

Tunisia

Tunisia's intolerance for political dissent continued in 2004. The ruling party, the Constitutional Democratic Assembly, dominates political life, and the government continues to use the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent. The rights of freedom of expression and freedom of association are severely restricted. Critics of the government are frequently harassed or imprisoned on trumped-up charges after unfair trials. Following the conditional release of some eighty political prisoners in early November, about four hundred remained incarcerated, nearly all suspected Islamists. There are constant and credible reports of torture and ill-treatment used to obtain statements from suspects in custody. Sentenced prisoners also face deliberate ill-treatment. During 2004, as many as forty political prisoners were held in prolonged and arbitrary solitary confinement; some had spent most of the past decade in isolation.

President Zine el-Abidine Ben Ali won re-election for a fourth five-year term on October 24 by 94.5 percent of the vote, having gotten the constitution amended in April 2002 in order to remove the previous three-term limit. The same amendment also granted permanent immunity to the head of state for any acts connected with official duties. Two of Ben Ali's three opponents endorsed the incumbent. Authorities prevented the only genuine opposition candidate, Mohamed Halouani, from printing and distributing his electoral platform. Halouani's supporters were permitted to hold a protest march in Tunis on October 21, 2004 the first such public opposition rally in recent memory. Halouani received less than 1 percent of the vote, according to the official tally. Several other parties boycotted the elections as unfair. The ruling party captured all of the 152 district seats in parliament – thirty-seven additional seats are reserved for members of other parties – ensuring the continuation of a rubber-stamp legislature.

Human Rights Defenders

Tunisia's two leading human right organizations operate in a legal limbo. The Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH), founded in 1977, remains under a court decision nullifying the 2000 election of an outspoken executive committee. In the case of the six-year-old National Council on Liberties in Tunisia (Conseil National pour les Libertés en Tunisie, CNLT), the government rejected its application for legal recognition. Other, newer human rights organizations have applied but failed so far to get legal approval, including the International Association for Solidarity with Political Prisoners, the Center for the Independence of Judges and Lawyers, and the Association to Fight Torture in Tunisia.

Human rights defenders, like dissidents generally, are subject to heavy police surveillance, sporadic travel bans, dismissals from work, interruptions in phone service, and police harassment of spouses and family members. Human rights lawyers and activists have been assaulted on the street by plainclothes security personnel acting with complete impunity. Sihem Ben Sedrine, a founder of the CNLT and editor of the dissident magazine *Kalima*, was assaulted and punched by unidentified men outside her home in downtown Tunis on January 5, 2004. On October 11, former political prisoner Hamma Hammami, whose party urged the boycott of the October 24 presidential elections, reported being assaulted in Ben Arous by men in plainclothes who punched him and broke his glasses. The property of human rights activists and dissidents has been subject to vandalism, and their homes, offices, and cars to suspicious break-ins.

The Justice System

The Tunisian judiciary lacks independence. Judges frequently turn a blind eye to torture allegations and procedural irregularities, convicting defendants solely or predominantly on the basis of confessions secured under duress. For example, a Tunis court on April 6, 2004, sentenced six men from Zarzis in the south of the country to nineteen-year prison terms for plotting terrorist attacks. The defendants claimed they had been tortured into confessing and into implicating each other and that the police had falsified the place and date of their arrest. The judge refused to investigate these allegations, even though these “confessions” constituted the main piece of evidence in the file. On July 6, an appeals court reduced the sentences to thirteen years.

The government uses the courts to convict and imprison non-violent critics of its policies. Jalal Zoghlami, editor of the unauthorized leftist magazine *Kaws el-Karama*, and his brother Nejib, were jailed on September 22, 2004, after a disturbance in a Tunis café that they claim was staged by police agents. They were sentenced on November 4 to eight months actual time in prison for damaging property. Former political prisoner Abdullah Zouari served out a nine-month prison term imposed in August 2003, after a rushed and politically motivated prosecution. Zouari had earlier that month helped a Human Rights Watch researcher to meet families in southern Tunisia.

Tunisians residing outside of the country have been arrested while visiting Tunisia and imprisoned for political activities that were not crimes in the countries where they took place. Salem Zirra, whom a Tunisian court convicted in 1992 *in absentia* for nonviolent political offenses, was arrested upon his return to Tunisia in 2002. On June 29, 2004, a Tunis military court sentenced him to seven years in prison. The evidence presented at the trial suggests he was prosecuted solely for nonviolent association while abroad with Nahdha party members.

Tunisia’s policy of placing some political prisoners in strict, long-term solitary confinement is one of the harshest holdovers from the severe prison regime of the 1990s. Authorities generally provide no official explanation to prisoners why they are being segregated, for how long, or how they may appeal the

decision. The isolation policy as it is practiced violates Tunisian law as well as international penal standards, and in some instances may rise to the level of torture.

The government has not allowed independent observers to inspect prisons since 1991. An April 20, 2004 statement by Minister of Justice and Human Rights Béchir Tekkari hinted that Tunisia might accept prison visits by the International Committee of the Red Cross (ICRC), but as of late November 2004 no accord with the ICRC had been announced.

Media Freedom

Tunisia's press remains largely controlled by the authorities. None of the print and broadcast media offer critical coverage of government policies, apart from a few low-circulation independent magazines that face occasional confiscation of their issues or problems at the printers. During the campaign for presidential and legislative elections in October 2004, all of the major media accorded disproportionate and highly favorable coverage to Ben Ali and the ruling party candidates, while giving limited space to candidates of other parties.

The government's rhetoric promotes electronic communication as a vehicle of modernization, yet it blocks certain political or human rights websites. In 2002, the authorities arrested Zouheir Yahiaoui, editor of a webzine that ridiculed President Ben Ali's rule. He was released in November 2003 after serving most of his two-year sentence on trumped-up charges. Given Tunisia's systematic suppression of a free media, and limits on the Internet in particular, human rights organizations have criticized Tunisia's designation as host to the World Summit on the Information Society in November 2005.

Counterterrorism Measures

Following the attacks in the United States on September 11, 2001, Tunisian authorities claimed that they had long been in the forefront of combating terrorism and extremism, alluding to their long-running crackdown against the once-tolerated Islamist Nahdha movement.

Since 1991, the one deadly terrorist attack to occur in Tunisia was the April 2002 truck bomb that targeted a synagogue on the island of Djerba. The suicide bomber was Tunisian, and al-Qaida claimed responsibility for the attack.

In December 2003, Tunisia adopted an anti-terror law containing a broad definition of terrorism that could be used abusively to prosecute persons for peaceful exercise of their right to dissent. The law provides harsh penalties and allows for the referral of civilian suspects to military courts.

Key International Actors

The United States actively monitors human rights conditions in Tunisia, but its criticism of those conditions has been undercut somewhat by Washington's persistent praise for President Ben Ali's counter-terrorism conduct. Still, Secretary of State Colin Powell, after he met with President Ben Ali in

December 2003, spoke publicly about the need for “for more political pluralism and openness and a standard of openness that deals with journalists being able to do their work.” In February 2004, when President Ben Ali visited Washington, President Bush publicly expressed the desire to see in Tunisia “a press corps that is vibrant and free, as well as an open political process.” However, the administration’s public expression of disappointment with the lack of genuine contestation in the October 24 elections was exceedingly mild.

Tunisia’s Association Agreement with the European Union continued in force, despite the country’s poor human rights record. While E.U. officials have conveyed concern about Tunisia’s human rights conditions, they have yet to suggest that violations would jeopardize the agreement.

President Jacques Chirac of France remained Europe’s staunchest supporter of President Ben Ali. On a visit in December 2003, he deflected concerns over political and civil rights by declaring that the “first” rights were food, medical care, housing, and education, and praising Tunisia’s achievements in this regard. President Chirac sent his Tunisian counterpart a message of congratulations immediately after his victory in the patently unfair elections of October 24.