

## Tunisia

President Zine al-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. There are continuous and credible reports of torture and ill-treatment being used to obtain statements from suspects in custody.

In office since 1987, Ben Ali announced he will seek a fifth term in 2009. The authorities keep the country's few legal opposition parties weak and marginalized through repressive measures and denying them media coverage.

On November 5, 2008, the president conditionally released the last 21 imprisoned members of the banned Islamist party al-Nahdha, who had been in prison since a military court convicted 265 party members and sympathizers in a tainted trial in 1992 on charges of plotting to topple the state. However, the overall number of political prisoners has grown in recent years as authorities have convicted scores of young men under the 2003 anti-terror law. The authorities make life difficult for released political prisoners, monitoring them closely, denying them passports and most jobs, and threatening to rearrest some who have spoken out on human rights or politics.

### Human Rights Defenders

Authorities have refused to grant legal recognition to every truly independent human rights organization that has applied over the past decade. They then invoke the organization's "illegal" status to hamper its activities.

The independent Tunisian Human Rights League (LTDH), a legally recognized group, continues to face lawsuits filed by dissident members. The broader context showed these supposedly private suits to be part of a pattern of repression: the courts ruled

systematically in favor of the plaintiffs, providing a legal veneer for large-scale police operations to prevent most League meetings at its branches around the country.

Human rights defenders and dissidents face surveillance, arbitrary travel bans, dismissal from work, interruptions in phone service, and physical assaults. Police arrested Bizerte-based Mohamed Ben Saïd of the LTDH on July 28, 2008, on a dubious charge of failing to obey a traffic policeman, a charge that earned him two months in prison after an unfair trial. Authorities on September 28 jailed Tarek Soussi, also of Bizerte, two days after he accused security forces of “abductions” on Al Jazeera television because of the way they had allegedly flouted legal arrest procedures. A court charged Soussi, a member of the unrecognized, Tunis-based International Association in Support of Political Prisoners, with “maliciously spreading false information capable of disturbing the public order” and on September 25 released him provisionally pending trial.

### **The Justice System**

In cases that have a political character, courts fail to guarantee defendants a fair trial. Prosecutors and judges usually turn a blind eye to torture allegations, even when defense lawyers formally demand an investigation. Trial judges convict defendants solely or predominantly on the basis of coerced confessions, or on the testimony of witnesses whom the defendant does not have the opportunity to confront in court.

During consideration of Tunisia in March 2008 by the UN Human Rights Committee, Tunisian authorities announced they would grant Human Rights Watch’s longstanding request to visit the country’s prisons; the Justice Ministry and Human Rights Watch were negotiating the terms of the visits at this writing. If carried through, the arrangement will be the first time since 1991 Tunisia has opened its prisons to an independent human rights organization. The International Committee of the Red Cross visits Tunisian prisons but, in accordance with its mandate, reports its findings only to the government and not to the public.

According to human rights lawyers and organizations, the most common forms of torture and ill-treatment during police interrogation are sleep deprivation; threats to rape the detainee or female family members; beatings, especially on the soles of the

feet (*falaka*); and tying and suspending detainees from the ceiling or from a rod in the “roast chicken” position.

Tunisia has ratified the Convention against Torture and enacted strong legislation criminalizing acts of torture. However, despite the submission of formal complaints by lawyers on behalf of defendants in hundreds of cases in recent years, no case has come to public attention of authorities holding a state agent accountable for torturing persons held for politically motivated offenses.

### **Media Freedom**

None of the domestic print and broadcast media offers critical coverage of government policies, apart from a few low-circulation magazines such as *al-Mawkif*, an opposition party organ, that are subject to occasional confiscation. Tunisia has privately-owned radio and television stations, but private ownership is not synonymous with editorial independence. The government blocks access to certain domestic and international political or human rights websites featuring critical coverage of Tunisia, including [www.kalimatunisie.com](http://www.kalimatunisie.com), whose print edition authorities have refused to legalize.

Journalist Slim Boukhdar of Sfax wrote online essays critical of the president and his relatives for nepotism. On November 26, 2007, police ordered him out of a taxi and placed him under arrest. A court convicted him one month later of insulting the police officer who stopped him, refusing to hand over his identification, and violating “public decency,” accusations Boukhdar denied. Authorities insisted his case had nothing to do with free expression, but it was hardly the first time that they imprisoned critics on common criminal charges that appeared unfounded. They provisionally released Boukhdar on July 21, 2008, but continued to refuse him a passport, a situation he has faced since 2003.

### **Counterterrorism Measures**

Since 1991 there has been one deadly terrorist attack in Tunisia: an April 2002 truck bomb that targeted a synagogue on the island of Djerba, for which al Qaeda claimed

responsibility. In addition, security forces have clashed once with armed militants, in December 2006 and January 2007, outside the capital.

The 2003 Law in Support of “International Efforts to Fight Terrorism and the Repression of Money Laundering” contains a broad definition of terrorism that the UN Human Rights Committee criticized on March 28, 2008, for its “lack of precision.” The definition encompasses “acts of incitement to racial or religious hatred or fanaticism regardless of the means employed.” Authorities have charged many hundreds of men, and some minors, under the law. Nearly all of those convicted stood accused of planning to join jihadist groups abroad or inciting others to join, rather than of having planned or committed specific acts of violence.

Suspects arrested in the context of the counterterrorism law commonly face a range of procedural abuses that includes the failure by authorities to notify their kin promptly, in violation of Tunisian law, extension of pre-arraignment detention beyond the legal six-day limit, and the refusal of judges and prosecutors to act on requests that the suspect undergo a medical examination, a means of detecting signs of torture.

### **Socioeconomic Unrest**

Sporadic protests over corruption, joblessness, and high prices erupted in January 2008 in the depressed mining region surrounding the southern town of Redhayef, and simmered throughout the year. Authorities deployed large numbers of security forces to suppress the protests, round up their leaders, and seal off the region from journalists and others trying to reach it. On June 21, they arrested the spokesman of the protest movement, trade unionist Adnane Hajji, and charged him with founding a “criminal enterprise” and other offenses. Hajji remained in pretrial detention at this writing. Courts imposed prison terms of several months on dozens of others for their role in the protests. For example, authorities on July 27 arrested human rights and opposition party activist Zakia Dhifaoui and six others who had marched peacefully that day in Redhayef to demand the release of those arrested during the ongoing protests. An appeals court on September 15 sentenced Dhifaoui to four-and-a-half months in prison and the six others to three months. President Ben Ali conditionally

released her in early November, along with about 20 others convicted for their role in the protests.

### **Key International Actors**

In 2008 Tunisia announced it would accept visits by the UN special rapporteurs on torture and on the promotion and protection of human rights while countering terrorism, but neither had conducted a mission at this writing.

France is Tunisia's leading trade partner and its fourth largest foreign investor. In April 2008 President Sarkozy, on his second official visit to Tunisia, declared at a state dinner hosted by President Ben Ali, "Today, the sphere of liberties [in Tunisia] is progressing.... I have complete confidence in your will to continue to enlarge the space of freedom in Tunisia." Neither Sarkozy, nor his minister of state for human rights, Rama Yade, who accompanied him on this trip, offered any public human rights criticism, but the French presidency did announce during the visit Tunisair's purchase of several Airbus jets.

The United States enjoys good relations with Tunisia and praises it as a counterterrorism ally, while urging human rights progress there more vocally than it does in most other countries in the region. In her first visit to Tunisia as US secretary of state, Condoleezza Rice met with Ben Ali on September 6 and told reporters later that despite some political reforms, "we have been very clear that we would hope that Tunisia would do more." She said she wished that "media access, freedom of the internet, access to the television for the opposition will really be enshrined" in the lead-up to the 2009 election.

While the US gives minimal financial aid to Tunisia, the Department of Defense provides counterterrorism training and exchange programs for the military.