



January 2008

country summary

## 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. Sentenced prisoners also face deliberate ill-treatment.

The government tolerates small opposition parties up to a point. On October 1, 2007, in a ruling that appeared politically motivated, a court in Tunis ordered the eviction of the Progressive Democratic Party's weekly organ *al-Mawkef* from its premises of 13 years on the grounds that the party had been using the office as a headquarters, in violation of the lease. The PDP is one of the rare outspoken legal parties. Authorities denied any role in what they said was a private dispute. However, the publication was spared eviction after President Ben Ali reportedly urged the landlord to resolve the dispute, following a month of domestic and international protests in support of *al-Mawkef*.

In July Ben Ali pardoned or conditionally released 21 political prisoners, and another 10 in November. Most were leaders of the banned Islamist party al-Nahdha who had been in prison since the early 1990s, when a military court convicted 265 party members and sympathizers on dubious charges of plotting to topple the state. Despite these releases the number of political prisoners continued to grow, as authorities arrested scores of young men in sweeps around the country and charged them under the 2003 anti-terror law. Authorities made life difficult for released political prisoners, monitoring them closely, denying them passports and most jobs, and threatening to rearrest some who spoke 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. For example, on June 6, 2007, police encircled the Tunis office of the non-recognized National Council on Liberties in Tunisia and blocked entry to representatives of civil society who had come to show solidarity with the Council. Police also blocked meetings by the non-recognized International Association of Solidarity with Political Prisoners.

The independent Tunisian Human Rights League, a legally recognized group, continued 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 are subject to heavy surveillance, arbitrary 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. On July 24 authorities freed on parole lawyer Mohamed Abbou, who had served two-thirds of a three-and-a-half year sentence that was imposed after he published harsh critiques of President Ben Ali in online forums. As of November, authorities were refusing to let Abbou travel abroad. In June authorities arbitrarily extended by two years a five-year-old order banishing released political prisoner Abdallah Zouari to a remote region 500 kilometers from his family's home in Tunis. Zouari is an outspoken government critic and human rights activist.

## **The Justice System**

The judiciary lacks independence. Prosecutors and judges usually turn a blind eye to torture allegations, even when the subject of formal complaints submitted by lawyers. 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.

The International Committee of the Red Cross continued its program of visiting Tunisian prisons. However, authorities refuse to allow access by independent human rights organizations. During 2007 prison authorities placed a small number of inmates in prolonged solitary confinement, an abusive practice that had reportedly stopped after the government pledged in 2005 to end it.

Detainees report a range of methods of torture and ill-treatment during police interrogation. Most common, according to human rights lawyers and organizations, are sleep deprivation; threats to rape the detainee or women 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" (*poulet rôti*) position.

Tunisia has ratified the Convention against Torture and enacted strong legislation defining and 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 a state agent being held 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 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 certain domestic and international political or human rights websites featuring critical coverage of Tunisia.

Authorities have refused to accredit the correspondent of the Arabic satellite television channel Al Jazeera, Lotfi Hajji. Plainclothes police prevented Hajji from attending several news events during the year. Hajji is also president of the independent Tunisian Journalists Syndicate, which authorities have refused to legalize.

## 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. Tunisian authorities claim that they have long been at the forefront of combating terrorism and extremism. The 2003 Law in Support of “International Efforts to Fight Terrorism and the Repression of Money-Laundering” contains a broad definition of terrorism. Like that found in the Penal Code, the definition encompasses “acts of incitement to racial or religious hatred or fanaticism regardless of the means employed,” thereby leaving open the possibility of prosecuting political opinion or association as crimes of terrorism.

Since the law’s enactment, authorities have rounded up hundreds of youths in towns around the country and charged them under its provisions. The government never accuses the majority of those whom it subsequently convicts of having planned or committed specific acts of violence; rather, it charges them with planning to join jihadist movements abroad or inciting others to join. Authorities routinely deprive suspects detained under this law of their rights. Many are held in pre-arraignment incommunicado police custody (*garde à vue*) beyond the six-day legal limit. The police subject many to torture and other mistreatment. Investigating judges question many defendants without informing them of their right to a lawyer at this stage, and routinely ignore their requests for a medical examination to check for evidence of mistreatment.

Between December 2006 and January 2007 security forces clashed with an armed insurgent group outside the capital, the first such incident in Tunisia in recent memory.

On June 18 the US sent to Tunisia two Tunisian nationals, Abdallah Hajji and Lotfi Lagha, who had been held for five years as suspected terrorists in the Guantanamo Bay detention facility. Tunisia immediately transferred them to detention—Lagha to face new charges of serving a terrorist organization while abroad, and Hajji to face a retrial after having been convicted in absentia on similar charges. Hajji accused the police of slapping and threatening him upon his arrival. Both spent their first six weeks in strict solitary confinement. A civilian court sentenced Lagha on October 24

to three years in prison and a military court on November 14 sentenced Hajji to seven years in prison.

## **Key International Actors**

The United States enjoys good relations with Tunisia, while urging human rights progress there more vocally than in most other countries in the region. While the US gives minimal financial aid to Tunisia, the Department of Defense provides counterterrorism training and exchange programs for the military.

The US embassy frequently sends diplomats to observe political trials and to meet civil society activists. The State Department report "Supporting Human Rights and Democracy: The U.S. Record" notes, "U.S. officials ... urged the government to respect freedoms of assembly and association after observing first-hand incidents where the government prevented human rights organizations from conducting meetings." Ambassador Richard C. Godec on September 28 visited PDP party members who were hunger-striking to protest *al-Mawkef's* threatened eviction.

With respect to the transfer of security detainees held at Guantanamo Bay, Ambassador Godec said, "We would not transfer individuals where it is more likely than not they would be tortured or mistreated." However, neither he nor other US officials commented on Tunisia's imprisonment and alleged mistreatment of Abdallah Hajji and Lotfi Lagha after their transfer from US custody.

The European Union-Tunisia Association Agreement continues to be in force, despite the government's human rights record and its blocking of EU grants to some nongovernmental organizations. EU officials occasionally criticize their partner's rights record, while taking pains to praise the state of bilateral relations overall.

France remains Tunisia's leading trade partner and foreign investor, and in 2007 provided Tunisia with more development aid per capita than it gave any other country. On July 10 newly elected French President Nicolas Sarkozy visited Tunisia, in the company of Foreign Minister Bernard Kouchner and Minister of State for Foreign Affairs and Human Rights Rama Yade. Sarkozy had nothing but praise for the Tunisian authorities in his public comments, but told journalists he had raised some

human rights cases in private with President Ben Ali, including that of Mohamed Abbou. On this first visit, the French president did little to distance himself from the staunch support that his predecessor, Jacques Chirac, had shown for President Ben Ali in spite of the latter's human rights practices.