

groups—including Hamas, the PFLP-GC, and the PIJ—basing privileges or refuge in areas of Lebanon’s Bekaa Valley under Syrian control.” It also said that Syria “did not act to stop Hizballah and Palestinian rejectionist groups from carrying out anti-Israeli attacks,” and that “Damascus also served as the primary transit point for terrorist operatives traveling to Lebanon and for the resupply of weapons to Hizballah.”

In the wake of the September 11 attacks in New York and Washington, which Syria condemned, newly appointed U.S. Ambassador to Syria Theodore Kattouf met in Damascus with Foreign Minister Farouq al-Shara’. According to a Syrian official quoted by Reuters, the topics of discussion at the September 15 meeting included “bilateral cooperation,” among other issues. The Syrian government publicly insisted on a distinction between terrorism, which it said it opposed, and resistance to foreign occupation, presumably by the Palestinian and Lebanese groups that it supported. On October 11, U.S. Deputy Secretary of State Richard Armitage was asked about the consequences for countries such as Syria that did not satisfy U.S. requests for cooperation in the global anti-terrorism effort. “The consequences might be whatever the coalition finds worthy and it runs the gamut from isolation to financial investigation, all the way up through possibly military action.” At a press conference later that day, President Bush appeared to soften Armitage’s remarks: “The Syrians have talked to us about how they can help in the war against terrorism . . . [W]e take that seriously and we’ll give them an opportunity to do so.” The next day, Syria’s Foreign Ministry reportedly summoned Ambassador Kattouf and protested Armitage’s statement.

TUNISIA

HUMAN RIGHTS DEVELOPMENTS

Government critics and human rights activists were arrested or harassed and hundreds of political prisoners were confined under harsh conditions. Mainstream media allowed almost no criticism of the government, and genuine opposition parties were either banned or actively impeded.

Nevertheless, civil society organizations, political prisoners, former prisoners, and previously silent political figures increasingly challenged the status quo.

The most disturbing new trend was the resort to physical force by plainclothes police against human rights defenders and critics of the government. But suspected members of the banned Islamist movement, an-Nahda, remained the chief target for repression. They comprised most of the country’s political prisoners, estimated to number 1,000. The vast majority had been convicted on such charges as membership in “unauthorized” organizations or holding “unauthorized” meetings, and had not been linked to any act of violence.

Although the renewed activism within civil society did not lead to mass rallies

or demonstrations—which remained banned by the authorities—it took new forms. First, many spoke out against the candidature of President Zine el-Abidine Ben Ali for a fourth term in 2004, which would require a constitutional amendment. Second, rights activists focused as never before on the plight of persecuted Islamists, eroding the government's effort to portray them as violent extremists. Third, in cooperation with allies overseas, Tunisian rights activists cited alleged torturers by name and campaigned to hold them accountable.

Tunis Civil Court Judge Mokhtar Yahiaoui shattered the reserve of his profession by denouncing the lack of judicial independence in an open letter, dated July 6, to President Ben Ali. Yahiaoui decried that judges “render verdicts dictated to them by political authorities and enjoy no discretion to exercise any objectivity or critical scrutiny.” Yahiaoui was suspended without pay, but reinstated two weeks later after wide protests.

The judge affirmed what human rights organizations had long contended: that the justice system was a pillar of state repression. Judges routinely curtailed political defendants' right to fair trial, vetoing defense requests to subpoena witnesses and preventing lawyers from questioning defendants on the stand, on the grounds that the defendants' statements to the police or the judge sufficed. Lawyers often faced obstacles that prevented their obtaining timely access to their detained clients and to case documents before the start of proceedings.

On November 24, 2000, Judge Tahar al-Yefreni insisted on proceeding with a trial of eight men accused of belonging to an “unauthorized” Islamist organization, even though defendants Abdellatif Bouhjila and Yassine Benzarti were semi-conscious from a hunger strike and unable to respond to questions, and their lawyers had walked out in protest. The judge sentenced the two men to seventeen and eleven years in prison respectively, sentences that were confirmed on appeal in March.

In separate cases, three Tunisians who lived abroad were arrested upon their arrival in Tunisia, informed that they had previously been convicted in their absence on political charges, then re-tried and imprisoned. Mehdi Zougah, a French-Tunisian dual national, was arrested in August 2000 and told he had been convicted for conducting Nahda activities ten years earlier while living in France. (Tunisian law permits the prosecution of Tunisians for “illegal” political activities abroad even when they are legal in the host country.) The charges, which Zougah denied, were based on the testimony of an accuser who had reportedly retracted his accusations but who was not brought to testify before the court. Zougah was convicted again on February 22 and sentenced to two years in prison, one of them suspended. He was freed March 30 and allowed to return to France, after French President Jacques Chirac raised his case with President Ben Ali.

Law student Haroun Mbarek was arrested shortly after Canada deported him to Tunisia on January 6. In a case much like Zougah's, Mbarek was convicted and sentenced to three years in prison in March. But on May 26, Mbarek was conditionally released. In September, he returned to Canada, and on October 4, an appeals court reduced his sentence.

Lotfi Farhat fared worse than Zougah, who had French nationality, and Mbarek, who benefited from the solicitude of embarrassed Canadian officials. Visiting from France in August 2000, Farhat was seized and held incommunicado in a cell at the

Ministry of Interior headquarters. There, Farhat later told his lawyers, police beat him, confined him in contorted positions, and suspended him by his feet while lowering his head into a bucket filled with dirty water. Allegedly under these conditions, he signed a confession that was the sole evidence against him when a military court convicted him on January 31 to seven years in prison for plotting against the government as a member of a terrorist organization operating abroad. The military court, whose verdict was not subject to appeal, accepted Farhat's "confession," ruling that his torture claim was "not proven."

Tunisia's media remained tightly controlled, despite repeated public prompting by officials for more boldness. In an interview published in Tunisian papers on May 11, President Ben Ali exhorted journalists to "write on any subject you choose; there are no taboos except what is prohibited by law and press ethics." The parliament adopted revisions to the press code that eliminated the offense of "defaming the public order" and reduced the number of press offenses punishable by prison terms.

Despite these welcome steps, cautious critical coverage could be found only in a few low-circulation magazines. Privately-owned daily newspapers were indistinguishable from the governmental ones, except for attacking even more scurrilously the government's critics.

Bolder publications were either banned or confiscated. Issues of *Al-Maoukif* (The Platform), organ of the small, legal Progressive Socialist Rally, were seized at the printers. Authorities refused to grant the necessary license to leftist journalist Jalal Zoughlami to launch *Kaws el-Karama* (The Arc of Dignity). After Zoughlami published the journal anyway he was assaulted on February 3 in downtown Tunis by men wielding iron bars who were believed to be police agents. Then on February 6, men in plainclothes attacked Zoughlami and several supporters outside his Tunis home, breaking bones and bloodying faces. On February 21, when staff members of the French freedom-of-expression group Reporters sans Frontières (RSF) handed out *Kaws el-Karama* in the streets of Tunis, plainclothes police seized their copies and expelled two of the RSF workers to France. As of November 1, Zoughlami was still denied a passport.

Issues of foreign newspapers that contained critical coverage of Tunisia were banned from circulation. These included the April 6 issue of the Paris daily *Le Monde*, which featured an interview with the new human rights minister, Slaheddine Maàoui, vowing a new spirit of openness and reform.

Tunisian radio and television, which were state-run, shunned negative coverage of government policies, other than tame criticism heard on some talk shows. In a refreshing exception, government television aired a debate on democracy on July 17 in which opposition politician Ismaïl Boulahia urged greater judicial independence.

Hamma Hammami, the leader of the banned Tunisian Communist Workers Party, entered his fourth year in hiding in February. In 1999, he had been sentenced in his absence to nine years in prison for "maintenance of an association that incites hatred," along with other charges that were frequently used to stifle nonviolent political dissent. Two of his convicted co-defendants also remained in hiding during 2001.

Mohamed Mouada, the former leader of the legal, once-strong Socialist Demo-

cratic Movement, was re-imprisoned on June 19. Mouada had been conditionally released from prison in 1996 after serving one year of an eleven-year sentence on trumped-up charges. His re-arrest came after he signed a joint manifesto on March 20 with exiled Nahda leader Rachid Ghannouchi, in favor of public freedoms and against a fourth term for President Ben Ali. Mouada went on to broadcast his views on al-Mustakillah television, a London-based satellite station that has given a regular platform to Tunisian dissidents. The pretext for the re-arrest of Mouada, who is in his sixties, was unspecified violations of the terms of his conditional release.

Political prisoners and ex-prisoners staged individual and collective hunger strikes to protest harsh conditions, lack of medical care, and the harassment of their relatives. Among the worst-treated prisoners were Nahda leaders such as Ali Laaridh and Sadok Chorou, who have served more than ten years in isolation from other prisoners and were often deprived of reading and writing materials. Generally, prisoners were confined in overcrowded and unhygienic group cells, and political prisoners were constantly shuffled among facilities without regard to the proximity of their families.

In April, parliament adopted a prison reform law that, among other things, required the separation of pre-trial and convicted prisoners and restricted the use of force by guards. As of October, it was too early to tell whether the new laws had improved conditions. No independent organization was authorized to inspect prisons. However, liberal access was granted to the state-appointed Higher Committee of Human Rights and Fundamental Liberties. The committee did not publicize its findings but claimed, in a letter to Human Rights Watch dated August 30, that its confidential reports to President Ben Ali contributed to improvements in conditions.

Suspected Islamists who were released from prison faced arbitrary measures such as passport denials, onerous and disruptive requirements for signing in with the police, and pressures on employers to refrain from hiring them. To protest his ordeal as an ex-prisoner, Ali Sghaïer took some of his seven children to the market in Douz in August 2000 and held up a sign that read, "I am prevented from working and cannot feed my children, would anyone like to buy them?" Sghaïer was promptly arrested and put back in prison for six months for refusing to obey an extrajudicial order that he sign in regularly with the police. He was released in February 2001.

Since independence, Tunisian women have made considerable advances toward equality with men—including in the way that their political and civil rights were curtailed. At least four women human rights activists were assaulted by police during the year and one was jailed. Police harassed the wives of suspected Islamists in jail or in exile. The leading independent women's rights group, the Tunisian Association of Democratic Women, was occasionally prevented from convening public meetings.

In February, a torture victim filed a complaint in the Geneva canton of Switzerland against ex-interior minister Abdellah Kallel when he traveled there for a heart operation. The complaint accused Kallel of ordering and supervising the torture of the plaintiff in the Ministry of Interior headquarters in Tunis. The local prosecutor,

citing Switzerland's ratification of the U.N. Convention against Torture, deemed the complaint sufficiently well-founded to open a preliminary investigation. Kallel hastily departed the country.

In August, some human rights groups protested the designation of Habib Ammar as head of the organizing committee of the Mediterranean Games that were held in Tunis in September. They alleged that Ammar was implicated in torture as an official of the Interior Ministry in the 1980s.

President Ben Ali stated publicly more than once that abusers in the security forces would be held accountable. But the fact that plainclothes police repeatedly brutalized human rights lawyers and activists in public places, even when victims filed formal complaints and eyewitnesses were abundant, reflected the climate of impunity. In an encouraging exception, four prison guards were given four-year prison sentences in July for torturing a common-law suspect, and the state was ordered to pay compensation.

DEFENDING HUMAN RIGHTS

While authorities stopped short of stamping out human rights activity, they sought to contain it through intimidation and harassment. Two outspoken activists were jailed and a state-encouraged lawsuit kept the dynamic leadership of the Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH) in legal limbo much of the year.

The suit against the LTDH was filed by four of its members, after the chief of the ruling Constitutional Democratic Rally condemned the outcome of the LTDH's internal election in October 2000. The suit asked the court to nullify the elections on the grounds of procedural irregularities.

In November 2000, a Tunis court issued an interim order suspending the newly elected executive committee and evicting it from the LTDH's offices. The committee defiantly persisted in issuing communiqués critical of rights violations and in meeting in private homes and offices. The police responded by preventing a number of LTDH gatherings. The LTDH's president and a vice-president were summoned to court on charges of disobeying a court order.

On February 12, the court nullified the League's election. But that ruling was softened by a logically baffling decision issued by the appeals court on June 21. The higher court upheld the nullification but assigned the task of ordering a new vote to the executive committee whose election had been nullified. The league leadership continued its activities, although it faced legal uncertainty and its meetings were sometimes prevented by police actions.

The other key human rights organization was the National Council on Liberties in Tunisia (Conseil National pour les Libertés en Tunisie, CNLT), which has been denied legal recognition since its formation in 1998. CNLT co-founder Nejib Hosni was jailed in December 2000 to serve the remainder of an eight-year sentence on trumped-up charges of fraud. The pretext of Hosni's re-arrest was that he had violated the terms of his earlier release by resuming his law practice. In this instance, as before, it appeared Hosni was jailed to punish his vigorous defense of political

defendants, including Islamists. Supported by the Tunisian Bar Association and an international campaign, Hosni was freed by presidential pardon on May 12.

Sihem Ben Sedrine, the CNLT's spokesperson and editor of the online journal *Kalima*, was arrested on June 26 upon her return from London, where she had condemned judicial corruption in an interview on al-Mustakilla television. Questioned by the court for disseminating "false" news and defaming a judge, Ben Sedrine remained in prison until August 11. On September 6, she was arbitrarily prevented from traveling abroad. As this report went to press, no trial date had been set.

Moncef Marzouki, former CNLT spokesperson, was convicted on December 30, 2000 of involvement in an "unauthorized" association (the CNLT) and of spreading "false" information in connection with criticism of a public charity's lack of transparency. When Marzouki refused to appeal his conviction and one-year prison sentence, citing the lack of judicial independence, the prosecution appealed the sentence as too lenient. Although provisionally at liberty, Marzouki, who had been fired in 2000 for political reasons from his post as professor of medicine, suffered constant harassment. His phone service was cut off most of the time. Police kept him under surveillance and sometimes questioned visitors to his home in Sousse. Barred from leaving the country, he could not take up a university post offered to him in France. The travel ban continued even after an appeals court on September 29 converted his one-year prison sentence to a suspended one and maintained in place the deprivation of his civil liberties.

Other members of the CNLT, such as Sadri Khiari and Nejib Hosni, were among the many Tunisians arbitrarily deprived of passports for all or part of the year. CNLT member Omar Mestiri was twice—on December 15, 2000 and September 6, 2001—picked up by police as they were breaking up human rights gatherings, forced into an unmarked car, and then dropped later in the day at a distant location.

Plainclothes police stationed outside the office of the CNLT in downtown Tunis often turned away and sometimes assaulted persons attempting to reach it. CNLT member Khedija Cherif was among several members punched and turned away on March 1. On March 10, men in plainclothes again assaulted Cherif near a courthouse and seized documents regarding the complaint she had filed about the earlier assault. Human Rights Minister Maâoui claimed in *Le Monde* on April 6 that a police agent had been sanctioned for the "intolerable" assault on Cherif. But Cherif was never informed of any follow-up. Later in April, another woman activist, LTDH vice president Souhayr Belhassen, was slapped and called a "traitor" by men in plainclothes at Tunis airport, after customs officers had confiscated papers she was bringing into the country.

President Ben Ali set the tone for branding human rights activists as "traitors." In an interview with Tunisian dailies published on May 11, he denounced "the use of human rights as a pretext, particularly to feed malicious smear campaigns . . . by . . . some who have mortgaged their conscience to serve certain quarters outside their country."

On September 29, police in Tunis assaulted two delegates from Amnesty International who were on an official visit, and confiscated their research materials. Jerome Bellion-Jourdan and Philip Luther were stopped by traffic police, then

forced into a car without license plates by plainclothesmen who forcibly seized their belongings. Bellion's and Luther's equipment was later returned to them, but not their documents and film. As of early November, Tunisian authorities had not responded to Amnesty International's formal complaint about the incident.

Trials were generally open, and diplomats and foreign observers were free to attend. However, French lawyer Eric Plouvier, sent by the Observatory for the Protection of Human Rights Defenders to observe the LTDH trial, was refused entry to the country on January 28. Also, Tunisia did not lift the *de facto* ban on visits by Amnesty International researcher Donatella Rovera and International Federation for Human Rights ex-president Patrick Baudoin.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The European Union (E.U.) expressed concern about human rights violations to the Tunisian government, but did not suggest that those violations could jeopardize the three-year-old Association Agreement with Tunisia, the first such bilateral pact to take effect between the E.U. and a Mediterranean country.

Romano Prodi, the first president of the European Commission to visit North Africa, met in Tunis with Tunisian officials on January 12. In a public statement that day, Prodi indicated that his talks focused on trade and cooperation. Rather than use his public remarks to signal human rights concerns, Prodi praised Tunisia's economic reforms and declared, "The European Union respects Tunisia's decision-making autonomy and does not want to involve itself in the country's internal affairs." Human rights were reportedly higher on the agenda of European Commissioner Chris Patten when he met in Tunis with President Ben Ali and Prime Minister Mohamed Ghannouchi on June 19.

The European Parliament adopted on December 14, 2000, a resolution urging E.U. institutions to "use all the means provided by the Association Agreement" to promote human rights, regretting that the pact's "promotion of human rights as a key element" had "not sufficed to encourage the Tunisian authorities to advance along the path of democracy and human rights."

France

France is Tunisia's leading trade partner. Its U.S. \$100 million in loans and grants to Tunisia surpasses, on a per capita basis, the aid it gives to any other country.

Human rights issues began to strain the close alliance in 2000, as the French government emerged from its public reserve. Pressure on Paris came partly from a more assertive human rights community in Tunisia and its sympathizers in France. In addition, France's National Consultative Commission on Human Rights on January 25, 2001, urged the government to intervene more in response to the "degradation of the state of public liberties and human rights in Tunisia." The national bureau of France's Socialist Party—the party of Prime Minister Lionel Jospin—

issued in April 2001, a statement saying it “could no longer maintain normal relations” with Tunisia’s ruling party as long as “democratic and human rights organizations were effectively being silenced.”

In January and February alone, French authorities publicly criticized the conviction of Moncef Marzouki, the pressures against the LTDH, the refusal to allow French trial observer Eric Plouvier to enter Tunisia, the beating by “unknown” men of Jalal Zoughlami, and “the growing resort to violence by Tunisian security forces toward human rights defenders.” The French embassy also sent observers more frequently to political trials.

Le Parisien of April 1, quoted Foreign Minister Hubert Vedrine as saying that “democratic frustration was growing in Tunisia” and that the country’s economic “success” should enable the country “to advance more in terms of democratization.”

In a trip that was delayed over human rights disputes, French Minister of Cooperation Charles Josselin became on May 31 the first French minister to visit Tunisia in over a year. According to a report in *Le Monde* of April 5, Tunisian authorities had threatened to curtail Josselin’s high-level meetings if he met also with a group of human rights activists that included representatives of the CNLT, which lacked legal “authorization.” (See above.) Josselin ended up meeting a smaller group of human rights activists and was granted access to President Ben Ali and other top officials, with whom human rights was reportedly discussed.

United States

Although Tunisia was not a focus of its foreign policy, the U.S. viewed it as an ally in a turbulent region, pursuing market reforms and supporting U.S. initiatives. The U.S. conducted several joint military exercises with Tunisia, but provided it with minimal foreign assistance. There were few high-level bilateral meetings during the year, and no public statements from Washington regarding human rights.

The main U.S. contributions to rights promotion were the frank chapter in the State Department’s *Country Reports on Human Rights Practices* and a U.S. embassy staff that actively monitored conditions on the ground. United States diplomats met regularly with human rights activists and attended many political trials, including those of human rights defenders and Islamists.

The embassy did not voice U.S. concerns through public statements, although the embassy told Human Rights Watch it “uses many opportunities to discuss human rights with the Tunisian government.”

Relevant Human Rights Watch Reports:

Tunisia: A Lawsuit Against the Human Rights League: An Assault on all Rights Activists, 4/01