

## Tunisia

President Zine al-Abidine Ben Ali and the ruling party, the Democratic Constitutional Rally (RCD), dominate political life in Tunisia. The government uses the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent.

Ben Ali was elected to a fifth term on October 25, 2009, with an official tally of 89.6 percent of the vote, against three challengers. Laws designed to exclude outspoken opponents, and acts of intimidation and censorship against those authorized to challenge the incumbent, prevented the campaign from being a period of serious debate and prevented the vote from being free and fair. In the legislative elections held the same day the RCD won the popular vote and thus was awarded 75 percent of the seats, the other 25 percent being set aside for candidates of the other parties.

### Pre-Election Violations

Despite President Ben Ali's proclamation that the October presidential and legislative elections would be conducted in a democratic and transparent manner, laws adopted by the RCD-dominated parliament disqualified two key potential presidential candidates. The only outspoken one among the three authorized contenders was Ahmed Brahim of the formerly communist et-Tajdid movement. Brahim's party saw authorities annul the nominations of 13 of 26 members running for parliamentary seats, and block distribution of the issue of its newspaper containing its electoral platform. The Ministry of Interior also demanded that Brahim retract five points from his campaign manifesto, including those that criticized the way the elections were being conducted and references to a prevailing "mentality of one-party rule."

Human rights lawyer Radhia Nasraoui and her husband Hama Hammami, head of the banned Communist Party of Tunisian Workers, were assaulted on September 29 by plainclothes policemen at Carthage airport in Tunis. Hammami had just returned from Paris, where he had given an interview to Al Jazeera television in which he accused the Tunisian government of human rights violations and urged a boycott of the elections.

## **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.

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. Members of the unrecognized International Association in Support of Political Prisoners (AISPP) are regular targets for harassment by the security forces. In April 2009 Human Rights Watch spoke with former political prisoners in meetings arranged by AISPP. Plainclothes police officers closely monitored both Human Rights Watch researchers and the people they interviewed, stopping some of the latter to check their IDs and question them about the meetings.

On September 15, plainclothes police detained for nine hours human rights defender and former political prisoner Abdallah Zouari in Hassi Djerbi. They interrogated him about his media and human rights work in the past seven years, threatening him if he did not stop criticizing the government, Zouari said. Just weeks earlier, Zouari had completed seven years of post-prison town arrest in a remote village far from his home in greater Tunis, including two years that the authorities imposed by an oral order (without ever providing a legal basis) at the conclusion of his original five-year sentence of "administrative control."

## **Criminal Justice and Rule of Law**

Although Tunisia's constitution provides for an independent judiciary, the executive branch strongly influences judicial decisions and controls the appointment, tenure, and transfer of judges. 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.

The International Committee of the Red Cross continued its program of visiting Tunisian prisons. However, authorities have not allowed access by independent human rights organizations. They continue to refuse to honor an explicit commitment made in April 2005 to allow visits by Human Rights Watch, first by delaying approval, then imposing conditions

on the visits that would undermine the credibility of the data obtained, and then by ignoring revised proposals for the visits submitted by Human Rights Watch.

Tunisian law allows judges to sentence defendants both to prison terms and to post-prison terms of “administrative control.” However, the authorities subject ex-prisoners convicted for their suspected affiliation with Islamist movements to a variety of restrictions that exceed what the law permits, such as giving them oral instructions to present themselves regularly at police stations, denying them passports without written justification, and pressuring employers to refrain from hiring them.

Tunisian citizens often find no redress for government violations against them. For example, the Ministry of Interior still refuses ex-prisoner Hocine Jelassi a passport even though the administrative court ruled in his favor on the matter in 2007.

## **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-Mawkiif*, an opposition party outlet, 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.

On August 15, 2009, pro-government journalists ousted the board of the National Syndicate of Tunisian Journalists (NSTJ) and replaced it with a new one controlled by pro-government members. This action followed a smear campaign against the previous board and its democratically elected president, after the NSTJ in May had released a report critical of the government’s suppression of the media.

Authorities barred Florence Beaugé, the North Africa correspondent for *Le Monde*, from entering the country on October 20, accusing her of having “always shown blatant malevolence and a systematically hostile bias toward Tunisia.”

## **Counterterrorism Measures and Human Rights**

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 United Nations Human Rights Committee criticized on March 28, 2008, for its “lack of precision.” Authorities have charged many hundreds of men, and some minors, under the law. Nearly all of the hundreds who were convicted and imprisoned 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. In July 2009 the Tunisian parliament adopted an amendment narrowing the law’s definition of a terrorist act by restricting the extent to which “incitement to hatred” would meet the definition.

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 for a medical examination.

### **Socioeconomic Unrest**

At least 200 people were prosecuted in connection with socioeconomic protests in 2008 in the depressed mining region surrounding the southern town of Redhayef. Charges included “forming a criminal group with the aim of destroying public and private property” and “armed rebellion and assault on officials during the exercise of their duties.” In February 2009 an appeals court upheld the convictions of Adnan Hajji, secretary general of the local branch of the General Union of Tunisian Workers, and 37 other trade unionists and protestors. On May 11 a peaceful demonstration by relatives of the detainees calling for their release led to the arrest of some 30 individuals, eight of whom were charged with minor offenses and sentenced to up to one year in prison, according to Amnesty International.

On November 4 some 68 prisoners held in connection with the 2008 protests were conditionally released in a presidential pardon issued by Ben Ali to mark the 22<sup>nd</sup> anniversary of his coming to power. Approximately 50 people who were tried in absentia continue to face charges related to the protests.

### **Key International Actors**

France is Tunisia’s leading trade partner and its fourth largest foreign investor. In April 2009 France concluded a nuclear energy cooperation deal and an €80 million aid package for Tunisia. On March 22 French foreign minister Bernard Kouchner acknowledged, “It’s true that there are human rights abuses in Tunisia, journalists who are harassed, sometimes imprisoned, and a general policy of firmness.” He then went on to praise Tunisia’s economic

and social achievements, notably regarding the status of women and the values of secularism. In response to a spate of post-election arrests, Bernard Valero, spokesperson for the French foreign ministry, declared on November 6, “We are concerned by the difficulties faced by journalists and human rights defenders in Tunisia ... We have conveyed our concerns to the Tunisian ambassador and raised them with our European partners.”

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 NGOs. More than 80 percent of Tunisia’s trade is conducted with Europe. EU officials occasionally criticize their partner’s rights record, while praising its economic performance and the state of bilateral relations overall. On July 3, 2009, EU External Relations Commissioner Benita Ferrero-Waldner criticized Tunisia for shutting down Radio Kalima, a web-based radio station critical of the government, which earlier in the year authorities had refused to license, seizing its equipment and harassing its journalists.

United States Department of State spokesperson Ian Kelly on October 26 said the US was “concerned” about the Tunisian elections, adding, “We are not aware that permission was granted to any credible independent observers.... We’ll continue to pursue bilateral cooperation in areas of mutual interest, and we’ll continue to press for political reform and respect for human rights.”

At this writing Tunisia is negotiating a visit by the UN special rapporteur on human rights while countering terrorism. It has not agreed to a long-standing request for a visit by the special rapporteur on torture.