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Tunisia: Routine muzzling of dissent mars upcoming presidential elections

Next Sunday, 25 October 2009, Tunisia will hold presidential and legislative elections in which it is virtually guaranteed that the incumbent, Zine El-Abidine Ben Ali, who has been in power for the last 22 years and is now opposed by three other candidates, will be re-elected as president. As well, the ruling Constitutional Democratic Rally (RCD) party is expected to retain a majority of the seats in the parliament.

The Tunisian government goes to great efforts internationally to portray the country as an open and tolerant society in which the rule of law is upheld. The reality, however, is markedly different. Beneath the façade, there is an entrenched climate of repression in which political parties opposed to the government remain banned or critically hamstrung by restrictions on the exercise of the rights to freedom of expression, association and assembly. Government critics, including human rights defenders, are subject to oppressive surveillance, threats, harassment and physical violence by government officials or people acting on their behalf. The media remains largely under state ownership, control or influence and journalists who criticise the government or report on alleged corruption in official circles face harassment, intimidation and imprisonment.

This is the background in which the current elections are being contested. Yet, as a state party to the International Covenant on Civil and Political Rights, the Tunisian government has an obligation to uphold the rights to freedom of expression, association and assembly, rights which the United Nations Human Rights Committee has declared “are essential conditions for the effective exercise of the right to vote and must be fully protected.”

This briefing reports the findings of an Amnesty International delegation which visited Tunisia, including the troubled phosphate-rich Gafsa region in the south-west of the country, from 22 September to 4 October 2009. Government officials declined to meet Amnesty International during the visit.

Opening his formal election campaign for re-election on 11 October, President Ben Ali declared that since he came to power in 1987, his government has “given a fundamental place to human rights in our civilizational project. We have endeavoured to protect these rights, disseminate human rights culture, and anchor their principles and values in the Constitution. We have also been keen on continuously developing human rights legislation, institutions and bodies, and enhancing civil society acting in this field, based on our conviction that human rights can only be comprehensive and balanced.”

This was effectively a restatement of the image of itself that the Tunisian government promotes at the international level and in its relations with other governments. It masks a reality in which throughout the 22-year rule of President Ben Ali the Tunisian authorities have proved to be highly intolerant of dissent, continuously impeding and harassing independent organizations and individuals who dare to criticize their policies and practices, including those who seek to expose their poor human rights record and to promote reform. Often, they have used illegal methods to do so – for example, Tunisian security and law enforcement officials have long been permitted by their superiors to detain suspected government opponents in breach of the law (*garde à vue*) and to falsify arrest dates so as to conceal this, and human rights activists have been exposed to oppressive surveillance, threats and assaults, often by plain clothed security officials or people acting on their behalf. Independent associations formed to promote human rights and the rule of law have been cast into a form of legal limbo, required to obtain official registration from the government in order to be able to operate legally but either denied such registration in practice, without legal remedy, or infiltrated by government supporters and effectively undermined by what then are portrayed as internal disputes. The right to freedom of assembly is routinely denied to organizations deemed officially recognized by the authorities. The press is heavily controlled by the state and censorship imposed; freedom of expression is muzzled and journalists intimidated and threatened into taking pro-government positions.

Anti-terrorism legislation has also been used to crackdown on youths perceived to be Islamist-leaning, and social protests in the Gafsa region, whose population demanded the right to work and to live with dignity, were violently suppressed and protestors and trade unionists arrested, tortured and imprisoned after unfair trials.

The authorities' rhetoric on human rights, together with the continuing introduction of cosmetic legal reforms meant to provide better protection for human rights, have been trumpeted by the authorities to present Tunisia as a country where the respect of human rights prevails.

Denial of freedom of association and assembly

Years after they first sought to obtain it, several independent organizations continue to be denied legal registration by the government, even though they comply with the requirements of the law. As a result, they are severely hampered in their activities and cannot, for example, obtain official authorization to hold public meetings or book venues in which to convene meetings, conferences or otherwise conduct their activities. Such organizations include the International Association for the Support of Political Prisoners (AISPP), the Association against Torture in Tunisia (ALTT) and Freedom and Equity (Liberté et Équité), all of which seek to promote human rights and civil society. The authorities have used various means to prevent their registration. The law requires that applications for legal registration be submitted to the Ministry of Interior and that applicant organizations may operate freely while the authorities process the application, and if it is not rejected within 90 days, the NGO is then officially registered. However, the authorities refuse to accept registration applications from organizations that they do not wish to register or refuse to provide receipts to show that such applications have been filed. When its efforts to register were blocked, the National Council for Liberties in Tunisia (CNLT) sought to challenge this before the Administrative Tribunal but more than 10 years later its challenge has still to be heard. Its office was closed down and made inaccessible to its staff for eight months in 2009. The offices of the Tunisian League for Human Rights (LTDH) and Freedom

and Equity are under constant, overt surveillance, and access to them denied to their members.

In other cases, organizations whose leaders or spokespeople have challenged government policies have been undermined from within. After the Association of Tunisian Magistrates (AMT) called for greater judicial independence in 2005, members of the organization are reported to have been pressured by the government to disavow its leaders. In other cases, organizations' management boards have been forced aside by disputes over their status or have faced calls for new elections after voicing criticism of the government, apparently as a result of behind-the-scenes official manipulation. In August, the leadership of the National Syndicate of Tunisian Journalists (SNJT) was ousted after the SNJT published a report criticizing the lack of press freedom in Tunisia in May 2009. First, pro-government members of the syndicate resigned and circulated a petition expressing no confidence in the elected board. Then, they held a special congress, elected a new board and filed a lawsuit to take over the syndicate's offices. In September, a court recognized the new, pro-government board and ordered the ousted board to vacate the syndicate's premises. On 20 October, the new SNJT board publicly declared its support for the re-election of President Ben Ali.

Legally registered political parties that oppose the government are also subject to restrictions which severely hinder their ability to mount effective electoral and other campaigns. They are often unable to rent venues for public meetings because venue owners fear upsetting the authorities or come under pressure from the security police, and when they do hold meetings in their own premises these are often impeded by oppressive police surveillance and interference, including physically blocking access. In addition, the Progressive Democratic Party (PDP), the Democratic Forum for Labour and Freedom (FDTL) and Renewal Party (Mouvement Ettajdid) recently said that a number of their proposed parliamentary candidates were barred from standing by the Ministry of Interior without being given any clear reason or justification and that they will appeal this refusal before the Constitutional Council.

Freedom of the press and expression muzzled

The Tunisian authorities have modernized and developed the Tunisian media but kept it under close control and prevented its independence. Most press and media organs are owned by the state or by individuals close to the government, while newspapers of opposition political parties, such as the PDP's *al-Mawkif* and the FDTL's *al-Mouatinoun* are denied public funding in breach of the amended law on the financing of political parties. They also miss out on advertising from public companies that is distributed by the Tunisian Agency for External Communications (ATCE) in order to generate income for media outlets.

The authorities severely restrict freedom of expression and editors and journalists continue to operate in a climate of intimidation. Foreign publications are censored and journalists who criticize the government are harassed by the security forces, subjected to smear campaigns in the official press and targeted through judicial proceedings. Issues of newspapers which publish articles critical of the authorities or denouncing corruption are seized and suppressed. Foreign journalists who seek to expose the authorities' clampdown on the political opposition and human rights activists are barred from accessing Tunisia. On 21 October, *Le Monde* journalist Florence Beaugé, who was planning to cover presidential elections, was expelled at

the airport upon arrival to Tunis because of her “systematically hostile and biased position”, according to an official source.

Earlier this month, presidential candidate Ahmad Brahim, who leads the opposition Mouvement Ettajdid party, was forced to delay launching his campaign for four days because he could not obtain a venue. On 10 October, the Ministry of Interior seized an edition of the party’s newspaper, *Attariq al-Jadid*, while it was being printed, on the grounds that the party’s election manifesto promising a “break with authoritarianism, the unequal distribution of wealth, and nepotism” would be published ahead of the official start date of the election campaign.

Criminalizing dissent

** Social protest*

Not only have the Tunisian authorities sought to stamp out criticism among political and human rights activists, they have also tried to silence the voices of impoverished communities in Tunisia’s poor and underdeveloped South. This was vividly illustrated during the social unrest in the south-west region of Gafsa in 2008, when workers and unemployed youths protested against the economic disparity in the country and lack of economic opportunities. These peaceful protests were met with excessive use of force by security forces, which left two dead. Many protestors were subjected to arbitrary arrest and detention, torture or other ill-treatment, and imprisonment after unfair trials. They include Adnan Hajji, Bechir Labidi and Tayeb Ben Othman, all local trade union activists. In late September 2009, families of some of those imprisoned reported that they too have been subjected to intimidation and harassment by the authorities. Some, residents of Redeyef (in the Gafsa region), said they had been denied assistance after floods swept the town on 23 September, apparently because of their campaigning for the release of their family members.

** Abusive use of anti-terrorism legislation*

The authorities also use broadly-framed security and counter-terrorism legislation to stifle dissent and to clamp down, particularly, on suspected Islamists, and further restrict freedom of expression, association and assembly. The 2003 anti-terrorism law has been used to arrest many youths and young men suspected of holding Islamist views because they are bearded or frequent mosques or engage in religious discussions, or express concern about events in Iraq or in the Occupied Palestinian Territories. Commonly, those detained are held incommunicado and are subject to enforced disappearances for periods during which they may be tortured or otherwise ill-treated and forced to “confess” to crimes against the state. They are then often sentenced to prison terms after unfair trials.

The high cost of dissent: surveillance, harassment, interference and physical violence

Human rights defenders and activists, as well as former political prisoners and political opponents live under constant surveillance. They are severely restricted and their movements closely monitored. Their telephones are tapped and the telephone lines of human rights organizations and their internet connections are often disrupted, preventing them from communicating with others and freely accessing information. Their emails are intercepted and their content either deleted or altered. Many of them said that emails they receive disappear as soon as they open them and their private internet connections are disrupted and cut off. They, along with their families, live under day-to-day surveillance by security officials.

Political opponents are sometimes physically assaulted. The authorities refuse to issue them and, in some cases, their immediate family members with passports in violation of Tunisia's Constitution and international human rights obligations and, in some cases, in total disregard for decisions by the courts ordering that they obtain passports. Others have been barred from travelling abroad.

Hamma Hammami, spokesperson of the banned Tunisian Workers' Communist Party (PCOT), and husband of lawyer and human rights defender, Radhia Nasraoui, was beaten at the Tunis airport on 29 September 2009 upon his return from France. A few days earlier, he had given interviews to *Al Jazeera Mubashir* and *France 24* satellite television channels in which he had criticized the upcoming presidential elections, President Ben Ali and corruption in Tunisia. On 4 October, the car of lawyer and human right defender, Abderraouf Ayadi, was damaged and allegedly inflammable and explosive chemical material was put in the car tank. Ayadi was about to drive Hamma Hammami, Radhia Nasraoui and their 10-year old daughter back from the airport following Nasraoui's return from France. Hamma Hammami was subsequently prevented from travelling to participate in a meeting of the Tunisian political opposition in France. He and his family faced ongoing harassment and surveillance after they sought to file a complaint against President Ben Ali and the Ministry of Interior in connection with the airport assault on Hamma Hammami. On 20 October, Radhia Nasraoui was insulted and forced out of the airport by the security forces, preventing her from travelling to France to participate in a conference at the European Parliament in Strasbourg regarding the violations that took place in the Gafsa mining region in 2008.

Human rights activist Zouheir Makhlouf was interrogated and an order to remand him in custody was issued against him on 20 October. He was charged under Article 86 of the Telecommunications Code of "disturbing others" in connection with a video he published on pollution in industrial city in Nabeul Governorate, where he was to run as a PDP candidate in the upcoming legislative elections. He is currently detained in Mornaguia Prison awaiting trial, which is scheduled to take place on 3 November 2009.

20 October, Sihem Bensedrine was assaulted by people in plain clothes believed to be security officials, when she was on her way to attend a workshop on the evaluation of media coverage during elections organized by the Tunisian Association of Democratic Women (ATFD). The ATFD's president was notified by phone by a Ministry of Interior official that the workshop was illegal but was not given any further clarification.

The entrenched pattern of repression, combined with tightening controls on freedom of expression, association and assembly mean that President Ben Ali's re-election is virtually assured. What is not assured, however, is that hopes for reform – that is realizing in practice the human rights to which the Tunisian government constantly pay lip service – would be met in the period immediately ahead.

Background

In May 2002, constitutional amendments were introduced enabling President Ben Ali to stand for a fourth term in office in the 2004 presidential elections.

In July 2008, the authorities amended the Constitution by introducing exceptional

provisions concerning the 2009 presidential elections. The exceptional provisions in effect bar from standing as candidates anyone other than elected political party leaders who have been in post for at least two years. These reforms have been largely seen as tailor-made to exclude opposition candidates that might constitute even a slight challenge to President Ben Ali's widely anticipated and unsurprising win. As a consequence, the symbolic figure of the PDP, Nejib Chebbi, who expressed his intentions to run for presidency, did not file his candidacy and the application of Mustafa Ben Jaafar, head of the FDTL, was rejected by the Constitutional Council in October 2009.

Although the formation of political opposition was permitted as a response to calls for pluralism, its existence remains conditional on support for President Ben Ali. Some parties such as the PCOT, Ennahdha Islamist group and the Republican Congress (CPR) continue to be banned.

Public Document

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