

Tunisia

President Zine el-Abidine Ben Ali and the ruling party, the Constitutional Democratic Assembly, dominate political life in Tunisia. The government uses the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent. Government critics are frequently harassed or imprisoned on trumped-up charges after unfair trials. Over four hundred political prisoners remained incarcerated, nearly all of them suspected Islamists. There are continuous and credible reports of torture and ill-treatment being used to obtain statements from suspects in custody. Sentenced prisoners also face deliberate ill-treatment. However, during 2005 authorities allowed the International Committee of the Red Cross to start visiting prisons, and ended the practice of placing certain political prisoners in prolonged and arbitrary solitary confinement.

Human Rights Defenders

Authorities have refused legal recognition to every truly independent human rights organization that has applied over the past decade. They then use the pretext of an organization's "illegal" status to hamper its activities. On September 3, police encircled the Tunis office of the non-recognized National Council on Liberties in Tunisia (CNLT) and, as they had done many times before, prevented members from meeting. Authorities also prevented the non-recognized Tunisian Journalists' Syndicate from holding its constitutive assembly on September 7.

In 2005 the independent Tunisian Human Rights League (a legally recognized group) was beset by lawsuits filed by dissident members over procedural matters. The broader context shows that these suits are part of a larger pattern of repression; the courts ruled systematically in favor of these plaintiffs, providing a legal veneer for swift and large-scale police operations to prevent League meetings, including its general assembly scheduled for September. The government has continued to block grants issued by the European Union to the League, and Tunisia's mainstream press obliges with a blackout on criticism by the League and other human rights organizations of Tunisia's rights record.

Authorities tried to undermine another legally recognized organization, the Tunisian Association of Magistrates, after it elected a leadership calling for more judicial independence. In July judges close to the ruling party attempted to oust that leadership in a special vote. In August authorities evicted the leadership from the association's headquarters on the disputable grounds that it had been repudiated in the July vote.

Human rights defenders, like dissidents generally, are subject to heavy police surveillance, sporadic travel bans, dismissal from work, interruptions in phone service, physical assaults, harassment of relatives,

suspicious acts of vandalism and theft, and slander campaigns in the press. In early May CNLT spokesperson Sihem Bensedrine was the target of an especially vulgar series of articles in at least four pro-government newspapers.

Police arrested lawyer and dissident Mohamed Abou on March 1, 2005— the day after he published an article online comparing President Ben Ali unfavorably to Israeli Prime Minister Ariel Sharon. To disguise that this was the real reason for Abou's arrest, authorities prosecuted him instead for an article he had written in August 2004 deploring Tunisian prison conditions and on a second, trumped-up charge of assaulting a woman lawyer in 2002. He received a three-year prison sentence.

The Justice System

The judiciary lacks independence. Investigative judges often question defendants without their lawyers present. Trial judges frequently turn a blind eye to torture allegations and procedural irregularities, convicting defendants solely or predominantly on the basis of coerced confessions. Civilians are sometimes tried on terror charges in military courts, verdicts of which carry no right of appeal.

In political cases lawyers are frequently hobbled in their attempts to mount an effective defense of their clients. They sometimes encounter obstacles to obtaining their clients' complete court file or gaining access to their clients in detention before trial.

Media Freedom

Tunisia's press remains largely controlled by the authorities. None of the print and broadcast media offers critical coverage of government policies, apart from a few low-circulation independent magazines. The private dailies are all loyalist, often slandering government critics in a manner that is deemed too base for the official media. In 2005 Tunisia got its second private radio station and first private television station, but here too private ownership was not synonymous with editorial independence.

The government blocks certain political or human rights websites that focus on critical coverage of Tunisia. As of September 2005, the government was blocking access to more than thirty such sites, although censorship had been lifted on other sites, such as those of *Le Monde* and *Liberation* and of various international human rights organizations.

In light of Tunisia's record on freedom of expression, human rights organizations criticized Tunisia's designation as host of the World Summit on the Information Society (WSIS) in November 2005. During that event, authorities prevented Tunisian and international human rights organizations from organizing an alternative "Citizens' Summit" in Tunis.

Counterterrorism Measures

Tunisian authorities claim that they have long been in the forefront of combating terrorism and extremism, alluding to their long-running crackdown against the once-tolerated Islamist Nahdha

movement. In December 2003 Tunisia adopted the “Law in Support of International Efforts to Fight Terrorism and the Repression of Money-Laundering.” It contained a broad definition of terrorism that could be used to prosecute persons for peaceful exercise of their right to dissent.

Since 1991, the one deadly terrorist attack to occur in Tunisia was the April 2002 truck bomb that targeted a synagogue on the island of Djerba. Al-Qaeda claimed responsibility for the attack.

Since April 2005, “anti-terrorism” arrests increased as authorities rounded up scores of young Tunisians in cities around the country, accusing most of them of planning to enlist in jihadist movements abroad. As of this writing, to Human Rights Watch’s knowledge, authorities had charged none of them with committing, or plotting to commit, a specific act of violence, or of possessing arms or explosives. Those brought to court claimed uniformly that the police had extracted their statements under torture or threat of torture. In 2005, a Tunis court convicted eleven youths who had been arrested in similar circumstances during 2004. The conviction of the so-called “Bizerte group” was based almost entirely on confessions to the police that they contested as having been made under torture. In July 2005, an appeals court acquitted five of them but sentenced five others to between ten and twenty years in prison.

Key International Actors

Concerned by Tunisia’s curbs on free expression and nongovernmental organizations, the E.U., the United States, and eleven other countries co-signed a sharp statement on September 30 in advance of the WSIS in Tunis in November 2005. It stated, “the Summit envisages an important and inclusive role for ... civil society, international organizations [and] editorially independent media both for the preparations and in the final summit itself. We expect Tunisia ... to ensure that arrangements for the Summit take account of and guarantee the unhindered participation of nongovernmental organizations and their members. This is the only way to make sure that this will be a Summit in Tunisia, not a Summit on Tunisia.”

In his speech at the inauguration of the Summit on November 16, Swiss President Samuel Schmid declared, “It goes without saying that here in Tunis, within these walls as well as outside them, everyone should be able to speak with complete freedom.” Tunisian state television censored his remarks.

The United States enjoys good relations with Tunisia and frequently praises its role in “stabilizing” the region and combating terror. The United States also actively monitors human rights conditions in Tunisia, sending observers to political trials. On November 4, 2004, after President Ben Ali pardoned some political prisoners, the U.S. State Department spokesman urged him to extend the amnesty “to all political prisoners convicted or detained for activities not linked to violence or terrorism.” On November 18, 2005, the closing day of WSIS, the U.S. delegation to the summit expressed “disappointment that the government of Tunisia did not take advantage of this important opportunity to demonstrate its commitment to freedom of expression and assembly in Tunisia.”

In its report, “Supporting Human Rights and Democracy” for 2004-05, the State Department noted that the government of Tunisia had blocked “several programs that the U.S. Government funded indirectly, including an attempt by a U.S. NGO to train Tunisian election monitors prior to the Tunisian election.” The E.U.-Tunisia Association Agreement continued in force, despite the government’s human rights record and its blocking of E.U. grants to some NGOs, including the Tunisian Human Rights League and the Tunisian Women’s Association for Research and Development.

The United Kingdom E.U. Presidency issued a statement on September 13 voicing concern about the plight of the Tunisian Human Rights League. The European Parliament adopted a resolution on September 29 that praised social and economic progress while urging the release of Mohamed Abou and other political prisoners.

France remained Tunisia’s largest trading partner, and President Jacques Chirac a staunch supporter of President Ben Ali. Public statements about human rights were infrequent and cautious. However, on November 15, on the eve of the WSIS, the spokesperson of the French foreign ministry urged Tunisian authorities “to do everything possible to guarantee freedom of information and that journalists can work in freedom.” The remark followed incidents where police prevented French and Belgian crews from filming in Tunis, and the suspicious stabbing of French journalist Christophe Boltanski on a Tunis street on November 11.

France made diplomatic representations, “on a humanitarian basis,” on behalf of a few political prisoners, selected because they had relatives who were French citizens or who resided in France. Tunisian authorities freed one of these, Lotfi Farhat, in July.

In 2004, France returned to Tunisia Taher Belkhirat, despite strong evidence that he would face persecution there. Tunisian authorities arrested him upon his arrival and, in 2005, sentenced him in an unfair trial to ten years in prison (reduced to five years on appeal) on charges of membership in, and recruiting for, a terrorist organization operating abroad. In January 2005, the French Council of State issued a ruling voiding Belkhirat’s expulsion order—months after he had been expelled to and jailed in Tunisia.