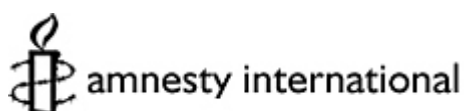


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Amnesty International Report 2010 - Tunisia

REPUBLIC OF TUNISIA

Head of state: Zine El 'Abidine Ben 'Ali
Head of government: Mohamed Ghannouchi
Death penalty: abolitionist in practice
Population: 10.3 million
Life expectancy: 73.8 years
Under-5 mortality (m/f): 24/21 per 1,000
Adult literacy: 77.7 per cent

Freedom of expression, association and assembly remained severely restricted. Government critics, including journalists, human rights defenders and student activists, were harassed, threatened and prosecuted. Hundreds of people were convicted following unfair trials on terrorism-related charges. Torture and other ill-treatment continued to be reported, and prisoners were subjected to harsh prison conditions. At least two death sentences were imposed, but the government maintained a moratorium on executions.

Background

President Zine El 'Abidine Ben 'Ali was re-elected for a fifth consecutive term in October amid reports of restrictions on political opponents and repression of dissent.

Political prisoners – releases

In November, 68 prisoners were released to mark the 22nd anniversary of the accession of President Ben 'Ali. They included prisoners of conscience. In all cases, their release was conditional. Former political prisoners are usually placed under administrative control orders governing their place of residence. They are also required to report regularly to the police and denied passports and other official documents.

- Among those released were Adnan Hajji and 17 others who had been sentenced on appeal to up to eight years in prison for protesting in 2008 against growing unemployment, poverty and rising living costs in the Gafsa region. Their trials

were unfair. The courts disregarded and failed to investigate their allegations of torture and other ill-treatment.

The presidential pardon did not apply to prisoners sentenced in their absence who had yet to be apprehended.

- Fahem Boukadous, a TV journalist sentenced in his absence to six years in prison for his reporting of the Gafsa protests, appealed against his conviction in November and remained at liberty.

Freedom of expression and association

People who criticized the government or exposed official corruption or human rights violations faced harassment, intimidation and physical assault by state security officers. They were also prosecuted and imprisoned on trumped-up charges and targeted in smear campaigns in the pro-government media. The abuses were committed with impunity, with complaints rarely investigated. Critics were subjected to overt and oppressive surveillance, and their phone and internet connections were disrupted or cut. The authorities blocked websites and maintained close control over the media.

- The authorities shut down Radio Kalima, an independent radio station, on 30 January, four days after it began broadcasting from abroad by satellite. Police blockaded its office, harassed its staff and placed Sihem Bensedrine, the editor-in-chief, under investigation for allegedly using a broadcasting frequency without a licence.
- On 4 April, the Tunis Court of Appeal confirmed the one-year prison sentence imposed on prisoner of conscience Sadok Chourou for "maintaining a banned organization". In interviews with the media he had commented on the political situation in Tunisia and called for Ennahda, a banned Islamist organization, to be authorized to resume its political activities. He had been conditionally released in November 2008 after serving 18 years in prison. Following his reimprisonment his previous conditional release was revoked so that he must complete the remaining year of the original sentence as well as the new prison term.
- In August, the executive board of the National Syndicate of Tunisian Journalists (Syndicat national des journalistes tunisiens) was ousted after publishing a report in May which criticized the lack of press freedom in Tunisia. Government supporters within the syndicate held a special congress and elected a new executive board. The new board then obtained a court order requiring the ousted board members to vacate the syndicate's premises.
- Hama Hammami, spokesperson of the unauthorized Tunisian Workers' Communist Party (Parti communiste des ouvriers tunisiens), was beaten by men believed to be plain-clothes police at Tunis airport on 29 September. He had just returned from France, where he had publicly criticized the elections, President Ben 'Ali and corruption.
- In November, dissenting journalist Taoufik Ben Brik was sentenced to six months' imprisonment on politically motivated charges after an unfair trial.

Human rights defenders

Human rights defenders were harassed with oppressive surveillance, threats and assaults. Often, they were physically prevented by state security officials from attending meetings or gatherings where human rights were to be discussed. The authorities continued to block the registration of several human rights NGOs, impeding and restricting their activities, and prevented some registered organizations from holding public and other meetings.

- Human rights lawyer Samir Ben Amor was not permitted to visit any of his clients in custody from August onwards. The authorities gave no reason. He acts for many suspects in terrorism-related cases.
- In October, the car of lawyer and human rights defender Abderraouf Ayadi was damaged with a dangerous substance by unidentified people, believed to be security officials, when he was due to drive Hama Hammami and Radhia Nasraoui, a lawyer and human rights defender, and the couple's daughter. The couple's home was placed under heavy police surveillance in October and they were summoned to appear before the criminal police to answer unspecified charges. They lodged formal complaints, but no investigations were known to have been opened.
- In December, human rights activist Zouheir Makhoulf was sentenced after an unfair trial to three months' imprisonment and a heavy fine after he posted on a social networking site a video denouncing pollution as well as lack of infrastructure and basic services in the industrial zone of the city of Nabeul.

Counter-terror and security

In August, the government amended the anti-terrorism law of 2003 to strengthen its anti-money laundering provision and to remove other provisions requiring that the identity of judges, prosecutors and police officers investigating cases in counter-terrorism trials be kept secret.

The authorities continued to arrest and prosecute people suspected of involvement in terrorism-related activities. In most cases, uncharged detainees were held incommunicado for longer than the six days permitted by law, without their families and lawyers being informed, and their arrest dates were falsified to conceal their period of enforced disappearance.

Trials under the anti-terrorism law were unfair. Suspects were denied prompt access to a lawyer, and denied adequate time to consult their lawyers and prepare their defence. Confessions allegedly obtained under torture were accepted as evidence by the courts without question or investigation. Some defendants were reported to have been tried and sentenced for the same offence more than once.

At least four Tunisian terrorism suspects were forcibly returned to Tunisia by other states despite fears that they would face torture or other ill-treatment and unfair trial.

- In April, the Italian authorities forcibly returned Mehdi Ben Mohamed Khalaifia, who had previously been sentenced in his absence to 10 years in prison on terrorism-related charges in Tunisia. On arrival, he was immediately detained incommunicado and held for 12 days, twice the legal maximum, during which he alleges that he was beaten, kicked and slapped by interrogators, suspended in contorted positions and threatened with rape. He appealed against his sentence, which in September was reduced to two years.
- Sami Ben Khemais Essid, who was retried by civil and military courts and sentenced to 12 years' imprisonment following his forcible return from Italy in 2008, was taken from prison to the Interior Ministry in January and June, interrogated and, he alleges, tortured. New charges were brought against him and he was denied access to his lawyer.
- The authorities failed to investigate the enforced disappearance of Abbes Mlouhi, who was arrested in 2005. Before his arrest he had been interrogated several times at the Interior Ministry in relation to his membership of al-Tabligh wa Daaoua, an Islamic religious group.

Torture and other ill-treatment

Torture and other ill-treatment in police stations and detention centres, including the Interior Ministry's Department of State Security, continued to be reported. Some detainees were held incommunicado beyond the limit allowed by law, with their arrest dates falsified by police to cover this up. Detainees were at particular risk of torture or other ill-treatment when they were being held incommunicado. The courts, however, routinely disregarded torture allegations made by defendants and convicted them on the basis of confessions allegedly obtained under torture. No official investigations into torture allegations were known to have been carried out after complaints were filed, and security forces continued to operate with impunity.

- Ramzi Romdhani, serving a prison sentence totalling 29 years imposed in 2008 after he was convicted under the 2003 anti-terrorism law in nine separate cases, alleged that he had been tortured and otherwise ill-treated by guards at Mornaguia Prison in April. In August, he was taken to the State Security Department where, he alleged, security officials tortured him with electric shocks, suspended him by the limbs, hanged him by the neck for a few seconds and threatened him with death. He said that in December he was again tortured for two days by State Security Department officers. He sustained serious eye injuries.

Death penalty

At least two people were sentenced to death, but there were no executions. The government has maintained a de facto moratorium on executions since 1991, but prisoners remain on death row, where they are not permitted contact with their families or lawyers.

Amnesty International visit/reports

- Amnesty International delegates visited Tunisia in September/October and met human rights defenders, journalists and victims and their relatives.
- Tunisia: Routine muzzling of dissent mars upcoming presidential elections (MDE 30/013/2009)
- Tunisia: Continuing abuses in the name of security (MDE 30/010/2009)
- Behind Tunisia's "economic miracle": inequality and criminalization of protest (MDE 30/003/2009)

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