

TUNISIA

ANNUAL REPORT 2007

Freedom of expression and association remained severely restricted. At least 12 people were sentenced to lengthy prison terms following unfair trials on terrorism-related charges, while around 50 others were still on trial at the end of the year. Torture and ill-treatment continued to be reported. Hundreds of political prisoners sentenced after unfair trials in previous years, including prisoners of conscience, remained in prison. Many had been held for more than a decade and were reported to be in poor health.

Background

Tunisia's election in May to the newly created UN Human Rights Council drew widespread criticism from human rights groups in view of the government's severe restrictions on fundamental freedoms.

In November, a group of members of parliament called on President Ben 'Ali to stand for re-election in 2009, by which time he will have been in power for 22 years. A referendum in 2002 revised the Tunisian Constitution to allow the President an unlimited number of successive five-year terms.

Some 135 political prisoners were released conditionally, 81 of them in February and the rest in November, following presidential amnesties. Most had been imprisoned for over 14 years because of their membership of the banned Islamist organization, Ennahda (Renaissance), after unfair trials before the Bouchoucha and Bab Saadoun military courts in 1992. Approximately 100 other members of Ennahda remained imprisoned, some reportedly in poor health as a result of harsh prison conditions and torture in pre-trial detention many years before. Some were in urgent need of medical treatment.

In June, the European Parliament adopted a resolution calling for the convening of a European Union-Tunisia Association Council meeting to discuss human rights in Tunisia after the government continued to prevent the Tunisian Human Rights League (Ligue tunisienne pour la défense des droits de l'homme, LTDH), a non-governmental organization, from holding its national congress. The European Union (EU) criticized the Tunisian government further in October after it cancelled an international conference on the right to work in the Euro-Mediterranean Region shortly before it was due to be held in Tunis in September.

In December, shoot-outs in the south of Tunis between the police and alleged members of the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat, GSPC), a group allegedly linked to al-Qa'ida, left dozens dead and many others injured, including police officers.

Abuses in the 'war on terror'

The request of the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism to visit Tunisia to assess the government's human rights record in the "war on terror" remained unanswered. The authorities continued to use the controversial 2003 anti-terrorism law to arrest, detain and try alleged terrorist suspects. Those convicted were sentenced to long prison terms. The anti-terrorism law and provisions of the Military Justice Code were also used against Tunisian nationals who were returned to Tunisia against their will by authorities in other countries, including Bosnia and Herzegovina, Bulgaria and Italy. While in the custody of the Tunisian authorities, many were charged with links to terrorist organizations operating outside the country. Some were referred to the military justice system. Access by defence lawyers to their clients was increasingly curtailed in terrorism-related cases.

In June and July scores of alleged terrorist suspects, including alleged members of the GSPC, were arrested and held incommunicado for up to several weeks and reportedly tortured, before being referred to Tunis Criminal Court for trial. They were still detained without trial at the end of the year. Many were transferred to remote prisons, hundreds of kilometres from their families.

- Hicham Saadi, who was released in February following a presidential pardon after being sentenced to 12 years' imprisonment on terrorism-related charges in 2004, was rearrested in June and held incommunicado for 25 days and reportedly tortured. He was charged with belonging to the GSPC. In October, he jumped from a window in a failed attempt to escape when he was brought before the examining magistrate in Tunis. He remained in detention awaiting trial at the end of the year.

- In September, Badreddine Ferchichi, also known as Abu Malek, was returned to Tunisia from Bosnia and Herzegovina, after the authorities there rejected his application for asylum. He was detained for several days, during which he was allegedly assaulted, before being taken before a military judge on 6 September and charged, under the Military Justice Code, with "serving, in time of peace, in a foreign army or terrorist organization operating abroad." He had fought as a volunteer for Bosnian Muslim forces during the 1992-95 war in the former Yugoslavia. At the end of the year he was awaiting trial before a military court. If convicted, he could face up to 10 years' imprisonment.

- Six members of the so-called Zarzis group were released in February. Abdelghaffar Guiza, Omar Chlendi, Hamza Mahroug, Ridha Ben Hajj Ibrahim, Omar Rached and Aymen Mcharek, all originally from the town of Zarzis in the south of Tunisia, were arrested in 2003 and imprisoned on terrorism-related charges in April 2004 after an unfair trial before a criminal court in Tunis. Confessions allegedly extracted under torture while they were held incommunicado in pre-trial detention were used as principal evidence against them.

Freedom of expression

Freedom of expression remained severely curtailed. At least two journalists critical of the government were dismissed by the directors of their newspapers while others continued to work but faced government pressure and judicial proceedings in an attempt to intimidate them.

- In April, the Union of Tunisian Journalists (Syndicat des journalistes tunisiens) was prevented from holding a meeting of its executive board, and its members continued to face police harassment and intimidation. Its president, Lotfi Hajji, was briefly detained on at least three separate occasions during the year.

- The authorities stepped up harassment of women wearing the hijab (Islamic headscarf). This followed statements by the Ministers of Foreign Affairs and the Interior and the Secretary-General of the ruling political party, the Constitutional Democratic Rally (Rassemblement constitutionnel démocratique), against the rise in the use of the hijab by women and girls, and beards and the qamis (knee-length shirts) by men. They called for a strict implementation of decree 108 of 1985 of the Ministry of Education banning women from wearing the hijab at educational institutions and when working in government departments. Some women were reportedly ordered to remove their hijabs before being allowed into schools, universities or workplaces and others were forced to remove them in the street. Some women were reportedly taken to police stations and forced to sign statements in which they committed themselves to stop wearing the hijab.

Human rights activists and organizations

Human rights defenders continued to face harassment and sometimes physical violence. Many, along with their families and friends, were subjected to surveillance by the authorities and their activities were severely restricted. Several non-governmental human rights organizations continued to be denied legal recognition.

- The LTDH continued to be prevented from holding its sixth national congress and access to its headquarters in Tunis was barred to all except members of its executive board. Its regional offices also continued to be closed to the public as well as to its elected members. The court case against the executive board was again postponed until January 2007. The authorities contacted the embassies in Tunisia of a number of countries and apparently threatened to sever diplomatic relations should their representatives continue to meet Tunisian human rights defenders. They specifically forbade meetings with members of the LTDH on account of the ongoing legal proceedings against it. Nevertheless, staff of several embassies visited the LTDH headquarters in solidarity.

- In October and November, state security officials imposed tight surveillance around the office of the National Council for Liberties in Tunisia (Conseil national pour les libertés en Tunisie, CNLT), a non-governmental organization denied legal registration, effectively preventing access by prisoners' families and former political prisoners. Some who did visit were reportedly arrested when they left, taken to police stations and made to commit in writing that they would not visit the CNLT office again.

- In May, Yves Steiner, a member of the Executive Committee of AI Switzerland, was forcibly removed by police officers from a hotel in the town of Sidi Bou Saïd where the annual meeting of AI Tunisia was being held, taken to the airport and expelled from Tunisia. He was roughly treated by officials while being transferred to the airport and his mobile phone was confiscated. The day before, he had criticized human rights violations in Tunisia, including restrictions on freedom of expression and association, in a speech to members of AI Tunisia.

- Hichem Osman, then chair of AI Tunisia, was arrested in May at the university where he worked, detained for six hours and questioned about events at the AI Tunisia annual meeting. He was told by the police that the meeting had failed to abide by the statute of AI Tunisia by offering a platform for criticism of the Tunisian government and President. He was officially notified that the section would be dissolved should this reoccur.

Independence of the judiciary

In October, the outgoing head of the European Commission delegation in Tunis publicly criticized the slow pace of political reform and called for better training for judges and lawyers to consolidate the independence of the judiciary.

In May, lawyers organized a number of sit-ins to protest against a new law creating the Higher Institute for Lawyers. They protested that the law was being adopted by the Tunisian Parliament without taking into account the outcome of consultation with the Lawyers' Association, as envisaged in an EU-Tunisia convention on financing the reform of the justice system. The Institute, which would be under the supervision of the Ministries of Justice and Higher Education, would be responsible for training future lawyers, a task so far entrusted to the Lawyers' Association and the Association of Tunisian Judges (Association des magistrats tunisiens, AMT). Lawyers opposed the law on the grounds that it undermined judicial independence. Many lawyers were physically assaulted by police during the sit-ins.

- Wassila Kaabi, a judge and member of the executive board of the AMT, was prevented from travelling to Hungary in September to participate in a meeting of the International Union of Judges. Under Tunisian law, judges require the permission of the Secretary of State for Justice to leave the country.

Prisoners of conscience

Critics and opponents of the government continued to be at risk of imprisonment, harassment and intimidation because of the peaceful expression of their views.

- Prisoner of conscience Mohammed Abbou went on several hunger strikes to protest against his continued detention and ill-treatment by the authorities at the prison in El-Kef. His wife and

children were harassed and intimidated several times by police who were stationed continuously outside their home in Tunis. In November, Mohammed Abbou was taken to El-Kef hospital for tests on his kidneys. In December, his wife Samia, along with Samir Ben Amor, a lawyer, Moncef Marzouki, an opposition leader, and Slim Boukhdar, a journalist, attempted to visit him in prison. They were stopped by police nine times while driving from Tunis to El-Kef, ostensibly to check their identities and the car's registration documents. Later, when they left a restaurant in El-Kef, they were attacked by about 50 unidentified men, women and youths who insulted, pushed, punched and spat at them. The four managed to escape the attackers and return to their car. When they arrived at the prison entrance, others appeared who attacked them, preventing them from reaching the prison. Both attacks were carried out in the presence of police officers who failed to take any action to protect them or to apprehend the attackers.

ANNUAL REPORT 2006

Dozens of people were sentenced to lengthy prison terms following unfair trials on terrorism-related charges. Torture and ill-treatment continued to be reported. Hundreds of political prisoners, including prisoners of conscience, remained in prison. Many had been held for more than a decade. Solitary confinement and denial of medical care in prisons continued to be reported despite government promises to end long-term solitary confinement. Freedom of expression and association remained severely restricted.

Background

In July the ruling Democratic Constitutional Rally won 71 of the available 85 seats in the country's first ever indirect elections to the new 126-member upper house, the House of Councillors. The remaining 41 seats were appointed by President Ben 'Ali in August. The Tunisian Workers' General Union (Union Générale des Travailleurs Tunisiens) boycotted the elections.

In November, Tunisia hosted the World Summit on the Information Society, an intergovernmental and civil society meeting held under the auspices of the UN. The choice of Tunisia to host the meeting was criticized by national and international human rights organizations because of its wide-ranging restrictions on freedom of expression and association. In September, 11 governments and the European Union issued a joint statement raising concerns about restrictions on the participation of civil society groups at the Summit by the Tunisian authorities. Human rights defenders were intimidated and a French journalist was stabbed. AI delegates were prevented from meeting representatives of the National Council for Liberties in Tunisia (Conseil national pour les libertés en Tunisie, CNLT) at its Tunis office, by Tunisian security officers.

The Tunisia Action Plan, part of the European Neighbourhood Policy, came into force in July. It set out a series of actions and initiatives, and a regular review mechanism, on issues including human rights, migration and the fight against terrorism.

Violations in the 'war on terror'

Dozens of people were reportedly arrested and charged under anti-terrorism legislation passed in December 2003; at least 30 people were tried and sentenced. Detainees were often held incommunicado, sometimes for weeks, and there were allegations of torture to extract confessions or to force detainees to sign statements.

- At least 13 prisoners, known as the Bizerte group, were sentenced in April to prison terms of between five and 30 years, reduced to a maximum of 20 years on appeal in July. The accused were allegedly tortured and ill-treated during their detention in premises of the Ministry of the Interior. They had been arrested in April 2004 and charged under the anti-terrorism law of December 2003.
- In September, Tawfik Selmi, a Tunisian-Bosnian dual national, appeared before a military court in Tunis on charges of membership of a terrorist organization abroad. The court reportedly refused to allow the defence team access to the case file. The trial was due to recommence in February 2006. Tawfik Selmi had been expelled from Luxembourg in March 2003.

Update

- In March, Adil Rahali was sentenced under anti-terrorism legislation to 10 years' imprisonment, reduced to five years on appeal in October. A Tunisian national, he had been extradited from Ireland in April 2004 after his application for asylum was refused, and arrested upon arrival in Tunisia. He was secretly detained in the offices of the State Security Department of the Ministry of the Interior, where he was reportedly tortured.

Freedom of expression

Freedom of expression remained severely curtailed. In October, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression publicly expressed concern at the lack of freedom of expression in Tunisia. In his statement he called on the Tunisian government to take action to increase freedom of expression and press freedom, and to release unconditionally all those imprisoned because of their beliefs or for their work as journalists.

The first congress of the Union of Tunisian Journalists (Syndicat des journalistes tunisiens, SJT), scheduled to be held in September, was banned without explanation after its president, Lotfi Hajji, had been repeatedly summoned for questioning by the State Security Department. The SJT was formed in 2004 in response to widespread censorship, to defend the rights of journalists and promote media freedom.

Human rights activists and organizations

Human rights defenders continued to face harassment and sometimes physical violence. Many human rights defenders, their families and friends were subjected to surveillance by the authorities, and their activities were severely restricted.

- In January, large numbers of police officers surrounded the CNLT headquarters, preventing members from attending the organization's general assembly. The police allegedly said they were under strict instructions not to allow the meeting to take place. On 3 and 4 September, the entrance to the building was again obstructed by plain-clothes police officers, who refused entry to members of the board. In addition, Sihem Ben Sedrine, the CNLT spokesperson, was subjected to a smear campaign in the state-controlled media, in which she was accused of "acting like a prostitute" and serving the interests of the US and Israeli governments.
- In March, lawyer and human rights defender Radhia Nasraoui was beaten up in the street by police officers. She was on her way to a demonstration to protest at the Tunisian government's invitation to Israeli Prime Minister Ariel Sharon to attend the World Summit on the Information Society. She sustained a broken nose, cuts to her forehead and extensive bruising. No action was known to have been taken against those responsible.
- As human rights organizations organized activities in the run-up to the World Summit on the Information Society, one group particularly targeted was the Tunisian Human Rights League (Ligue tunisienne pour la défense des droits de l'homme, LTDH). In September a court order effectively prevented the LTDH from carrying out preparatory activities two days before its national congress. The order was in response to a complaint by 22 people, reportedly close to the authorities, who said they had been unfairly dismissed as members from the LTDH.

Attacks on the independence of the judiciary

In a series of intimidatory measures, judges' activities and right to freedom of expression were further restricted.

- In August, members were barred from the office of the Association of Tunisian Judges (Association des Magistrats Tunisiens, AMT), under orders from the Ministry of Justice and Human Rights. After calls for more independence for the judiciary, the AMT's telephone, fax and Internet access were increasingly disrupted, then effectively shut down. According to reports, judges were arbitrarily transferred to isolated areas, far from their families, in an attempt to intimidate and silence them.

Prisoners of conscience

People continued to be at risk of imprisonment, harassment and intimidation because of their non-violent beliefs.

- Mohamed Abbou, a lawyer and human rights defender, was sentenced in April to three and a half years in prison, largely for publishing articles critical of the authorities on the Internet. Tunisian lawyers and civil society activists who protested at his trial were subjected to harassment and intimidation by the police on several occasions. His lawyers were reportedly denied permission to visit him in prison despite repeated attempts. His sentence was confirmed on appeal in June. At the end of 2005 he was imprisoned in El-Kef, 200 kilometres from his family home in Tunis, making visits difficult. The UN Working Group on Arbitrary Detention adopted the opinion in November that his detention was arbitrary.

Prison conditions

In April the authorities signed an agreement with the International Committee of the Red Cross (ICRC), which allowed it to visit prisons regularly to assess conditions of detention and the treatment of prisoners. The ICRC started visiting prisons in June.

Also in April the government said it would no longer hold prisoners in solitary confinement for more than 10 days. This commitment was given in a meeting with Human Rights Watch, which alleged that up to 40 political prisoners were held in solitary confinement or in small groups isolated from the general prisoner population. The government also said that Human Rights Watch would be allowed access to prisons when it next sent representatives to Tunisia.

However, throughout the year large numbers of political prisoners went on repeated hunger strikes to protest against the continuing denial of medical care and harsh prison conditions.

Torture and death in custody

- In June, Houcine Louhichi, a taxi driver from Tabarka in the north-west province of Jendouba, died shortly after his transfer to Rabta Hospital in Tunis. A few days earlier, he had been released by the State Security Department in Tabarka, where he was detained incommunicado for almost two days and allegedly tortured until he lost consciousness. On his release, there were bruises all over his body. The reason for his detention was reportedly that he had carried in his taxi a Tunisian national wanted in connection with an alleged terrorist offence.