

AMNESTY INTERNATIONAL
AVOCATS SANS FRONTIÈRES
EURO-MED HUMAN RIGHTS NETWORK
INTERNATIONAL FEDERATION FOR THE LEAGUES
OF HUMAN RIGHTS (FIDH)
HUMAN RIGHTS WATCH
INTERNATIONAL SERVICE FOR HUMAN RIGHTS
OBSERVATORY FOR THE PROTECTION OF HUMAN
RIGHTS DEFENDERS
REPORTERS WITHOUT BORDERS
WORLD ORGANIZATION AGAINST TORTURE (OMCT)

Brussels, 29 March 2001
AI Index: MDE 30/009/2001

EU Foreign Ministers
EU High Representative for CFSP
European Commissioner Chris Patten

Your Excellencies:

We are writing to you regarding the European Union's upcoming Association Council meeting with Tunisia which was scheduled to take place on 10 April. The Association Agreement, which was signed on 17 July 1995 by the European Community and its Member States on the one hand and by the Republic of Tunisia on the other hand, and which came into force on 1 March 1998, includes a legally binding human rights clause (art. 2). This clause stipulates that relations between the Parties, as well as all the provisions of the Agreement

itself, shall be based on respect for human rights and democratic principles, which guide their domestic and international policies and constitute an essential element of the Agreement. Our organizations believe the EU Council of Ministers and the European Commission have an obligation to address in concrete terms the serious concerns about the human rights situation in Tunisia in the context of the Association Council and to put in place a mechanism to ensure the necessary monitoring of the situation, with a view to bringing about verifiable progress.

The deterioration of the human rights situation (see enclosed document) since the EU-Tunisian Agreement took effect poses an acute challenge to the EU policy toward Tunisia, and more generally toward the Mediterranean region. How the EU proceeds in this regard toward Tunisia, the first country where an Association Agreement came into effect, will have precedential impact on the EU's credibility and effectiveness in addressing human rights issues with its other Mediterranean partners.

As noted by the European Commission itself in its recent communication on strengthening the Barcelona process of 6 September 2000, human rights, democracy, good governance and the rule of law should be discussed regularly with partners, notably within the Association Council. The Commission noted:

“This could lead to the establishment of joint working groups on human rights” ... that “would aim to agree on a number of concrete benchmarks and objective criteria to be reviewed within the various Association Councils...Cooperation on human rights, good governance and the rule of law should have as one of its main objectives the creation of a climate where NGOs can work productively.”

In its resolution of 14 December 2000 the European Parliament expressed concern “about the human rights situation and called on the Council and the Commission, “to use all the means provided for by the Association Agreement between the European Union and Tunisia to secure respect for democratic freedoms and human rights” and for the next meeting of the EU-Tunisia Association Council “to examine, in particular, the human rights situation in

Tunisia and the restrictions placed on the activities of independent associations, in the context of the Meda-Democracy programme.”

In a previous resolution passed on 15 June 2000 the European Parliament stressed that “the promotion of human rights, democracy, civil liberties, the rule of law and sound management of public affairs constitutes an essential element of the EU-Tunisia Association Agreement with a view to creating a body of shared values.” In this resolution the European Parliament expressed concern “at the human rights situation in Tunisia, and called on the Association Council “to carry out as soon as possible a joint evaluation of respect for human rights in Tunisia in order to involve both parties in addressing the issue, and asked the Commission to present to Parliament a report on the evolution of the human rights situation in Tunisia.”

On 25 January 2001 France’s National Consultative Human Rights Commission also urged the French Government to encourage its EU partners to take steps to ensure a follow up of the human rights situation in Tunisia in the framework of the Association Agreement (art.2), notably on the occasion of the next meeting of the Association Council.¹

In this context and in light of the increasingly grave attacks and restrictions on human rights defenders by the Tunisian authorities, the undersigned organizations (Amnesty International, Avocats sans frontières, the Euro-Med Human Rights Network, the International Federation for the Leagues of Human Rights, Human Rights Watch, the International Service for Human Rights, the Observatory for the Protection of Human Rights Defenders, Reporters Without Borders, and the World Organization Against Torture) call on the EU to urge Tunisia to fulfil its obligations under the Association Agreement and international human rights law by, among other things:

·freeing all persons detained or imprisoned solely for the-nonviolent exercise of the right to speech, association, or assembly;

¹ *Avis portant sur la dégradation de la situation des droits de l’Homme en Tunisie, 25 janvier 2001, Commission nationale consultative des droits de l’Homme de la République française.*

- restoring the right to freedom of movement to all persons who are arbitrarily deprived of passports or forbidden to leave the country;*
- ending all forms of harassment against human rights defenders and their relatives by, among other measures, restoring their passports, telephone, and fax service where these have been deprived; by ending police surveillance that is manifestly conducted as a form of intimidation; and by allowing all independent human rights organizations including the National Council on Liberties in Tunisia (CNLT) and the Tunisian Human Rights League (LTDH) to function legally and freely, in conformity with the UN Declaration on Human Rights Defenders;*
- instituting effective safeguards to prevent the use of torture against persons in police custody;*
- instituting a credible and transparent system for investigating allegations of abuse and ensuring that human rights abusers are identified and brought to justice; and*
- inviting the UN Secretary-General's Special Representative on human rights defenders to visit Tunisia.*

Moreover, Tunisia should be urged not to obstruct European Commission efforts to provide grants to Tunisian non-governmental associations that seek such funding. The independence of the Commission in its decisions under Meda-Democracy should be fully recognised by the Mediterranean partners.

Article 2 of the Euro-Mediterranean Agreement provides the basis for programs to enhance human rights protection and promotion. We therefore strongly encourage the EU to ensure that its bilateral cooperation with Tunisia includes a strong component aimed at strengthening human rights and the rule of law.

In addition, Article 2 of the Euro-Mediterranean Agreement also involves concrete actions in the event of sustained and serious abuses. We therefore believe that full implementation of the Association Agreement with Tunisia requires the EU to raise concrete human rights concerns and press for verifiable progress on the basis of the recommendations specified above as well as the recommendations issued by the UN bodies.

We therefore call on the EU Council of Ministers and the European Commission to put in place concrete mechanisms to regularly assess compliance with Article 2 by all contracting parties to the Euro-Mediterranean Agreement. These should include:

- regular and impartial monitoring of developments in the field of human rights and civil liberties in the territory of any of the contracting parties;*
- monitoring of the extent to which human rights defenders are free to act and speak out in defense of the rights of others;*
- issuing specific recommendations, compliance with which can be regularly measured, that are aimed at improving the human rights situation and that take into account the recommendations made by the UN human rights bodies about the country concerned;*
- making appropriate démarches towards partner countries in individual cases where violations of basic human rights standards have taken place;*
- making the assessment of compliance with Article 2 a separate agenda item in all meetings held under the Agreement, and especially the Association Council meetings; and*
- encouraging the Tunisian government to extend an invitation to the UN Secretary-General's Special Representative on human rights defenders to visit Tunisia.*

In light of the above we urge you to ensure that the Association Council, which was scheduled to take place on 10 April, is convened as soon as possible. The next meeting of the Association Council should not be another missed opportunity but should rather be the starting point of a process aiming at effectively addressing the human rights problems in Tunisia. To this end, it should set detailed benchmarks to be assessed at the next meetings to take place under the Agreement.

We thank you for your consideration of these matters.

Sincerely,

Amnesty International EU Office – Rue du Commerce 70-72 – B-1040
Brussels –

Tel +3225021499 – Fax: +322 5025686 – e-mail: amnesty-eu@ai.eu.be

Avocats Sans Frontières – 91, rue de l'Enseignement 1000 Bruxelles –

Tél : + 32 2 223 36 54 Fax : + 32 2 223 36 14 – e-mail: asf@asf.be

EuroMed Human Rights Network – Wilders Plads 8H – DK-1403 Copenhagen K
– Tel: +45.32.69.8910 – Fax: +45.32.69.8901 – e-mail:
posten@euromedrights.net

Human Rights Watch – 15, Rue van Campenhout – 1000 Brussels –

Tel: +3227322009 – Fax: +3227320471 e-mail: hrwbe@hrw.org

International Federation of Human Rights (FIDH) – 17, Passage de la Main d'Or
– F-75011 Paris

Tel: +33143552518 – Fax: +33143551880 – e-mail:

International Service for Human Rights – 1, rue de Varembé – P.O. Box 16 –
CH –

1211 Geneva 20 CIC – Tel : +41 22 733 51 23 – Fax: +41 22 733 08 26 –
e-mail: hrdo@worldcom.ch

Observatory for the Protection of HR Defenders (FIDH/OMCT)

e-mail: observatoire.paris@wanadoo.fr

Reporters Without Borders – 5, rue Geoffroy-Marie – F-75009 Paris –

Tel : +33144838471 – Fax : +33145231151; e-mail: moyen-orient@rsf.fr

World Organization Against Torture (OMCT) – P.O Box 21, 8, rue du

Vieux-Billard CH-1211 Genève 8 – Tél : + 41 22 809 49 39 Fax : + 41 22

809 49 29 e-mail : omct@omct.org

CC:

- Ms Catherine von Heidenstam, Foreign Affairs Ministry, Sweden*
- M. Goblet d'Alviella, Foreign Affairs Ministry, Belgium*
- M. Alberto Navarro, Office of the EU High Representative*
- Ms Gonzalez Durantez, Office of European Commissioner Chris Patten*
- Ms Vicky Bowman, Office of European Commissioner Chris Patten*
- M. Alexandre Zafiriou, Secretariat General of the EU Council*
- M. Lothar Jaschke, Secretariat General of the EU Council*
- Mme van den Heuvel, Secretariat General of the EU Council*
- M. Jan Theleff, Swedish Permanent Representation to the EU*
- M. Raimon Obiols, President of the European Parliament Delegation for Relations with the Maghreb countries*
- M. Elmar Brok, President of the European Parliament Commission for Foreign Affairs, Human Rights, Common Security and Defence Policy.*

**AMNESTY INTERNATIONAL
AVOCATS SANS FRONTIÈRES
EURO-MED HUMAN RIGHTS NETWORK
INTERNATIONAL FEDERATION FOR THE LEAGUES
OF HUMAN RIGHTS (FIDH)**

HUMAN RIGHTS WATCH
INTERNATIONAL SERVICE FOR HUMAN RIGHTS
OBSERVATORY FOR THE PROTECTION OF HUMAN
RIGHTS DEFENDERS
REPORTERS WITHOUT BORDERS
WORLD ORGANIZATION AGAINST TORTURE (OMCT)

Public Document

29 March

AI Index: MDE 30/009/2001

THE DETERIORATION OF THE HUMAN RIGHTS SITUATION IN TUNISIA

Increased targeting of human rights defenders

The Tunisian authorities devote considerable resources and efforts to project an image of Tunisia as a country where human rights protection and promotion is a top priority. To this end, the authorities, often assisted by obscure non-governmental associations of dubious independence, conduct vast public relations campaigns overseas and have created an array of official human rights bodies within the administration. These include a human rights minister, human rights departments within at least four ministries (Social Affairs, Foreign Affairs, Justice and Interior), a state-appointed Higher Committee for Human Rights and Fundamental Freedoms, presidential human rights counselors, and an ombudsman.

Paradoxically, while the official human rights bureaucracy flourishes, members of the independent human rights community and their relatives have been increasingly targeted and repressed. Such practices aim to silence and punish those who stand up for human rights, and to deprive victims of human rights violations of any defence. In this respect the conduct of the Tunisian authorities violates the international human rights treaties to which Tunisia is a State Party, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment (UN Convention against Torture), as well as the Declaration on Human Rights Defenders adopted by consensus – and hence with Tunisia's approval – by the UN General Assembly on 9 December 1998.

The targeting of human rights defenders by the Tunisian authorities, an entrenched pattern for a number of years already, has increased in recent months. At the end of November 2000 a court suspended the activities of the new assertive leadership of the *Ligue Tunisienne des Droits de l'Homme*, LTDH – Tunisian Human Rights League), and took control of the LTDH office. The pretext for this attack on the LTDH was a complaint lodged by four LTDH members, known to be close to the authorities, who questioned the fairness of the LTDH's general assembly and elections of a new board the previous month. The move followed virulent attacks by the head of President Ben Ali's governing party and by the government-controlled press against the newly elected LTDH board, which included many well-known and outspoken human rights activists who had clearly indicated that the LTDH would take up the challenge of addressing the deteriorating human rights situation in the country. On 12 February 2001 the court annulled the results of the LTDH's general assembly of October 2000, including the election of a new leadership. Since the suspension of the LTDH's activities last November its leadership and members in the capital and in other cities have been repeatedly prevented from holding meetings in private homes and offices or in cafés, restaurant or other public places. Security agents have on each occasion cordoned off the meeting places, preventing participants from accessing not only the building where the meetings were scheduled to take place but even the streets where the buildings are located. In addition, the authorities have initiated legal proceedings against the LTDH President, Mokhtar Trifi, and its 1st vice-president, Slaheddine Jouchi, for having signed communiqués on behalf of the LTDH denouncing human rights violations. They have both been charged, in March and January 2001, respectively, with “spreading false information” and “non-compliance with a judicial decision”. They are currently awaiting trial.

Dr. Moncef Marzouki, former President of the LTDH and spokesperson for the *Conseil National des Libertés en Tunisie* (CNLT – National Council for Liberties in

Tunisia), was sentenced in December 2000 to one year's imprisonment on charges of "spreading false information" and "maintaining an unauthorized association", that is the CNLT (which has been refused legal status by the authorities). In July 2000 Dr Marzouki was arbitrarily dismissed from his public sector post as professor of medicine at Sousse University. These are only the latest attacks against Dr Marzouki, who has had a long history of being harassed. He had been imprisoned for four months in the summer of 1994 for an interview he had given to a Spanish newspaper about the human rights situation in Tunisia. Having just recovered his passport in May 2000, after six years of confiscation, Dr Marzouki was again prevented from leaving Tunisia in December 2000 and again in March 2001. Other leading members of the CNLT, including its former secretary general, Omar Mestiri, have also been prosecuted or threatened with prosecution, on similar charges and are subjected to constant intimidation, harassment and surveillance. Security agents have on several occasions beaten or ill-treated CNLT leading members and activists. Most recently on 1 March 2001, when a CNLT meeting to present its newly elected leadership was prevented by security forces who physically prevented participants from gaining access to the house where the meeting was due to take place and insulted and ill-treated some of them. Security agents beat and ill-treated Khadija Cherif, a leading member of the *Association tunisienne des femmes démocrates*, (ATFD - Tunisian Association of Democratic Women), Abdelkader Ben Khemis, member of the CNLT's liaison committee, Sihem Bensedrine, the newly elected CNLT spokesperson, and others. On 13 March 2001 Khadija Cherif was again attacked by security agents, who took by force some documents she was carrying. Similar attacks have been repeatedly perpetrated against CNLT members in the past two years. In April 2000 some leading CNLT members, as well as lawyers and human rights defenders, and foreign journalists were beaten by the police. Among those who were beaten were Sihem Ben Sedrine, and 70-year-old 'Ali Ben Salem, also a member of the CNLT. In December 2000 Sihem Ben Sedrine's car was broken into and a large knife and threatening message were left on the back seat of the car - which was parked outside her home, in full view of police agents who keep a close watch on the building 24 hours a day. In recent months police agents have systematically prevented all CNLT's meetings from taking place by cordoning off

the houses where the meetings were to be held, and victims of human rights violations are routinely prevented from entering the building where the CNLT's office is situated.

Another exemplary case of constant repression and harassment is that of human rights lawyer and leading CNLT member Nejib Hosni. Having been freed early four years ago from a prison sentence he should have never served, Hosni was once again imprisoned in December 2000. He was first arrested in 1994 and sentenced to eight years' imprisonment on trumped-up charges of forgery of a land contract. He was eventually released at the end of 1996 after widespread international protests.² However, his sentence included an arbitrary five-year ban on practicing law, and upon his release he had his passport confiscated (it has still not been returned to him) and his telephone and fax lines, both at his home and office, were disconnected and have not been restored since. In the spring of 2000 Nejib Hosni resumed practicing law, having received written confirmation from the *Conseil de l'Ordre des Avocats*, the Tunisian Bar Council, the only body which may decide to suspend or disbar a lawyer, that he had never been suspended or disbarred. Shortly after, the Minister of Justice issued instructions to the courts around the country not to allow Nejib Hosni to handle cases and not to give him access to his clients' files. In September 2000 the authorities initiated legal proceedings against him on charges of "non-compliance with a judicial decision" for having defended victims of human rights violations before several courts around the country. He was sentenced to 15 days' imprisonment on 18 December 2000. On 5 January, on the day he was due to be released after having served his 15-day sentence, the Minister of the Interior revoked the conditional release measure under which Nejib Hosni had been released in December 1996, requiring him to serve the remaining five and-a-half years of the above-mentioned eight-year prison sentence imposed in 1996 on the trumped-up forgery charges.

² On the trumped-up case against Nejib Hosni, see the detailed analysis in Lawyers Committee for Human Rights, *Nejib Hosni: A Tunisian Lawyer Singled Out for Exemplary Punishment for Defending Human Rights and Upholding the Rule of Law*, New York: Lawyers Committee for Human Rights, April 1996.

Radhia Nasraoui, a member of the executive committee of the Tunisian Bar Council, has endured years of harassment and intimidation because of her human rights activities. In March 1998, after joining the defence team representing a group of young students and political activists accused of links with the unauthorized *Parti Communiste des Ouvriers Tunisiens* (PCOT), Tunisian Workers' Communist Party, Nasraoui was indicted as their co-conspirator and thereby disqualified from representing them. For a year and-a-half she was banned from leaving the capital, a measure which prevented her from visiting clients and being present in courts elsewhere in the country. In January 1999 she was sentenced to 15 days' imprisonment, suspended, for having left the capital for one day to attend the funeral of her mother-in-law. In July 1999 she was sentenced to six months' imprisonment, suspended, in the above-mentioned PCOT trial. In addition, she and her children and several other relatives continue to be harassed and intimidated and her children were refused passports until July 2000. Nasraoui's office and home remain under tight police surveillance, her telephone lines are often disconnected, and she is often prevented from visiting her clients in prison, in violation of Tunisian law.

Leaders and members of other NGOs and associations, have been similarly targeted. In June 2000 Fathi Chamkhi, President of the *Rassemblement pour une Alternative Internationale de Développement* (RAID - Rally for an International Alternative for Development), and RAID member Mohamed Chourabi were sentenced to one month's imprisonment for having links with unauthorized associations. They had been arrested in April for possessing reports by the RAID and the CNLT, both of which organizations have been refused registration by the authorities.

In October 2000 leaders and members of the *Association Tunisienne des Femmes Démocrates* (ATDF - Tunisian Association of Democratic Women), were beaten by police as they gathered in the centre of the capital to demonstrate in solidarity with the Palestinian people. On 29 January 2001 a meeting organized by the ATDF in solidarity with the LTDH was prevented from taking place by security agents who stopped anyone from accessing the ATDF's office in Tunis.

The above are but a few examples of the tactics used by the authorities to prevent and discourage Tunisians from working to defend the rights of others. In addition to those mentioned above, numerous human rights lawyers and activists have been and continue to be subjected to measures of harassment and intimidation that inflict harm on their social, professional and family lives. Their clients, friends, and relatives are intimidated by plainclothes security agents who follow them or approach them to check their identity papers or question them. The cutoff of telephone lines and the confiscation of mail further disrupts family and professional life and heightens their vulnerability, especially in emergency situations.

Confiscation of passports also continues to be used by the authorities to prevent human rights defenders from participating in activities abroad. Even though in the spring and summer of 2000 several human rights defenders had their passport returned to them after years of confiscation, the passport of several others have not been returned or have since been confiscated. These include CNLT and RAID members Nejib Hosni, Sadri Khiari, Ali Ben Salem, Mohamed Chourabi, Jalel Zoghlami and Ali Ben Romdhane.

In keeping with the policy of curtailing the activities of human rights defenders inside and outside the country, the Tunisian authorities have also expelled or denied access to Tunisia to a number of representatives of international human rights organizations and foreign journalists. In July 2000 the President of the *Fédération internationale des ligues des droits de l'homme* (FIDH - International Federation of Human Rights), and an Amnesty International researcher, who have been banned from Tunisia since 1995 and 1994, respectively, were denied entry to Tunisia upon their arrival at Tunis airport. In January 2001, French lawyer Eric Plouvier mandated by the EuroMed Human Rights Network (EMHRN) and by the Observatory for the Protection of Human Rights Defenders to observe the trial of the LTDH was turned away when he arrived at Tunis airport. In February 2001 RSF Secretary-General Robert Ménard, and RSF member Jean-François Julliard were expelled from Tunisia (see details below). Other human rights workers and journalists who have been banned from Tunisia

or expelled from the country in earlier years have also not been allowed to return.

Restrictions on the media and on civil society

The situation that prompted the Paris-based *World Association of Newspapers* to expel its Tunisian affiliate in 1997 remains unchanged. Tunisia's television, radio, and daily press contain no criticism of state repression and ignore all information emanating from Tunisian and international non-governmental organizations which concern the situation of human rights and public liberties or which might imply criticism of the authorities' policies and actions. Tunisia's private newspapers are indistinguishable in tone from the official ones. Smaller periodicals which at times cautiously deviate from the official line have been seized when they published more challenging articles. One of these publications, *al-Mawqif*, has been banned in recent months for this reason. Two new publications, *Kalima*, edited by Sihem Ben Sedrine, and *Kaws el Karama*, edited by Jalel Zoghlami, have been denied authorization by the authorities.

In February 2001 Jalel Zoghlami was attacked and beaten by men believed to be security agents in broad daylight in the centre of the capital. Three days later he and several of his friends, including human rights defenders, were assaulted by security forces outside his house. They were beaten with iron bars and sticks and at least seven of them sustained serious injuries. The security forces remained present in large numbers outside the house throughout the night and the following day and prevented lawyers and others from entering Jalel Zoghlami's house, where 22 people, including those injured were present. In the spring of 2000 Jalel Zoghlami's brother, Taoufik Ben Brik, a journalist and correspondent of several foreign media, undertook a lengthy hunger strike to protest at the confiscation of his passport and the police harassment against himself and his family. Also in the spring of 2000 Sihem Ben Sedrine's publishing house, *Al'oès*, was closed down by the authorities for three months after a public meeting was held there on press freedom in Tunisia.

On 21 February, while Robert Ménard, RSF Secretary-General, Virginie Locussol, North Africa desk officer within the organisation, and Hervé Deguine were distributing copies of the banned newspaper *Kaws el-Karama* in the capital, plainclothes police officers seized the copies from them. A fourth member of the organisation, Jean-François Julliard, who was filming the events, was assaulted by three police officers, who seized his video camera. Robert Ménard and Jean-François Julliard were then taken to the airport and expelled to France by police officers who declared them *personae non gratae*.

In May 2000, days after he published an article critical of President Ben Ali's policies in the French daily *Le Monde*, journalist and former editor of the Arabic version of *Le Monde Diplomatique* Riadh Ben Fadhel was shot and seriously wounded in the chest by unknown gunmen. The attack, which bore the hallmark of an attempted extra-judicial execution, took place outside Ben Fadel's home, which is situated near the presidential palace and the residences of members of the presidential family, an extremely well guarded area.

Well-established NGOs like the ATFD or the *Association Tunisienne des Jeunes Avocats* (ATJA), Association of Young Lawyers, and their members continue to face impediments related to their efforts to take independent positions on current issues. Their activities are hindered at the regional and international level by intimidating police surveillance and by the fact that many of their active members have been deprived of passports at one time or another. The Tunisian government has also raised objections to and blocked a grant which the European Commission had approved for the LTDH.

Attempts to create new civil rights associations have been stifled by the government's refusal to grant such groups the necessary authorization. For example, the CNLT, which was created on 10 December 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, and RAID, have been refused authorization by the Ministry of Interior and their members continuously harassed for maintaining an unauthorized association (see above).

Trade unionists who have voiced concern at the increasing control by the authorities of the Tunisian General Trade Union (*Union Générale Tunisienne du Travail*, UGTT) have also been targeted. In May 1999 at least ten trade unionists who had signed petitions and made declarations condemning government interference in the UGTT's affairs were arrested and detained for up to a few days.

Surveillance and blocking of communications via mail, telephone, fax and the Internet make it difficult for Tunisian NGOs and activists to communicate regularly and freely with each other at home and abroad. A postal law decreed June 2, 1998 provides that "postal materials that...could harm public order or security are not acceptable. If [such] mail is found...it will be confiscated in conformity with the laws in effect." The World Wide Web sites of international human rights organizations, media, and UN human rights bodies are inaccessible much of the time and other sites are blocked on particular occasions. The websites of certain French newspapers, television and radio stations are routinely blocked on days when they carry items critical of the Tunisian authorities.

Repression of all dissenting voices

The period of reform initiated by President Zine al-Abidine Ben Ali after he took power in November 1987, was extremely brief; the human rights situation began to deteriorate in the last quarter of 1990. By the mid-1990s the repression, which targeted Islamists first and foremost, was broadened to cover left-wing activists and all other opposition political tendencies, including those who had hitherto supported the authorities' crackdown on the Islamist opposition, as well as student leaders, trade unionists, professional associations, the media, and others.

Today, known or suspected government opponents and critics across the political spectrum risk detention simply for the peaceful exercise of the rights to freedom of opinion, expression, and association. Thousands of known or suspected political opponents have been tortured and imprisoned after unfair trials over the past decade. Even though more than 500 prisoners of conscience were

released in November 1999, some 1,000 remain in prison and are detained under conditions that amount to cruel, inhuman, and degrading treatment. Their relatives are targeted for harassment, intimidation, deprivation of passports, and detention.

Former prisoners of conscience are routinely prevented from working and resuming a normal life and are required to report to the police on a regular basis, ranging from several times a day to several times a week. This practice, known as *contrôle administratif*, administrative control, is sometimes imposed arbitrarily and at other times by the courts as part of the sentence; in the latter case administrative control is imposed for a period of five years from the date of release but former prisoners continue to be forced to report to police long after the expiry of the five-year period. One example of this practice is the case of Ali Sghaier, a father of seven, who years after having served a three-year prison sentence for his political opinions, continued to have to report daily to the police and was prevented from working and was thus unable to provide for his family. In June 2000, out of despair at his situation he took his youngest children to the weekly market in Douz (south of the country) and held a sign on which he had written "I am prevented from working and cannot feed my children, would anyone like to buy them?". He was arrested and in September 2000 sentenced to six months' imprisonment.

Relatives of political prisoners continue to be subjected to harassment and restrictions and those who provide financial support, however modest, to relatives of political prisoners and of exiled opponents are themselves prosecuted on charges of supporting "unauthorized associations." The arbitrary deprivation of passports has been one of the abuses most commonly used not only against human rights activists and known or suspected political opponents, but also against their relatives. This policy has caused great suffering among the families of political refugees living in European countries. Wives of exiled political opponents have often been prevented from leaving the country with their children to reunite their families; those who in desperation attempted to leave the country without a passport have been imprisoned for lengthy periods of time. Although many of these cases have been resolved in recent years thanks

to international pressure, including démarches made by EU member governments, many families remain divided because of this vindictive policy.

Ordinary Tunisians who work or study abroad are often arrested when they return home to visit their families, and are imprisoned on charges of having had contacts with political opponents abroad, even though in some cases the contacts they had with exiled opponents were of a purely social nature and they were not even aware of their political activities. Tunisian law was amended in 1993 (Article 305 of the *Code de Procédure Pénale*, Penal Procedure Code) to include a provision which allows for any Tunisian to be prosecuted in Tunisia for activities abroad even though these activities do not constitute an offence according to the laws of the country where they took place. In recent months at least five people have been arrested upon their return to Tunisia on such charges and have been sentenced to lengthy prison terms.

Unfair trials: A judiciary lacking independence

When it comes to trials involving political charges, Tunisian courts systematically fail to guarantee the most basic rights of defendants to a fair trial. Defendants are systematically refused medical examinations despite having exercised their right under Tunisian law to request such examinations and even in cases where marks of torture are still visible – months after they have been tortured. Defendants are also frequently prevented from calling witnesses who would testify in their favour. Judges routinely disregard defendants' statements that they were forced to sign "confessions" under duress and without having read the content, and instead use these as the main evidence to convict.

Despite the purely political and non-violent nature of the offenses being prosecuted, notably having links with unauthorized Islamist or left-wing political opposition groups, defendants are routinely charged with "belonging to a criminal gang", "participating in a conspiracy to attack and harm people and properties" and such charges. This is in attempt by the authorities to present individuals known or alleged to be involved in non-violent political opposition activities as dangerous criminals or "terrorists". In recent months scores of political prisoners have undertaken lengthy hunger strikes to protest against

their imprisonment, the conditions of their detention, the lack of investigation into their allegations of torture and in some cases their prolonged detention without trial. Detainees on hunger strike are often beaten or ill-treated, refused necessary medical care or even sugar water, and are regularly prevented from receiving visits by their families and lawyers, to punish them for going on hunger strike and force them to stop.

For example, in November 2000 Abdellatif Bouhajila, Yassine Benzerti and several other of young men accused of links with an Islamist group were brought to trial during their prolonged hunger strike - one of them had been on hunger strike for 89 days and others for over 70 days. They were brought into court on stretchers and were laid on benches, unable to sit up or speak and barely conscious. Their defence lawyers requested the postponement of the trial on account of the incapacity of the defendants to participate in their own trials, but the court refused and the defence lawyers walked out in protest. The defendants were tried and sentenced without any defence to up to 17 years' imprisonment. This trial was attended by numerous Tunisian lawyers and human rights activists and by a member of the European Parliament. Representatives of European embassies in Tunisia have also attended several trials of human rights defenders and of people tried on political charges.

Tunisia's record on women's rights

Since independence, women in Tunisia have made impressive strides in securing their rights. The Personal Status Code adopted under former President Habib Bourguiba gave women many legal rights they did not previously enjoy. The illiteracy rate for women has dropped and their presence in higher education and in the workforce has grown.

At the same time, women are no less restricted than men with respect to the exercise of their political and civil rights. When the Tunisian Association of Democratic Women (ATFD) tries to highlight areas where the treatment of women could improve - through communiqués, public awareness campaigns, meetings, and rallies - its efforts are stymied. Public gatherings are often

barred by the authorities, members such as lawyer Najet Yacoubi are under constant surveillance, and the pro-government media ignore its activities, except to suggest the association is "libertine" or "lesbian" or to misrepresent it in other ways.

In addition, the authorities systematically harass the wives of suspected Islamists who are in jail or exile, through detention, surveillance, searches without warrants, incessant police questioning, and confiscation of passports. Several women have been put under pressure by police to divorce their jailed or exiled husbands. These abuses were raised in the report of the UN Special Rapporteur on violence against women (E/CN.4/1999/68/Add.1).

Another area where much progress must still be made with respect to women's rights is domestic violence. According to the ATFD, which runs the country's only shelter for women victims of violence, domestic violence is commonplace. Yet government officials have not acknowledged this and, according to women's rights activists, a climate of impunity prevails because police officers fail to investigate incidents adequately and judges tend to dismiss domestic violence as a family matter. Again, restrictions on political rights are part of the problem: the ATFD has long been calling on the government to secure the right of independent organizations to work freely to combat violence against women.

International awareness of the human rights situation in Tunisia :

The European Union

EU member states are well aware of human rights violations and restrictions of civil liberties and freedoms of expression and association in Tunisia. The European Parliament passed two resolutions, in June and December 2000 (mentioned above), expressing concerns at the deteriorating human rights situation in Tunisia and calling on the EU to take concrete measures to address the issue.

The Evaluation of the Meda Democracy Programme 1996-1998, prepared for the European Commission and issued in March 1999, cites Tunisia in Section 2.9 as one of the Euro-Mediterranean countries where serious problems exist in carrying out human rights and civil liberties promotion activities:

“Syria and Tunisia received the lowest share [of funds] both in terms of grants per country and per capita. This reflects the severe political obstacles to directly assist NGOs in these countries without agreement by the government and the totalitarian nature of the political systems in Syria and Tunisia”.

The United Nations

The UN human rights mechanisms present a stark picture of the situation in Tunisia. In December 2000 the UN Secretary-General's Special Representative on human rights defenders expressed concern about the suspension of the activities of the Tunisian League for Human Rights and intimidation against its members and called on the Tunisian Government to end the harassment of human rights defenders in the country.

In February 2000 the UN Special Rapporteur on Special Rapporteur on Freedom of Opinion and Expression issued a report (E/CN.4/2000/63/Add.4) following his visit to Tunisia in December 1999 in which he detailed numerous concerns about the restrictions imposed by the authorities on such liberties and strongly urged the government to take concrete measures to address these concerns.

In November 1998 the UN Committee Against Torture examined the government of Tunisia's report (which was submitted four years late) and declared itself “disturbed by the reported widespread practice of torture” and “concerned over the pressure and intimidation used by officials to prevent the victims from lodging complaints.” The committee charged that by denying these allegations, “the authorities are in fact granting those responsible for torture immunity from punishment, thus encouraging the continuation of these abhorrent practices.” The committee urged the government to ensure strict enforcement of the provisions of the law and procedures of arrest and police custody. (See the Concluding Observations of the Committee against Torture, CAT/C/TUN, November 19, 1998.) At the same time, the UN Special

Rapporteur on Torture, who in October 1998 requested to conduct a working visit to Tunisia, has received no invitation.

In its 1998 and 1999 sessions, the UN Sub-Commission on Human Rights expressed concern at the cases of human rights defenders Khemaïs Ksila (conditionally freed from prison in 1999) and Radhia Nasraoui (mentioned above). In May 1999 the UN Working Group on Arbitrary Detention issued its finding that the detention of Ksila was arbitrary.

The Tunisian government's fifth periodic report to the UN Human Rights Committee was due in February 1998 but has not been submitted. In October 1994, after examining Tunisia's fourth periodic report, the UN Human Rights Committee examined, expressed concern about the human rights situation and urged the government of Tunisia to implement a series of recommendations so as to bring Tunisia into compliance with its obligations under the International Covenant on Civil and Political Rights. (See the Comments of the UN Human Rights Committee, adopted on 2 November 1994, CCPR/C/79/Add.43.) To date, none of the key recommendations have been implemented.

/END/