

URGENT ACTION

BILL WOULD SILENCE GOVERNMENT CRITICS

The Tunisian government has proposed changes to the Penal Code that are designed to silence critics of the country's human rights record, in Tunisia and abroad.

The Tunisian authorities are proposing to amend Article 61bis of the Penal Code, which deals with violations of the "external security" of Tunisia. Article 61bis currently criminalizes contacting "agents of a foreign power to undermine the military or diplomatic situation in Tunisia". Tunisians convicted of this crime currently face up to 20 years in prison, with a minimum sentence of five years. Under the new legislation, the article would also sanction those who contact foreign bodies in order to harm Tunisia's vital interests, including "economic security".

The changes to the Penal Code seem clearly intended to target human rights activists who lobby foreign bodies such as the European Union (EU), to put pressure on the Tunisian government over its human rights record. Human rights activists will face prosecution for their advocacy work if the government succeeds in changing the law.

This bill appears to be a direct response of the Tunisian authorities to meetings held earlier this month by Tunisian human rights activists with EU parliamentarians and officials, in Madrid and Brussels. During the meetings, the Tunisian activists urged them to pressure the Tunisian government to uphold its human rights obligations, as a state party to the International Covenant on Civil and Political Rights, and several other human rights instruments. Tunisia is now negotiating over its status with the EU, which it wants to improve to "Advanced Status".

The government is understood to have agreed the new legislation at a cabinet meeting on 19 May 2010. It will now be put before at least one parliamentary commission, before it is brought before the parliament for debate, after which it will be adopted into law. The authorities are expected to rush the legislation through the parliament, as both houses of parliament are dominated by the ruling party, the Constitutional Democratic Rally (Rassemblement Constitutionnel Démocratique, RCD) and no real debate within parliament is expected.

PLEASE WRITE IMMEDIATELY in Arabic, French, English or your own language:

- Calling on the Tunisia authorities to withdraw the proposed additions to Article 61bis of the Penal Code;
- Urging them to stop harassing and intimidating human rights activists and government critics, and to uphold the right to freedom of expression and the right of human rights defenders to participate in peaceful activities against violations of human rights and fundamental freedoms, in line with Tunisia's obligations under the International Covenant on Civil and Political Rights to which Tunisia is a state party and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (known as the UN Declaration on Human Rights Defenders).

PLEASE SEND APPEALS BEFORE 9 JULY 2010 TO:

Minister of Foreign Affairs

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Nord Hilton
1030 Tunis
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Salutation: Your Excellency

Minister of Justice and Human Rights

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Salutation: Your Excellency

And copies to:

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Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The Tunisian authorities have made tremendous efforts to foster an international image of respect for human rights. In October 2009, President Zine El Abidine Ben Ali declared that his government had "been keen on continuously developing human rights legislation, institutions and bodies, and enhancing civil society acting in this field". Later that month, however, referring to human rights activists and journalists who sought to expose human rights abuses and corruption by the Tunisian government, he criticized the "tiny minority of Tunisians who ... cast doubts upon its [Tunisia's] achievements and gains. This tiny minority of Tunisians have relinquished the honour of belonging to Tunisia; this honour which requires them to show a sense of propriety and discretion vis-à-vis anything that can cause harm to their country. They have not respected the sacro-sanctity and inviolability of the country".

In practice, anyone who challenges this image risks becoming a target for the security forces. Human rights activists in Tunisia operate in the face of harassment and intimidation. Many have reported being under constant surveillance by the security forces, and have also reported being prevented from travelling abroad or within the country, in breach of right to freedom of movement. Some have also reported being beaten up, reportedly by men in civilian clothes who appeared to be agents of the security forces. The authorities have consistently refused to accept human rights organizations' applications for legal registration, without which they are technically not allowed to operate. They have interfered in the activities of the few that are officially registered, in some cases staging internal takeovers by government supporters. Tunisian activists who have spoken out against the authorities' human rights record while abroad have been harassed and interrogated upon their return to Tunisia. Several have been denied permission to travel abroad again.

The Minister of Foreign Affairs has responsibility for maintaining Tunisia's international standing. Amnesty International believes that international appeals made directly to the minister may convince him that the authorities should abandon the proposed change to the legislation, as it would harm Tunisia's official public image.

The Ministry of Justice and Human Rights has responsibility for overseeing the drafting of proposed legislation. The minister is well placed to take action on Amnesty International's concerns, and would be expected to raise them with the other members of the Tunisian government.

The Tunisian authorities have recently hired the services of a USA-based public relations firm to improve the image of Tunisia abroad.

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