

Tunisia

President Zine el-Abidine Ben Ali and the ruling party, the Constitutional Democratic Assembly, dominate political life in Tunisia. The government uses the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent. There are continuous and credible reports of torture and ill-treatment being used to obtain statements from suspects in custody. Sentenced prisoners also face deliberate ill-treatment.

In March President Ben Ali pardoned or conditionally released some 1,650 prisoners, including 70 members of the banned Islamist party an-Nahdha. In November the president pardoned or conditionally released about 50 more political prisoners, most of them an-Nahdha members. Some were party leaders who had been imprisoned since their mass trial in 1992 on dubious charges of plotting to topple the state. However, the number of political prisoners remained above 350, as authorities arrested scores of young men in sweeps around the country and charged them under the 2003 anti-terror law. Authorities made life difficult for released political prisoners, monitoring them closely, denying them passports and most jobs, and threatening to re-arrest some who spoke out on human rights or politics.

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. On July 21, 2006, police encircled the Tunis office of the non-recognized National Council on Liberties in Tunisia and, as they had done many times before, prevented members from meeting, using force against those who did not disperse quickly enough. Police also blocked meetings by the non-recognized International Association of Solidarity with Political Prisoners.

The independent Tunisian Human Rights League, a legally recognized group, continued to face lawsuits filed by dissident members. The broader context shows that these suits are part of a larger pattern of repression; the courts ruled systematically in favor of these plaintiffs, providing a legal veneer for large-scale police operations to prevent most League meetings. On May 27 the police blocked the League's congress by turning back members from several cities as they sought to reach the national headquarters. On May 18 police prevented a small memorial service at the headquarters for veteran rights activist Adel Arfaoui. Authorities blocked foreign grants to the League, including support from the European Union. Police conspicuously trail most foreign human rights workers who visit the country. On May 21 authorities expelled Yves Steiner of the Swiss section of Amnesty International, a day after he criticized Tunisia's rights record before Amnesty members. Authorities stated that Steiner had "violated the laws of the country in a way that disturbed the public order," but provided no details.

The Tunisian Association of Magistrates remained under the control of a pro-government leadership that authorities installed in 2005, after using dubious legal maneuvers to oust a newly elected executive committee that had urged more judicial independence.

In May 2006 parliament adopted a law requiring future lawyers to pass a training program at a new institute that the justice minister said was necessary to prepare them for an increasingly globalized environment. Lawyers protested that the law undermined the independence of the profession by tightening state control over the training and certification of lawyers.

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. Lawyer Mohamed Abou continued to serve a three-year sentence imposed in 2005, after he published harsh critiques of President Ben Ali in online forums. Police harassed his wife Samia during her prison visits and as she publicized her husband's plight.

The Justice System

The judiciary lacks independence. Investigative judges often question defendants without their lawyers present. Prosecutors and judges usually turn a blind eye to torture allegations, even when the subject of formal complaints submitted by lawyers. 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 (ICRC) continued its program of visiting Tunisian prisons. However, authorities refuse to allow access by independent human rights organizations. They refused to honor an explicit commitment made in April 2005 to allow visits by Human Rights Watch on “its next visit” to Tunisia, explaining that Tunisia was preoccupied with organizing the ICRC visits.

Media Freedom

None of the print and broadcast media offers critical coverage of government policies, apart from a few low-circulation independent magazines that are subject to occasional confiscation. The private dailies are all loyalist, often slandering government critics in a manner that is deemed too base for the official media. Tunisia now has privately-owned radio and television stations, but here too private ownership is not synonymous with editorial independence. The government blocks certain political or human rights websites featuring critical coverage of Tunisia.

Counterterrorism Measures

Tunisian authorities claim that they have long been in the forefront of combating terrorism and extremism. The 2003 Law in Support of “International Efforts to Fight Terrorism and the Repression of Money-Laundering” contains a broad definition of terrorism that could be used to prosecute persons for a peaceful exercise of their right to dissent, and erodes defendants’ rights in terror cases.

Since 2005, the government has charged more than 200 mostly young Tunisians—who were arrested in cities around the country, or who were extradited by Algeria or other governments—with planning to join jihadist movements abroad or planning terrorist activities. In many instances, plainclothes police carried out these arrests without

identifying themselves or providing the reason for arrest, and families were unable to learn the persons' whereabouts for days or weeks. During their trials, these defendants overwhelmingly claimed the police had extracted their statements under torture or threat of torture. The courts sentenced many of these defendants to long prison terms on broad terrorism charges but, to Human Rights Watch's knowledge, convicted none of committing a specific act of violence or of possessing arms or explosives.

The presidential pardon in February 2006 freed six defendants in one of the best-known such cases, known as the "Zarzis" group, after they had served three years of sentences ranging up to 19 years. The court had convicted them on the basis of allegedly coerced confessions and also on evidence that they had downloaded bomb-making instructions from the internet. In another internet-related case, Ali Ramzi Bettibi continued to serve the four-year sentence he received in 2005 for cutting and pasting on an online forum a statement by an obscure group threatening bomb attacks if President Ben Ali hosted a visit by the Israeli prime minister.

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. Al-Qaeda claimed responsibility for the attack.

Key International Actors

The United States enjoys good relations with Tunisia, while urging human rights progress there more vocally than in most other countries in the region. The embassy frequently sends diplomats to observe political trials and to meet civil society activists.

While the US gives minimal financial aid to Tunisia, the Department of Defense provides counterterrorism training and exchange programs for the military. Defense Secretary Donald Rumsfeld, after meeting with President Ben Ali in Tunis on February 11, 2006, declared, "Tunisia has long been an important voice of moderation and tolerance ... and has played a key role in confronting extremists not just within this country, but in the area as well." Rumsfeld did not suggest that Tunisia should stop using "extremism" to stifle all forms of non-violent opposition, saying only that "political and economic freedom go hand in hand, and each depends on the other for long-term stability."

On March 1 the State Department spokesman welcomed the president's pardon of prisoners but urged Tunisia to "accelerate reforms that create a more open and vibrant political space in which all parties, civil society organizations, and released prisoners can operate more freely." The State Department Report on Supporting Human Rights and Democracy for 2005-2006 said, "The Government continued to invoke a variety of laws and regulations to obstruct implementation of US and internationally funded reform projects and initiatives, including those promoting media freedom and opinion in the political process."

The EU-Tunisia Association Agreement continues to be in force, despite the government's human rights record and its blocking of EU grants to some NGOs. EU officials occasionally criticized their partner's rights record, while taking pains to praise the state of bilateral relations overall. The EU presidency criticized the last-minute refusal of Tunisia to host an international conference on employment and the right to work, scheduled for September 8-9, calling it one of "a series of negative signals which have been given by Tunisia in the area of human rights and governance over the last few years." The European Parliament on June 15, 2006, adopted a resolution deploring the repression of human rights activists in Tunisia.

France remained Tunisia's leading trade partner and foreign investor, and President Jacques Chirac remained a staunch supporter of President Ben Ali. Public statements about human rights on the part of France were exceedingly rare and cautious.