France as the situation for me was more difficult in Switzerland. I did not have any knowledge and did not think about seeking political asylum. Some Tunisians I knew helped me to find a job. One day, on 15 July 2005, we were arrested in Paris.

CP: Could you tell us about your life in Tunisia?

YF: It started with arrests and interrogations. I started to practice (Islam) in 2001 and to attend mosques, just like anybody. Nothing else. They began to arrest me and to interrogate me. I started to get sick and tired. I could not find any job until 2003. They went step by step until they took me to the Interior Ministry.

They took me to the basement. I was interrogated by two people. They took me around to show me rooms with blood. They told me: "If you don't co-operate with us, you know what is going to happen to you". Two or three months later...after this period of interrogation during which time they threatened me, they practiced what they were threatening me with. I was beaten up for 36 hours. When they released me, they just threw me in the street as I was unconscious. I managed to call my brother who took me to the hospital. As I had friends in Switzerland, I applied to get a visa. I did it discreetly, before they tried to take my passport away, because that's how they do. First, they threaten you, then they beat you up and torture you. I obtained a visa and went to Switzerland. In Europe, I learnt that I had been sentenced in absentia (in Tunisia). Why? I don't know.

CP: Were you involved in politics?

YF: No. I did not have any involvement. I did not have any contact. I was simply talking to some people. There was absolutely nothing.

CP: So you were not accused of anything in particular? It was just because you were a practising Muslim?

YF: It's only because of that. The accusations are a bit ridiculous but when you are facing a state, you don't have any chance whatsoever. When a judge tells you that you are guilty, you cannot say: "no, I am not". That's how it is. I was sentenced three or four times. Altogether, I was sentenced to almost 47 years. I was told that in France.

CP: What happened when you arrived in France?

YF: In France, I was very discreet. I was illegal. I did not have documents. I was just trying to make a living here and there and I was trying to find a job to survive. On 15 July 2005, we were in Paris and I was accompanying a friend when our car broke down at which point we were arrested. I was scared, so I gave the name of somebody who was legal in the country. I did not want to be sent back there. I knew what would have happened to me otherwise. Then, they started: "You know, we are going to send you there. You know what is going to happen?" They wanted me to say: "Yes, those persons are guilty". I told them: "I can't tell you that. I can't sentence people to life".

CP: Could you tell us a bit more about the circumstances of your arrest?

YF: That was just a routine arrest to check our identity. They took us to a police station in Paris. They made us wait. I was the only one who was bothered since I had no legal document. I tried to stay calm and they did not even ask us any questions. They took us directly to the DST (French intelligence) basement. Then, they started: full day interrogations for four days. At night, just before sleeping, they took us somewhere or sometimes we would sleep at the DST. Then, I was sent directly to prison.

CP: How were the interrogations?

YF: How do I know this person? They searched my house. There was a piece of paper with my debts. I owed money to such and such. They said: "no, those are the shares you give to people". They accused me of financing terrorism and criminal association. I did not know anything. They told me: "do you know which judge ordered your arrest?" He told me judge Bruguière. I said: "Who's that?" Maybe he wanted to scare me, but I didn't even know him. After the interrogations, I was not well advised by a lawyer. They said that we assaulted a prostitute to get money. I am talking for myself: somebody who has gone through all the things I have gone through is not going to assault somebody. Anyway. The prostitute brought a medical evidence to the judge. It was found that it was older than the facts we were accused of. She was lying. I was not well advised. The lawyer told me: "you see, they want to charge you with terrorism. Tell them that you assaulted her to get money so that they don't accuse you of terrorism". I followed the advice of the solicitor, but the opposite happened. They said I did that to finance terrorism. That's how it happened. I had no chance. I spent three years and a half in Fresnes prison. On the day of the judgement, they sentenced me to four years in order to cover the time I had spent in pre-trial custody.

CP: Did the DST try to put you under pressure or did they threaten you?

YF: Mmmmmm. I don't know. Personally, I take it as intimidation. I wasn't really mistreated. But they destroyed me psychologically. The only fear I had was that they would send me to Tunisia. I am now in Senegal. I refused categorically to go back there under the previous government. I know what would happen.

CP: Did they threaten you to send you back to Tunisia during the police custody?

YF: Yes. Several times.

CP: They asked you to denounce people?

YF: Yes. If I didn't speak, if I didn't say the truth... But their truth is not the real truth. They just want to hear what they want to hear. You see what I mean? Apparently, for them, I did not say the truth. If I don't say what they want to hear, it's not the truth. Small details to humiliate you like forcing you to kneel...

CP: They asked you to kneel?

YF: Yes. Two or three times. My hands were tied in my back. They forced me to go on my knees. I did not have the right to sit down.

CP: Did they ask you about M'hamed Benyamina?

YF: Yes, they talked to me about him. I even saw his name on some of their papers. I've always said the same thing. I saw him only twice in my life. When I arrived in France, I was hosted by a French-Tunisian, Samir B. He was going to Egypt to learn Arabic. He told me I won't be here. You can take my flat, you just pay the rent. I looked for a job. That was good for me and good for him.

CP: Do you know if during the interrogations, they used information given by M'hamed in Algeria?

YF: I heard that from the solicitor. He said they could not take into account the testimony of somebody interrogated in Algeria. There was no judge, nobody to witness the interrogations. Everybody knows perfectly how they extract statements. But I don't even know what M'hamed Benyamina said. During the hearing with the judge, they showed some pictures to me. They asked me: "do you know this person?" But during the police custody with the DST, they only mentioned names. There was no picture. But I did not know many people.

CP: Then you were placed in pre-trial detention for three years...

YF: Three years and a half.

CP: Why was it so long?

YF: No idea. I filled many petitions to be released. Always the same response. Samir B. Was released after a year and a half or two years. He was free when the trial started. As for me, they didn't want to hear anything.

CP: Were you under a special regime in prison?

YF: I was what they call a "particularly guarded detainee". I did not have the right to work. I did not have the right to many things.

CP: Were you in solitary confinement?

YF: At the beginning I was alone. I never shared a cell.

CP: During the hearings, what did the investigative judge ask you about?

YF: You see, when I think about it, it makes me laugh. Every four months, a judge has to interrogate you. They would only call me to validate the prolongation of my pre-trial custody. There was no real interrogation. That was like, “did you really assault this girl? You did this, you did that”. There was nothing. At the beginning that was a judge and then another one, but that was the same thing.

CP: Do you know if the judge used some information obtained overseas?

YF: Yes. Yes. Yes. If my memory is correct, he said about M’hamed Benyamina, I remember that very well. He said that, him, he said he knew me and that I was a member of the group. The investigative judge told me that almost two years after. I said that I saw him only twice. They asked me the same thing about somebody called Abderrahmane. I had never seen or met this person. Apparently, he was in Egypt. He came back while I was incarcerated. I asked them: “How can you say that I am a member of his team while I’ve never seen him in my life and even him does not recognise my face?”

CP: Was it Safé Bourada?

YF: Yes! I think that’s his name. They were showing me pictures asking me “do you know Abderrahmane?” I said no. The judge said: “this person has been arrested. He founded a group and you are a member of it”. I requested a confrontation with the person. That never happened.

CP: How did you become aware that you had been sentenced in Tunisia?

YF: I learnt it when I was in Fresnes prison. I knew I had been condemned and I was scared that after my release, they would send me back directly. I managed to get the contacts of Luiza Toscane. She had contacts in Tunisia and she started to tell me, there are such and such sentences. Then, I could get in touch with my brother who managed to get a lawyer in order to obtain the judgements to be released. After six months, we managed to get them released.

CP: Do you know of what you were accused in Tunisia?

YF: There is an 8 year sentence only because I was sentenced in France. There was another 8 years sentence. I think there were three 8 year sentences. They said that I had talked to people who belonged to a group or who prepared terrorist acts. Just talked. Such person said: “Yes, Yassine talked to me”. Just words. I was not there. They arrested people in Tunisia. As I was not there, the blame was put on me. The sentence is enormous. 47 years. All I know is what was written on these decisions. Even when they arrested me and tortured me in Tunisia, they never asked me any precise questions. To impress me, they would tell me: “you know such and such”. They asked me about somebody I did not know, he’s as old as my father. I was a cook in Tunisia. That’s how I met him. I was in the mosque and that was the wedding of his daughter. I cooked for the wedding of his daughter. Then, they said you know this person. That were the questions they would ask me.

CP: In October 2008, your trial started in France. How did it happen?

YF: That was like theatre. That was formal. There was a trial because they had to judge us. They could not leave us any longer in jail without justifying it. I could not speak French very well. I took classes and I obtained degrees in prison to be able to express myself during the trial. Even my lawyer said it was not fair. I waited for three years and a half and during the trial, I did not even speak for four minutes. The judge took my case-file. She said such and such person. She started to bombard me with facts. I asked: "Excuse me, could you ask the questions one after the other, so that I have time to respond?" Her answer was: "we don't have time". Even my lawyer was revolted. She said: "He has this right at least". I was there, but it was like a photo.

CP: How did you react when you heard the sentence?

YF: Frankly, all I wished, at that time, was to finish that off and leave because I knew that I had no chance to explain myself or to defend myself. I don't know how to say. There is a saying in Tunisia: "I am attacking a mountain with a stick". I could not even say what happened. And then you know what happened to me... After I received my sentence, I started the process to avoid my return to Tunisia. I did that with Luiza Toscane as well as with the ACAT (Christian action for the abolition of torture). We filled the petition. I requested three times the permission to leave the prison to go to the OFPRA (French Office for the Protection of Refugees and Stateless persons). That was rejected. I was not permitted to go there for an interview. One day, I was in my cell. They opened the door and they told: "You are going". I said: "where?" They did not say anything. I arrive. I am at the OFPRA. That was the same: a scene just to give you your right. You have the right to appear, so they give you that right. But after, there is nothing concrete.

CP: France was still willing to deport you to Tunisia. What prevented it?

YF: The actions I undertook with Luiza Toscane. We contacted organisations: Amnesty, ACAT... They wrote letters to the Office for the Protection of Refugees and Stateless persons and even to the Interior Ministry in France. Asylum was not denied to me. I was excluded. They recognise that I am entitled to be granted asylum but as I was sentenced in France, I don't have the right to be granted asylum in France. I was sentence to four years for the accusations of terrorism. To show you their hostility, as I was scared and gave a false name, they gave me six months for identity theft. And plus, they banned me indefinitely from France. I struggled to obtain the lift of the ban, but they don't want to hear anything. When I was released, they did not deport me to Tunisia, but they tried to make me sign something to send me to Senegal. I refused categorically. I even refused to get into the plane. I was "taped" from head to toes. They lifted me like a bag and they put me at the back of the plane. There were three people to guard me at the back. One of them sat on me until the arrival in Senegal. I arrived at the airport in Senegal. I waited. Senegalese policemen took me upstairs. I had no documents, no nothing. I was put in police custody directly in a very dirty place full of cockroaches and mosquitoes. I spent five days there. I started a hunger and thirst strike until they took me to the hospital to feed me intravenously. I wanted to know why they took me here to throw me in prison again. Because of the media and Luiza Toscane who followed my case since the beginning, they were forced to release me.

CP: When were you told that you would be deported to Senegal?

YF: On the day of my release, on 24 December 2009. As I studied, I gained degrees, I had a good behaviour, my sentence was reduced. I was released. When we arrived at the office of the prison, I thought I would be set free or I would be sent to a place for refugees or anywhere else. The policemen gave me something. I read it. I didn't even know Senegal. I didn't know anybody. I refused to sign. They gave me a pen and I wrote at the bottom of the page: "I refuse to sign until my lawyer is informed".

CP: Do you know why they chose Senegal?

YF: No idea.

CP: Could you tell us how you were taken to the airport?

YF: We arrived at Roissy Airport. They put me somewhere for two hours. At the airport, I resisted to have the right to call my lawyer. I was not in prison anymore, I had the right to give calls. I only wanted to call my lawyer to inform him. They refused. When I got really angry, they took me on the floor. I had my hands tied in my back and my legs shackled. They took me on the ground. The lawyer requested the European Court of Human rights to prevent this deportation as long as Senegal did not give guarantees that it accepted me and would provide for me. The European Court gave the order to France not to deport me to Senegal. They ignored it and they deported me. As an excuse, they said that the request of the European Court came while I was already in the plane. It's not true. We have the time the order arrived and the time at which the plane left. As I refused to board, the flight was delayed for 45 minutes. They put tape all over me. They were four people. They could not handle me, so they put me on the ground with my hands in the back. That was really humiliating. I don't know what to say.

CP: What happened when you upon your arrival?

YF: As I told you, at the beginning, they were waiting for the Senegalese policemen. They came. French policemen left. They took me upstairs. They filled some documents. Before I passed the door, they handcuffed me in my back again and I got in the car with three persons. They took me somewhere, I don't where. They call that the "port police station". I swear even for animals, you can't do it. I stayed there for five days. Five days without eating or drinking. I refused. At a point, I was praying and I fainted. They had to take me to the hospital. They try to talk to me, to tell me that it would get better and to give me injections. I said that I did not ask to come here and that if they wanted to throw me to prison again, I preferred to die with dignity. They told me here you are at home... It was only words. They thought I was a kid. Even now. What can I do? I don't have money, I don't have any documents. We talked, media came with a lawyer in Senegal, the former president of ONDH (National Organisation of Human Rights). He is the only one who helped me. I spent 15 days in front of the Ministry of Foreign Affairs in Dakar. I camped there. They did not care. The President of RRADHO (African Meeting for the defence of Human Rights) had a meeting with the minister. He talked about my case. I kept on phoning. Even associations like Amnesty, the radio... they are discouraged. They did everything, they can't do anything for me. All they can do is to call or to write. Then I stopped. I wanted to keep a bit of my dignity.

CP: You broke your hand as well. Did you receive any treatment?

YF: I received a bad news from Tunisia, from my mum. I punched a wall and I broke my hand. The bone is deformed. It healed like that. We did an X-ray. The doctor said I needed an operation. They said that the operation is expensive. They left me like that. Now, I can't close my hand.

CP: How many times did you find yourself homeless because the authorities did not pay the hotel?

YF: They never paid the hotel to be fair. I had a bit of money then. When I was released, they asked me: "do you want to provide for yourself or do you want us to provide for you?" I didn't have the means and I did not know the place. I only asked for a place to sleep and I would see for the rest. I went in a hotel. When I did not have any money left, I had to contact them again. The person I was in touch with in the police station called the man in charge of the hotel to calm him down. They told him that they would pay for it. He trusted them at the beginning because that's the authorities. That lasted for four or five months, he didn't receive anything. He told me, "my friend, I can't do it anymore. I have bosses, I can't tell them that somebody lives here and does not pay". I had to leave. I took my suit case and I went directly to the Foreign affairs Minister in Dakar. It was four in the morning. I set my suit case and I waited. The day after, some policemen asked me what I was doing. They told me I could not stay there. I had to cross the road. I crossed the road and I stayed there. The lawyer I mentioned came. Some media came as well. Sometimes it's very painful. There's a title I will never forget. A journalist came to talk to me very honestly. Then, he

wrote: "a terrorist in the streets of Dakar". They don't care about the person, they care about sale. I don't know how to explain. When you arrive in a country, you don't know anybody and people see you as a terrorist... I just want to be anonymous. I don't want anybody to know me. I just want to live my life. Until when is it going to last? It's been almost two years of ordeal in Senegal.

CP: What is your administrative situation now?

YF: I applied for a Tunisian passport almost seven months ago. I am still waiting. There's nothing. To be honest I want to go back but at the same time, there's no government. I don't want to go there, spend a month or two or even a year and then having them knocking on my door to bring me problems.

CP: What are your life conditions at the moment?

YF: Pfff. I don't know how to say. I have no accommodation, no document and no money. I've sold everything I had. I only kept my phone because it's my link to the world.

CP: How do you live?

YF: I cope with it. Weather is hot, there's the beach. I take a tour in the streets during the day. At night, I walk. Khair inshaAllah. God is great.

CP: How did you react when you learnt the downfall of Ben Ali?

YF: Honestly, I was not happy for myself. I was happy for the country.

CP: And what about when you learnt the law of amnesty?

YF: My brother went, and he got to know that I had been cleared. But you know, I hadn't done anything. They destroyed me. After all the things I said about them, do you think they will leave me alone?

CP: So you don't plan to go back to Tunisia?

YF: You see, I have the urge but fear makes me reluctant. I don't know what would happen to me there. Because I talked. When they will have me there, soon or later, they will seek revenge.

CP: What's the best solution for you?

YF: Honestly, I don't know. I live from hand to mouth. I don't know: a place where I could live with dignity. I am a worker, I am not a kid.

CP: How can we help you?

YF: Frankly, I don't know. I have no idea. At least having talked helped me psychologically. That will help me to externalise my feelings. It's a double life. With a background like mine, the one I described to you, people look at you

strangely.

CP: Do you have a message for our readers?

YF: The only message I have is: When is it going to end? When will I have a normal life? Do I have to pay for my company all my life? That's not fair. I was condemned. That's over. What France did to me is that they took me out of their prison and threw me in a big one!

Post-scriptum :

This interview was published on October, 18, 2011.