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World Report 2011 - Tunisia

Events of 2010

The human rights situation remained dire in Tunisia, where President Zine el-Abidine Ben Ali and the ruling Democratic Constitutional Rally party (RCD) dominate political life.

The government frequently uses the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent, while state security agents use surveillance, arbitrary detention, and physical aggression to intimidate and persecute those whom the government deems to be a "threat." Independent journalists, human rights defenders, and union activists risk prosecution on trumped-up charges.

Activists often resort to the internet as a space to disseminate and access information when authorities deny them the physical space to do so. However, Tunisia aggressively blocks access to websites containing critical political and human rights information, and seems to be directly or indirectly involved in sabotaging the email accounts of persons known to engage in human rights or opposition political activity.

Criminalizing Contact between Tunisians and Foreign Entities

On June 15 the Chamber of Deputies, the lower house of parliament, amended article 61bis of the penal code to impose criminal penalties on persons who "directly or indirectly, have contacts with agents of a foreign country, foreign institution or organization in order to encourage them to affect the vital interests of Tunisia and its economic security." The amendment may threaten persons who furnish information about human rights in Tunisia to foreign governments and multi-lateral organizations, including the European Union and United Nations.

Justice and Human Rights Minister Lazhar Bououni told parliament on June 15 that "affecting the vital interests of Tunisia" includes "inciting foreign parties not to extend credit to Tunisia, not to invest in the country, to boycott tourism or to sabotage the efforts of Tunisia to obtain advanced partner status with the European Union." Parliament approved this provision on June 15 after Tunisian human rights defenders held a meeting with EU officials in Madrid in April in the context of EU-Tunisia negotiations over granting Tunisia advanced partner status.

Human Rights Defenders

Authorities have refused to grant legal recognition to every truly independent human rights organization that has applied over the past decade. After denying recognition, the authorities use 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 unrecognized human rights organizations, such as the International Association in Support of Political Prisoners (AISPP) and the Tunisian Association to Combat Torture (ALTT), are regular targets for harassment by security forces. Plainclothes police harass lawyers who are members of these organizations and who take on politically sensitive cases. Radhia Nasraoui, a lawyer and spokesperson for the ALTT, reported that police regularly question her clients about what they have discussed with her in confidence, which scares away potential clients.

Prison authorities prevented Samir Ben Amor, a lawyer and secretary general of AISPP, from visiting his clients in prison between August 2009 and March 2010, even though he had court authorization for the visits.

Media Freedom

Domestic print and broadcast media do not provide critical coverage of government policies, apart from a few low-circulation magazines – such as the opposition weekly *al-Mawkif* – which are subject to occasional confiscation. Tunisia has licensed private radio and television stations, but none that have an independent editorial line. The government blocks access to certain domestic and international political or human rights websites featuring critical coverage of Tunisia.

On July 6, 2010, the Gafsa Appeals Court sentenced journalist Fahem Boukadous in an unfair trial to four years in prison for "participating in a criminal association with the intention of harming people and their property" and "spreading information liable to disrupt public order." The apparent motive behind his prosecution was his coverage in 2008 for El-Hiwar el Tounsi, an Italy-based satellite television channel, of demonstrations and social unrest in the Gafsa mining region that led to the prosecution of about 200 persons, many of whom reported torture and ill-treatment in detention. During the July 6 hearing the presiding judge refused to investigate Boukadous's allegations of torture and prevented defense lawyers from presenting their arguments in court. Police surrounded the courthouse and denied access to many journalists and local observers. Boukadous's wife said that he had not received adequate care in prison for his asthma and respiratory problems.

On April 27 authorities freed dissident journalist Taoufik Ben Brik from prison after he served his six-month sentence for assaulting a woman. Ben Brik was sentenced by the Court of First Instance in Tunis, the capital, following an unfair trial in which he was convicted solely on the basis of the alleged victim's testimony and a confession that Ben Brik claims was forged. The trial followed a pattern of prosecutions against journalists critical of the government on questionable criminal charges.

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. Security forces have also clashed once with armed militants between December 2006 and January 2007 outside Tunis.

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 those convicted and imprisoned have been 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 Tunisia's 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.

In January 2010 then-UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, visited Tunisia and noted that "the most disturbing experience during my mission was the existence of serious discrepancies between the law and what was reported to me as happening in reality." He noted that "the frequent use of confessions as evidence in court without proper investigation into allegations of torture or other ill-treatment," and that there were a disproportionately low number of prosecutions or other clear findings related to torture, compared to the frequency of allegations.

Prosecution of Student Union Activists

Members of the General Union for Tunisian Students (UGET) have faced persecution for their union activities. On February 3 the Court of First Instance in Mahdia sentenced five UGET members to 20 months in prison on charges of aggression and destroying public property, despite lack of persuasive evidence of their guilt. The charges date to October 2007, when the students staged a two-day sit-in to protest what they saw as their arbitrary expulsion from the university for holding a demonstration. The students remain free pending their appeal, which has been postponed four times and at this writing is set for early January 2011.

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 (US\$108 million) aid package for Tunisia. On July 16, 2010, French Foreign Ministry spokesperson Bernard Valéro noted France's commitment to freedom of expression and the press, and said that France was "monitoring the situation of Mr. [Fahem] Boukadous, in particular his prison conditions and his ability to access proper medical care." This statement was an exception to France's overall reluctance to publicly pressure Tunisia to improve its human rights record. On March 22, 2009, 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.

The European Union-Tunisia Association Agreement remains in force, despite the government's human rights record. On May 11 the 8th session of the Tunisia-European Union Association Council took place in Brussels, Belgium. The two sides agreed to work on a roadmap to grant Tunisia "advanced status" with the EU.

At this writing, the United States 2011 Foreign Operations Appropriations bill would provide \$15 million in Foreign Military Financing assistance to Tunisia. For the first time, the bill conditions \$1 million of that sum on the Tunisian government making "significant efforts to respect due process and the rights of its citizens to peaceful expression and association and to provide access for its citizens to the internet."

While Tunisia allowed a visit during 2010 of the UN special rapporteur on counterterrorism (see above), at this writing it has not agreed to a request to visit from the special rapporteur on torture. The request, which has been pending since 1998, was renewed in November 2009.

