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Tunisia: human rights briefing for 20th anniversary of President Ben Ali's rule

Next week, 7 November 2007 marks the 20 year anniversary of the accession to power of Tunisian President Zine al-Abidine Ben Ali.

President Ben Ali's two decades in office have been marred by a continuing pattern of human rights violations, including arbitrary arrests and detentions, torture and other ill-treatment, unfair trials, harassment and intimidation of human rights defenders and curbs on freedom of expression and association.

"After 20 years, it is high time that the Tunisian President and his government take concrete steps to end these human rights violations and persecution and repression committed in the name of maintaining security and political stability," said Malcolm Smart, Director of the Middle East and North Africa Programme at Amnesty International. "In particular, urgent reforms are needed to stop unfair trials, torture in custody and attempts by the authorities to silence legitimate dissent."

Amnesty International is calling on the international community, including the European Union, to make it clear to the Tunisian authorities that they must act to end the human rights violations that have been perpetrated under President Ben Ali's rule.

"Tunisia's positive economic performance should no longer be used as a pretext to turn a blind eye on the human rights violations that are taking place daily in the country," added Malcolm Smart.

Summary

Amnesty International is greatly concerned that the human rights situation in Tunisia has shown little or no improvement during the 20 year presidency of Zine Al-Abidine Ben Ali.

Despite some progressive legal reforms that appeared to offer better protection for human rights, the human rights situation in Tunisia has deteriorated markedly since the introduction of the 2003 anti-terrorism law. This contains a vague definition of terrorism which has been used by the security forces to target human rights defenders and peaceful critics and opponents of the government in an attempt to stifle any independent criticism. Allegations of torture and other ill-treatment continue to be reported, including in prisons. Hundreds of political prisoners held in connection with alleged terrorism activities, including prisoners of conscience, continue to be imprisoned in conditions that amount to cruel, inhuman and degrading treatment or punishment, and possibly torture. Many have been tried and convicted after unfair trials, including before military courts.

Torture and other ill-treatment

Political detainees are commonly subjected to torture and other ill-treatment in the custody of the security forces, notably in the State Security Department of the Ministry of Interior, in order to

extract “confessions” or other statements that can later be used as evidence against them when they are brought to trial; many detainees have later retracted such statements in court on the grounds that they were obtained under torture or other ill-treatment. Torture and ill-treatment usually occur when detainees are held incommunicado; Tunisian law places a six-day limit on the period of *garde à vue* (pre-arraignment) but, in practice, this is frequently violated with impunity by the security forces with detainees being held incommunicado for up to several weeks. Prisoners charged in connection with alleged terrorist acts or on other security-related charges are also reported to have been tortured or otherwise ill treated in prisons. In virtually all cases of alleged torture and other ill-treatment, the Tunisian authorities have failed to carry out investigations and have taken no steps to bring alleged perpetrators to justice.

Unfair trials, including before military courts

Since the anti-terrorism law was introduced in December 2003, it has been widely used by the authorities to arrest, detain and try alleged terrorist suspects. However, those convicted are often sentenced to long prison terms after grossly unfair trials, including before military courts. In many cases, convictions rested exclusively on “confessions” allegedly obtained under torture which defendants retracted in court, but which the court failed to investigate. Access by defence lawyers to their clients is increasingly curtailed in terrorism-related cases.

The anti-terrorism law and provisions of the Military Justice Code have also been used to convict Tunisian nationals who have been forcibly returned to Tunisia by the authorities of other states, including France, Italy and the USA. Those concerned have been charged with links to terrorist organizations operating outside the country and some have been referred for trial before military courts. Trials before these courts violate a number of fair trial guarantees, including the right to have a full review of the case by a higher tribunal. Individuals convicted before such courts can seek review only before the military court of cassation, which reviews only procedural issues and not the substance of the case. At least 15 civilians were reportedly sentenced to up to 10 years’ imprisonment by the military court in Tunis in 2007 alone.

Political prisoners held in inhuman and degrading conditions

Hundreds of people have been arrested and detained on political or security-related grounds during the last three years, but the Tunisian government continues to deny that it holds political prisoners or prisoners of conscience, describing them as ordinary criminal prisoners. Political prisoners are often subjected to discrimination and harsh treatment in prison, and there have been repeated protests, including hunger strikes by prisoners, against denial of medical care, interruption of family visits and their harsh prison conditions, including prolonged solitary confinement. Amnesty International is concerned that prison conditions for these prisoners amount to cruel, inhuman or degrading treatment, and in some case may even amount to torture. Ousama Abbadi, Mohammed Amine Jaziri, Ramzi el Aifi, Oualid Layouni, and Mahdi Ben Elhaj Ali were allegedly tortured and otherwise ill-treated by the prison guards in Mornaguia Prison around 16 October 2007. The five men were punched, tied up and kicked. Ousama Abbadi was beaten on his face and had an internal bleeding in his right eye. He also had a deep open wound on his leg. When he met his lawyer, he was brought in a wheel chair, unable to stand. Other individuals detained in Mornaguia Prison were reportedly stripped naked and dragged in the corridor in front of a number of prison cells. Another detainee reportedly was raped by having a staff inserted in his anus. No investigation into these allegations is known to have taken place.

Freedom of expression under constant threat

The Tunisian authorities continue to severely restrict freedom of expression, including press freedom, and editors and journalists continue to operate in a climate of intimidation and fear. Foreign publications are censored and journalists who criticize the government are subject to dismissal or threats of dismissal from their newspapers or are harassed using smear campaigns in the official press or by being targeted through judicial proceedings using criminal libel laws. Journalists have been prevented, including by force, from holding meetings or attending and reporting on events organized by independent human rights organizations or that may be critical of the authorities.

The Tunisian authorities also undermine freedom of expression of religious belief. Harassment of women wearing the *hijab* (Islamic headscarf) and men wearing beards and the *qamis* (knee-length shirts) is on the increase following the authorities' calls for a strict implementation of a 1980s ministerial decree banning women from wearing the *hijab* at educational institutions and when working in government. Women often suffer disproportionately in this regard. Some women have been taken to police stations and forced to sign statements to say they will stop wearing the *hijab*. Others have reportedly had their *hijab* stripped off them in the street by police officers in plain clothes. Some women have been ordered to remove their *hijab* before being allowed into schools, universities or workplaces and others forced to remove them in the street.

Increasing restrictions stifling independent human rights defenders and organizations

Human rights organizations continue to experience increasingly repressive actions. The government routinely blocks the legal registration of new independent NGOs by preventing them from submitting their applications to register or by refusing to provide them with receipts to prove they have submitted an application.

However, official registration and legal recognition still provides no guarantee that an organization can operate free from interference by the authorities. Legally-registered organizations must obtain prior official authorization for public meetings and events, but this is often withheld if the event concerns human rights in Tunisia. Owners of venues where such meetings are to be held often cancel bookings at a short notice, apparently following pressures from the authorities.

Human rights defenders and activists face harassment and sometimes physical violence at the hands of the authorities. Lawyer Raouf Ayadi was insulted, thrown on the floor and dragged by police officers on 1 November 2007 in order to prevent him from visiting a human rights activist and a journalist who were on hunger strike to protest the authorities' refusal to issue them with passports. Other human rights defenders, along with their families, live day to day under surveillance by security officials. Clients of human rights lawyers are frequently intercepted and questioned as they enter or depart from their lawyers' offices by plain clothes police officers who pressure them to engage a different lawyer. The activities of human rights defenders and lawyers are severely restricted and their movements closely monitored. The telephone lines of human rights organizations and their internet connections are often disrupted, preventing them from communicating with others and freely accessing information.

Interference and intimidation undermining the independence of the judiciary

The Tunisian authorities deny the existence of serious and structural irregularities in the administration of justice in Tunisia and often attempt to silence those who speak out about systematic political interference undermining the independence of the judiciary.

For example, in September 2005 members of the Association of Tunisian Judges (AMT) were barred from their offices following their call for a more independent judiciary. Some judges were also reportedly transferred to isolated areas, far from their homes and families, in an attempt to intimidate and silence them. Freedom of movement for judges is also routinely curtailed. In September 2006, Wassila Kaabi, a judge and member of the executive board of the AMT, was prevented from travelling to Hungary 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.

Amnesty International is calling on President Ban Ali to mark the 20th anniversary of his accession to power by taking concrete measures to address the longstanding pattern of serious human rights violations in Tunisia, including the immediate and unconditional release of all prisoners of conscience, reform of arrest and detention procedures and practices, and to ensure that all allegations of torture and other ill treatment of prisoners are urgently investigated and the perpetrators brought to justice. The organisation is also calling for all those accused under the anti-terrorism law and on other charges to receive fair trials, for an end to the harassment and

intimidation of human rights defenders, journalists and others and for the Tunisian authorities to uphold and respect the rights to freedom of expression and association.

Public Document

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