

AMNESTY
INTERNATIONAL



Tunisia

Head of state	Zine El ‘Abidine Ben ‘Ali
Head of government	Mohamed Ghannouchi
Death penalty	abolitionist in practice
Population	10.4 million
Life expectancy	73.5 years
Under-5 mortality (m/f)	23/21 per 1,000
Adult literacy	74.3 per cent

The security forces used excessive force in Gafsa against demonstrators, causing the deaths of two, and arrested and prosecuted at least 200 protesters, including human rights defenders and trade union leaders. The rights to freedom of expression, association and assembly were curtailed, and journalists, lawyers and human rights activists were prosecuted and harassed. There were reports of torture and other ill-treatment of detainees. At least 450 people were sentenced to prison terms following unfair trials on terrorism-related charges. The moratorium on executions was maintained.

Gafsa unrest

The south-east mining region of Gafsa was racked for months from January by protests against spiralling unemployment, poverty, rising living costs, and the recruitment practices of the Gafsa Phosphate Company, the main regional employer. In response, the authorities deployed security forces to Redeyef and other towns, who used excessive force when dispersing some protests, causing two deaths and many injuries. Hundreds of other protesters and people suspected of organizing or supporting the demonstrations were arrested and at least 200 were prosecuted. Some were convicted and sentenced to prison terms of up to 10 years.

- Hafnaoui Maghzaoui was shot dead on 6 June when security forces used live ammunition to disperse protesters in Redeyef. Unofficial sources alleged that 26 others were injured; the authorities put the total at eight. One, Abdelkhalek Amaidi, died of his wounds in September. Eyewitnesses reported that the police opened fire without warning and that many of those wounded sustained bullet injuries to their backs and legs. The Minister of Justice expressed regret over the death of Hafnaoui Maghzaoui, but denied any wrongdoing by the security forces. He said an investigation was under way.
- Adnan Hajji, Secretary General of the local office of the General Union of Tunisian Workers, was arrested in June. Along with 37 others whom the authorities accused of leading the

protests, he was charged with setting up a criminal gang, belonging to a group that aims to damage property, and other offences. They appeared in court in December and 33 of them were sentenced to up to 10 years in prison; the other five were acquitted.

Legal and constitutional developments

The Constitution was amended in July to lower the voting age from 20 to 18 and to introduce exceptional provisions concerning the 2009 presidential elections. The exceptional provisions in effect bar from standing as candidates anyone other than elected political party leaders who have been in post for at least two years. In December the authorities announced draft amendments to the law on elections aiming to increase the seats of opposition parties in parliament and local councils from 37 to 50.

The Code of Criminal Procedure was amended in March. This strengthened procedural guarantees for detainees by requiring public prosecutors and investigating judges to give reasons when they authorize the extension for three days of the normal pre-arraignment period of police custody (*garde à vue*) of detainees. In June, new legislation brought the government-established Higher Council for Human Rights and Fundamental Liberties into conformity with the Paris Principles relating to national human rights institutions, with a view to enhancing its independence.

"Human rights activists were harassed and intimidated by the authorities..."

Counter-terror and security

Trials in alleged terrorism-related cases were unfair and mostly resulted in defendants being sentenced to long prison terms. Those tried included people arrested in Tunisia as well as Tunisians forcibly returned by other states, despite concerns that they would be at risk of torture. Often, convictions rested exclusively on "confessions" that defendants had made while held incommunicado in pre-trial detention and which they retracted in court, alleging that they had been obtained under torture. Investigating judges and courts routinely failed to investigate such allegations. Some 450 people were sentenced on terrorism-related charges to prison terms during the year.

In June, the Italian authorities forcibly returned Sami Ben Khemais Essid to Tunisia despite fears for his safety. He was arrested on arrival as he had previously been sentenced, including by military courts, to prison terms totalling more than 100 years after being tried in his absence in several separate terrorism-related cases between 2000 and 2007. He challenged the sentences and in July and November was retried and sentenced in two separate cases to prison terms of eight and 11 years.

- Ziad Fakraoui, who alleged that he had been tortured when held incommunicado at the Department of State Security in Tunis in 2005, was released in May but rearrested by state security officials on 25 June, two days after Amnesty International cited his case in a report on human rights violations in Tunisia. He was detained incommunicado for seven days before

being taken before an investigating judge and charged with belonging to a terrorist organization and incitement to terrorism – the same charges on which he had been imprisoned following his arrest in 2005. He was acquitted of all charges and released on 25 November.

Political prisoners – releases

In November, 44 political prisoners were released conditionally to mark the 21st anniversary of President Ben Ali's accession to power. They included 21 prisoners serving long sentences after being convicted of belonging to Ennahda, a banned Islamist organization. The last of the Ennahda leaders to still be imprisoned, most had been held for more than 15 years. Some were reported to be in urgent need of medical treatment as a result of ill-treatment and harsh conditions, including prolonged solitary confinement.

Like other released political prisoners, they were reported to have been placed under “administrative control” orders imposed on most of them during their trial in 1992. This requires them to report frequently to specific police stations. Such restrictions limit their freedom of movement and make it difficult to obtain jobs and medical care. Sometimes, their immediate family members are also denied passports. Sadok Chourou, former head of Ennahda who was among those released in November, was rearrested at his home on 3 December. Three days later he was charged with “maintaining a banned organization” with reference to Ennahda, and sentenced to one year in prison.

Torture and other ill-treatment

There were new reports of torture and other ill-treatment in police stations and detention centres run by the State Security Department. Detainees were particularly at risk when they were being held incommunicado.

- Jaber Tabbabi was detained on 5 June in connection with the Gafsa protests. Police tore off his clothes and struck him repeatedly while dragging him to a police station in Redeyef, where he alleges he was tortured. He was moved to a police station in Metlaoui, where he was blindfolded, placed in a contorted position and had a stick inserted into his rectum. A cut to his head required 16 stitches. He alleged that he was kept naked until he was taken before an investigating judge in the Gafsa Court of First Instance. The judge rejected his lawyer's request that he be medically examined for evidence of torture, but ordered his immediate release. He was released without charge on 9 June.

Freedom of expression

The government maintained tight restrictions on the media and several journalists were prosecuted on account of their professional activities, often on seemingly unrelated charges.

- Fahem Boukadous, a journalist working for al-Hiwar Ettounsi, a Tunisian television channel,

was charged with “belonging to a criminal association” and “spreading information liable to disrupt public order” because of his reporting on the Gafsa protests and human rights violations by the security forces. He went into hiding and was tried in his absence on 12 December together with 37 others (see above) and sentenced to six years in prison.

- Naziha Rjiba was summoned by the Public Prosecutor in October and questioned about an article she had written for *al-Mouatinoun*, an opposition newspaper. The article accused the government of destroying the website of *Kalima*, an online news magazine she had set up with others following the authorities’ refusal to grant it permission to publish in 1998. A few days earlier, the Interior Ministry had seized the entire issue of *al-Mouatinoun* in which her article had appeared.

Human rights defenders

Human rights activists and defenders were harassed and intimidated by the authorities, who subjected them to close and heavy surveillance, prevented the legal registration of human rights NGOs or obstructed their activities, and interfered with their communications by cutting telephone lines and internet connections.

- In June, two lawyers and human rights defenders who had spoken about human rights violations in Tunisia at an Amnesty International press conference in Paris, were harassed by security officials when they returned to Tunis. Samir Dilou and Anouar Kousri were held briefly at the airport and told to report to the police, who questioned them about the press conference and accused them of circulating false information and damaging Tunisia’s reputation. Samir Dilou was told that he should desist from such activities or he would face prosecution.

Violence against women

In September, Tunisia acceded to the UN Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In November, the authorities introduced a free phone “hotline” for women victims of domestic violence.

Death penalty

The government maintained a de facto moratorium on executions but a number of prisoners remained on death row. In February, the Tunis Appeal Court commuted one of two death sentences imposed at the end of the so-called Soliman trial in December 2007 but confirmed the other. Imed Ben Amar’s sentence was commuted to life imprisonment but the death sentence against Saber Ragoubi was confirmed.

In March 2008, a cross-party group of 25 members of parliament submitted a draft law proposing the abolition of the death penalty but it had still to be fully considered by the end of the year.

Amnesty International visits

An Amnesty International delegate visited Tunisia in February to observe proceedings in the Soliman trial.

Amnesty International reports

Tunisia: Court's decision to uphold death sentence a failure to redress injustice (21 February 2008)

Tunisia: In the Name of Security: Routine Abuses in Tunisia (23 June 2008)

Tunisia: Open inquiry into killing of demonstrator against rising prices (9 June 2008)

Tunisia: Abuses continue despite official denial (2 July 2008)

Tunisia: Former political prisoners face harassment (14 November 2008)

Tunisia: Trial of trade union leaders a travesty of justice (12 December 2008)
