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TUNISIA

Human rights defenders in the line of fire

INTRODUCTION

Defending human rights has become increasingly difficult in Tunisia. In the past few years the Tunisian authorities have been waging a relentless campaign of repression and intimidation against human rights defenders and against anyone who stands up for human rights, whether as individuals or as members of organizations and associations.

The range of techniques used by the authorities to silence and intimidate human rights activists has continuously been broadened, with new and more sophisticated methods being added to an already far-reaching repressive apparatus. Human rights defenders in Tunisia can qualify for one or more of the following “treatments”: imprisonment; imprisonment of a relative; having their relatives - including children - interrogated and harassed; being prosecuted for “terrorism” or for a variety of common-law crimes (such as theft, forgery, assault, etc.); losing their job or being demoted; having their office or home broken into and ransacked; having their passport confiscated and/or being prevented from travelling; having their telephone/fax listened to or disconnected and their mail intercepted; being under close surveillance 24 hours a day; having their car or other property stolen or damaged; being prevented from holding or participating in meetings; being the subject of degrading media campaigns by media close to the security services; being the subject of a photo/video montage showing them in compromising positions. In addition, human rights organizations, whether Tunisian or international, may also have their publications confiscated or held at customs for prolonged periods of time, have their meetings or other activities banned or disrupted, be prevented from selling their publications or from carrying out fund-raising activities, and having their Internet sites blocked.

These and other methods, which had in the past been used by the authorities against political opponents and government critics, have been increasingly used against human rights defenders in recent years.

At the same time, the Tunisian authorities have devoted considerable human and financial resources to activities aimed at improving their human rights image. Human rights defence and promotion is prominently referred to in most official speeches; human rights committees have been created and human rights units set up in most key ministries, an ombudsman has been appointed; a yearly human rights prize has been instituted, several organizations claiming to defend human rights (but which actually focus on promoting the official discourse) have been set up; large amounts of literature detailing Tunisia’s “human rights progress” is produced in several languages and distributed at international conferences in Tunisia and abroad; a square and a metro station in the capital have been dedicated to human rights; and a website (called “amnesty-tunisia.org”) containing official human rights propaganda has been set up.

Through these and other measures the authorities have sought to hijack the human rights discourse and impose a monopoly on human rights activities. Those who have exposed and condemned human rights violations and the deterioration of the situation have been targeted and accused of being “unpatriotic” and of undermining the image of their country.

In the context of the 50th anniversary of the Universal Declaration of Human Rights (UDHR), this report looks at the situation of human rights defenders in Tunisia. The fact that this report focuses on human rights defenders does in no way mean that Amnesty International’s concerns about the overall human rights situation in Tunisia have decreased. The organization remains deeply concerned about the detention of thousands of prisoners of conscience, torture and ill-treatment in secret detention, unfair trials, lack of adequate medical care and poor conditions for political prisoners, restrictions imposed on former prisoners and harassment and intimidation of former prisoners and families of imprisoned or exiled political opponents. These concerns, which have been detailed in previous reports, remain outstanding as in few cases have any concrete measures been taken by the authorities to address them.

BACKGROUND

The targeting of human rights defenders has been taking place against a background of a growing intolerance by the authorities over the past eight years for dissent, criticism or political opposition of any kind.

Upon coming to power in 1987 President Zine El Abidine Ben Ali pledged to respect human rights. In the year that followed Tunisia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture) and some positive legal reforms were introduced,¹ political prisoners and prisoners of conscience were granted amnesty and some political parties were legalized. However, other parties were refused authorization, including the Islamist *al-Nahda*, Renaissance,² and the left-wing *Parti communiste des ouvriers tunisiens* (PCOT), Tunisian Workers' Communist Party.³

¹ Incommunicado (*garde à vue*) detention was limited to a maximum of 10 days, and the State Security Court was abolished.

² *Al-Nahda* (known as the *Mouvement de la tendance islamique* [MTI] until 1989), was not recognized as a party and could not participate in the 1989 legislative elections, but was able to back lists of independent candidates who won 17.75% of the votes according to official results.

³ Both parties were allowed to have newspapers (*al-Fajr* [Dawn], for *al-Nahda*, and *al-Badil* [Alternative], for the PCOT), but these were suspended in 1991 and were never allowed to resume.

In the autumn of 1990 the authorities launched a major crackdown against known and suspected members and supporters of *al-Nahda*, thousands of whom were arrested in the following year. Torture was used systematically against these detainees, who were held in secret detention for weeks or months, and more than 10 died in secret detention.⁴ The crackdown against *al-Nahda* was presented by the Tunisian authorities as a response to plans by *al-Nahda* to violently overthrow the regime.⁵ This, especially in the context of events in neighbouring Algeria,⁶ helped the government to justify to national and international public opinion the campaign of mass arrests, systematic torture and increasing restrictions on freedom of expression and association which has continued to escalate since then.

⁴ See AI's reports: *Tunisia: Deaths in custody during garde à vue detention* (AI Index: MDE 30/22/91); October 1991. *Tunisia: Prolonged incommunicado detention and Torture* (AI Index: MDE 30/04/92); March 1992. *Tunisia: Heavy Sentences After Unfair Trials* (AI Index: MDE 30/23/92); October 1992.

⁵ In May 1991 the Minister of the Interior announced that the authorities had discovered that *al-Nahda* was plotting against the state and was preparing for armed insurrection.

⁶ From mid-1991 political unrest in Algeria led to a conflict which has claimed tens of thousands of lives; for further details see AI's reports on Algeria of 1992 - 1998.

The campaign of repression against *al-Nahda* signalled the beginning of the end of the short-lived acceptance by the authorities of any opposition or criticism and the increasingly systematic targeting of opponents and critics from across the political spectrum.

In the past eight years thousands have been detained for political reasons. Although most of the victims have been supporters and suspected sympathizers of *al-Nahda*, supporters and suspected sympathizers of the PCOT and other tendencies across the political spectrum, including leaders of the *Mouvement des Democratés Socialistes* (MDS), Movement of Socialist Democrats, the largest legal opposition party, have suffered the same fate. In addition, relatives and friends of political opponents, not themselves involved in political activities, as well as human rights activists who defended the rights of these victims, have also been targeted.⁷ By 1993-1994 it became increasingly clear, including to those in the human rights movement and in the political opposition in Tunisia who had been silent about, or supported, the repression against the Islamists, that what had been presented by the authorities as a necessary measure to “protect democracy” - namely the repression of the Islamist opposition - was in fact a campaign to stamp out all opposition or dissent.

Human rights activists in Tunisia and at the international level who spoke up against the increasingly widespread violations were branded by the Tunisian government as taking a position “in favour of the Islamists and against democracy”. The combination of a complex set of circumstances in the political situation in Tunisia and elsewhere in the region involving the Islamist opposition, which tended to be in conflict with the mainly left-wing based human rights movement, and the government’s growing intolerance of human rights activities in defence of Islamist victims, resulted in a situation whereby many human rights defenders in Tunisia were unwilling to stand up to defend the rights of these victims. Consequently, those who did were more - and more easily - targeted by the authorities.

HUMAN RIGHTS DEFENDERS IN THE FRONTLINE

Defending human rights in Tunisia has come to be perceived by the authorities as a confrontational and “subversive” activity, and those who speak out know that they, and their relatives, risk being targeted. They, like other victims, are usually subjected to a combination of judicial and extrajudicial measures. The lack of independence of the judiciary, which appears to be more concerned with implementing the authorities’ agenda than with respecting the rights of those coming before it, leaves virtually no avenue of recourse for victims of

⁷ See AI’s reports: *Tunisia: Women victims of harassment, torture and imprisonment* (AI Index: MDE 30/02/93); June 1993. *Tunisia, Rhetoric versus reality: the failure of a human rights bureaucracy* (AI Index: 30/01/94); January 1994. *Tunisia: Repression thrives on impunity* (AI Index: MDE 30/19/95); November 1995. *Tunisia: A widening circle of repression* (AI Index: MDE 30/25/97); June 1997.

violations. At least four prominent human rights defenders have been unjustly imprisoned for long periods of time in the past four years. They and numerous other prisoners of conscience have also been subjected to a series of extrajudicial measures. In none of these cases was the Tunisian judiciary able or willing to redress the injustices.

Detention and prosecution: the “legal” punishment

Khemais KSILA, Vice-President of the *Ligue tunisienne des droits de l’homme* (LTDH), Tunisian Human Rights League, was arrested at his home on 29 September 1997, after he had issued a communique announcing that he was beginning an unlimited hunger strike to protest at the harassment to which he and his family were subjected and condemning human rights violations in Tunisia. He was charged with undermining public order, spreading false information and inciting the population to violate the law, and was sentenced to three years’ imprisonment and a fine of 1,200 Tunisian dinars (c. \$1,300) on 11 February 1998. The sentence was upheld on appeal on 25 April and confirmed by the Cassation Court in May, and he has now exhausted all avenues for legal recourse. Since his arrest he has undertaken several hunger strikes to protest at his imprisonment, at the poor conditions of detention - in an overcrowded and unhygienic cell - and at the harassment of his wife and children.

Radhia NASRAOUI, a well known human rights lawyer, women’s rights activist and member of the Tunisian Bar Council, was charged with “terrorism” and “links with a criminal gang” in March 1998, at a time when she was in Mali observing a trial on behalf of Amnesty International. The charges brought against her are the same as those brought against her clients, a group of 12 men and three women, most of them left-wing students and members of the student union, who were arrested in February 1998 after peaceful protests against poor living conditions for students. Acting on their behalf in her capacity as lawyer Radhia Nasraoui had filed complaints for torture and requested the authorities to order medical examinations and to set up an inquiry. On her return to Tunisia she was questioned by the examining magistrate and informed of the charges against her and was forbidden to leave the country or the capital, a measure which seriously limits her ability to carry out her work, as she cannot visit her clients or attend their trials outside the capital. No date had been set for her trial at the time of writing this report.

Khemais CHAMMARI, former Secretary General of the LTDH, and former Vice-President of the *Fédération Internationale des Droits de l’Homme* (FIDH), International Federation of Human Rights, was also Vice-President and member of parliament of the largest legal opposition party, the MDS, when he was arrested in April 1996. He was charged with disclosing state secrets and was sentenced to five years’ imprisonment in July 1996. The case was based on unsubstantiated charges that he had sent to a Belgian lawyer documents relating to the trial of Mohamed Mouadda, MDS President, who was sentenced to 11 years’ imprisonment for making public a memorandum addressed to President Ben Ali and detailing the deteriorating human rights situation in Tunisia. Khemais Chammari and Mohamed Mouadda were both released in December 1996 but were banned from any form

of political activity, and kept under constant police surveillance. Mohamed Mouadda remains under virtual house arrest and Khemais Chammari has been out of the country for over a year.

Najib HOSNI, a leading human rights lawyer, defended accused from across the political spectrum, filed complaints of torture and other violations before the courts, and also raised human rights violations publicly - at a time when very few dared to do so. He was aware of being under police surveillance but maintained that so long as he was able to defend those who enjoyed fewer rights than him he should do so. Having established that his human rights activities could not be stopped through harassment and intimidation, the authorities decided to step up the pressure. In June 1994 Najib Hosni was arrested on trumped-up charges of falsifying a land contract. He was detained without trial for over 18 months during which he was subjected to ill-treatment and was denied access to his lawyers for prolonged periods of time. In January 1996 he was sentenced to eight years' imprisonment in an unfair trial, in which no convincing evidence was produced to substantiate the charges. In addition, at the end of 1995 he was also accused, in a separate case, of "terrorism" and was severely tortured in the Ministry of the Interior. He was later acquitted of these charges in November 1996 and was finally released in December 1996 after strong international pressure on his behalf, but continues to be harassed. During his imprisonment he received several international human rights awards in recognition of his human rights work.

Dr. Moncef MARZOUKI a well-known professor of medicine, was President of the LTDH up to 1994. During his presidency the LTDH had been vocal in condemning human rights violations, including the repression of Islamists. In February 1994, he had announced his intention to stand as a candidate against President Ben Ali in the presidential elections the following month.⁸ Shortly afterwards he began to be subjected to increased harassment by security agents.⁹ In March 1994, after the elections, he was arrested on charges of having questioned the independence of the Tunisian judiciary in an interview with a foreign newspaper,¹⁰ a charge which he denied. He was detained for four months without trial and was eventually released on bail in July 1994 and has since continued to be subjected to restrictions and harassment.

The above cases are recent examples of a pattern which has become increasingly entrenched in the past few years. Earlier examples include the cases of Moncef TRIKI, head of the Tunis branch of the *Association pour la défense des droits de l'homme et des libertés publiques*, Association for the Defence of Human Rights and Public Freedom, who was sentenced to 15 months' imprisonment in August 1991 on charges of belonging to an

⁸ President Ben Ali was the only candidate in the elections held in March 1994; according to official figures he won over 99% of the votes.

⁹ On one occasion he was accused by police of having stolen a car.

¹⁰ *Diario 16*, a Spanish newspaper which is not sold in Tunisia.

unauthorized association and holding unauthorized meetings. Lawyer Mohamed NOURI was sentenced to six months' imprisonment in January 1991 on charges of defamation for an article he had written calling for the abolition of military courts. The editor of the newspaper *al-Fajr*, where the article had been published, was sentenced to one year's imprisonment on the same charges and the newspaper was banned. Lawyer Beshir ESSID was sentenced in October 1990 to four years' imprisonment on charges of defaming the President and other offences for material he had allegedly written. He was released by pardon at the end of 1992.

A number of other human rights defenders have been arrested and detained for short periods or summoned for interrogation in connection with their human rights activities.

Hechmi JEGHAM, a lawyer and President of the Tunisian Section of Amnesty International, was arrested on two consecutive days in March 1997. On each occasion he was taken to the Central Police Station in Sousse and interrogated about his participation in an international jurists' conference which was scheduled to take place in Tunisia and about his contact with international organizations. The conference was subsequently cancelled.

In October 1996 Salah ZEGHIDI, Vice-President of the LTDH, was arrested and held overnight upon his return to Tunisia from France, where he had participated with other human rights organizations in a public meeting on the human rights situation in Tunisia. He was questioned about remarks he had made on the situation in Tunisia at the Paris meeting, and about his contacts and relations with representatives of other NGOs present at the meeting. A month later he was again summoned by the general prosecutor and interrogated about his remarks on the human rights situation in Tunisia which he had made at a conference in Brussels, and was charged with spreading false information. The charges were eventually dropped. In the spring of 1998, during a period of intensified surveillance of many human rights lawyers and defenders, he was closely followed for some weeks.

Kamal SAMMARI, a Tunisian member of staff of the International Secretariat of Amnesty International, was arrested in August 1996 on arrival in Tunisia, where he was going to spend his holidays with his family. He was detained for one week in the national security building within the Ministry of the Interior, where he was questioned about his work for the organization; he was then released without charge and without explanation. During the entire duration of his detention his family could not obtain any information on his place of detention and reasons for his arrest and were under constant police surveillance.

Taoufik BOUDERBALA, President of the LTDH, was summoned by the examining magistrate in June 1996 and was interrogated about the activities of the LTDH and his contacts with international NGOs. The examining magistrate made him listen to the recording of a conversation which he had had with the President of the FIDH - thus confirming that his telephone and the telephone of the LTDH had been tapped.

Frej FENNICHE, then executive director of the Tunis-based *Institut arabe des droits de l'homme* (IADH), Arab Institute of Human Rights, was arrested in May 1996 at Tunis airport as he was about to board a plane to France where he was to represent the IADH at a human rights conference. He was held for four days in the Ministry of the Interior, where he was reportedly ill-treated, and the literature he was carrying for the meeting in France was confiscated.

In February 1993, eighteen left-wing academics, trade unionists and professionals were arrested for setting up a *Comité national pour la défense des prisonniers d'opinion* (CNDPO), National Committee for the Defence of Prisoners of Conscience. They were accused of forming an unauthorized association, threatening public order and spreading false information - by referring to human rights abuses. The swift crackdown against this group deterred others from taking such initiatives, and this was clearly the intention of the authorities.

Extrajudicial measures: sophisticated harassment and intimidation machinery

The Tunisian authorities have continued to devise new means of exerting pressure on human rights defenders and human rights organizations. Conscious that imprisoning human rights defenders, especially if they are well known at the international level, brings them negative publicity and international pressures, the authorities have tended to resort to imprisonment only when other intimidation techniques have proved ineffective. The human rights defenders who have been imprisoned had in most cases been previously subjected to various forms of pressure, including through their relatives. Once released from prison - often as a result of national and international pressures - they continue to be harassed; in addition their early release from prison tends to be conditional or on bail, so that the threat of imprisonment may act as a further deterrent.

Prior to his imprisonment Khemais Ksila had been subjected to intimidation and warnings to pressure him to stop his human rights activities. In February 1996 he was dismissed from his job in the public sector and in August 1996 he had his passport confiscated and was prevented from boarding a flight to the United States, where he was to represent the LTDH in meetings. In November 1995 his car had been vandalized, the same night as the car of another LTDH activist had also been vandalized. Since his imprisonment his wife and children have been under surveillance. His wife has often been followed by police, especially after she spoke to the media about the case of her husband, and cars following her have at times pretended to attempt to collide with her car.

For Radhia Nasraoui, being charged with "terrorism" and "links with a criminal gang" and prevented from leaving the capital was only the latest in a string of intimidation and harassment incidents which have continued over the past several years. She had previously had her passport confiscated, notably in 1994 for a year. In June 1997, as she was going to attend a meeting on the human rights situation in Tunisia at the European Parliament in Strasbourg, she had been stopped from leaving the country, even though she had a valid

passport. Her office was broken into in February 1998 for the third time.¹¹ While on the two previous occasions her clients' files had been mainly scattered about, this time the entire content of the office was stolen, but as usual nothing was taken from the rooms of her two colleagues in the same office. She has often been under surveillance and followed in her movements but at times this has been stepped up for a period, with the surveillance becoming particularly visible for her and her family and clients; this was notably the case in spring 1998. Her mail has been intercepted for years and her telephone has been disconnected at times. In addition, her young daughters (aged 15 and nine) and her brother have also been interrogated by security officers. Earlier this year her younger daughter was questioned about the whereabouts of her father,¹² and on one occasion was the subject of a feigned abduction attempt. Pressure has also been applied through her clients, some of whom have been questioned by security forces about their contacts with her and advised to change their lawyer.

During Khemais Chammari's imprisonment his wife, Alia Cherif-Chammari, a lawyer and women's rights activist, was subjected to police surveillance and harassment for long periods of time. On one occasion a car, which had been following her, caused her to have an accident in which their young daughter was injured. Her passport was also confiscated for a time.

Prior to his imprisonment Najib Hosni had been harassed for years. His home and office were often surrounded by police, his staff and clients were often questioned by security agents, and his wife and children were denied passports. Since his release from prison at the end of 1996, he remains under surveillance, is barred from working as a lawyer, his passport remains confiscated, his telephone and fax remain disconnected, and his mail is intercepted. Immediately after his release he was again rearrested and interrogated about an interview he had given to a foreign media.

Dr. Moncef Marzouki was released on bail in 1994 and although he has never been brought to trial the charges against him have not been dropped. His passport was returned to him for a time but was again confiscated in 1996 and was never returned. He has also been demoted from his position as head of the public health department in Sousse hospital and deprived of his most important professional activities, notably caring for patients and carrying out and supervising research projects. His books cannot be published or sold in Tunisia, his telephone and fax have been cut off for years and his mail is intercepted. In addition, in what seems to be another effort to put further pressure on him, his brother and his nephew have been detained on several occasions.

¹¹ Her office had previously been broken into in 1994 and again in 1997.

¹² Radhia Nasraoui's husband, Hamma Hammami, a leading figure in the unauthorized PCOT who has been imprisoned as a prisoner of conscience several times, has also been charged *in absentia* in connection with the same case; he has been in hiding since February 1998.

Confiscation of passports is a measure widely used by the Tunisian authorities. In addition to those mentioned above, many others have had their passports confiscated over the past few years; some were able to get their passports back only to have them confiscated again. Some of these, and others, have also been either dismissed or demoted.

Dr Mustapha BEN JAAFAR, a founding member of the LTDH and board member of the organization until 1994, has had his passport confiscated on several occasions. In November 1994 he was prevented from leaving the country as he was going to attend a medical conference abroad; his passport was returned to him after a year but was later confiscated again and he never got it back. He was subsequently demoted from his position as head of the radiology department in a hospital in Tunis and has since been unable to carry out the main activities relating to his profession.

Sihem BEN SADRINE, a board member of the LTDH until 1994 and former journalist, had her passport confiscated two years ago and has never been able to get it back. Her husband, Omar MESTIRI, also had his passport confiscated for a long period of time, until earlier this year. In addition, as an editor, she also experiences problems in her profession as she is often unable to obtain permission to publish material.

Salaheddine JOURCHI, a board member of the LTDH, was interrogated in October 1994 on his return from a conference in Lebanon and his passport was confiscated for several months. In early 1997 he was dismissed from his job as editor of the French-language section of the weekly *Réalités* (Realities), reportedly as a result of his activities in the LTDH.

Kamal LAABIDI, former director of the Amnesty International Section in Tunisia, had been previously dismissed from his job as journalist for the *Tunis agence presse* (TAP), Tunisia Press Agency, because of his writings on human rights issues in the French weekly *La Croix* (The Cross) for which he was a correspondent.

The task of human rights lawyers has been made increasingly arduous as new restrictions are constantly imposed on their activities. In addition to the patterns of harassment mentioned above, they face a series of other arbitrary measures which make it difficult for them to defend their clients. Such cases are too numerous to list as they are a daily occurrence. Some of the hurdles they face include difficulties in obtaining copies of court documents and permits to visit their clients; often lawyers have to return to the courts several times and wait around to obtain these documents and permits and at times they make long journeys to go to visit their clients only to be told at the prison gate that the visit cannot take place on the pretext of a variety of excuses. Judgments in political cases, which in the past used to be given to lawyers within a reasonable period of time, can now take months to be made available. Therefore lawyers have to rely on the notes they take in court when the judgements are pronounced, and it is often difficult to take down the exact wording, which is important for lodging appeals. In addition, their clients are often intimidated and advised to change lawyers if they want their case to progress in a good direction. Such practices clearly

violate international human rights treaties.¹³ Moreover, preventing lawyers from freely exercising their professional duties further undermines the principle of fair administration of justice and the rights of defendants to a fair trial.

¹³ Notably, the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a State Party, the UN Basic principles on the role of lawyers, and the UN Basic principles on the independence of the judiciary.

Tunisians who engage in human rights activities abroad are also at risk and their families back home can be subjected to harassment. A recent example is the case of Olfa LAMLOUM, an activists with the Paris-based *Comité pour le Respect des Libertés et des Droits de l' Homme en Tunisie* (CRLDH Tunisie), Committee for the Respect of Liberties and Human Rights in Tunisia. She spoke about the human rights situation in Tunisia at a conference on women's rights in Athens in April 1998, and in June 1998 she published an article in the French monthly *Le Monde Diplomatique* (Diplomatic World) about the human rights situation in Tunisia, especially concerning violations against women.¹⁴ In May 1998, by which time her article had not yet appeared but had been announced, her parents' home in Tunisia was visited by police who enquired about her whereabouts and address in France and asked when she would return to Tunisia. Other Tunisians who have undertaken activities abroad relating to the human rights situation in Tunisia have received messages from their families and friends in Tunisia warning them not to return to the country or have been the subject of denigration campaigns in the government-controlled media in Tunisia.

MOUNTING PRESSURE AGAINST HUMAN RIGHTS ORGANIZATIONS

Tunisian Human Rights Organizations

From the outset of the campaign of repression against *al-Nahda* supporters the LTDH had been the only legal organization in Tunisia which had denounced the increasingly widespread human rights violations, notably torture, prolonged secret detention and deaths in custody.¹⁵ After several incidents of intimidation, in 1992 the authorities took more stringent measures against the LTDH. In May 1992, following an amendment to the Law on Associations, the LTDH was classified by the Ministry of the Interior as an association of a "general nature" (*association à caractère général*) and was subsequently dissolved for failing to amend its rules in compliance with the change in the law. The classification of the LTDH as an association of "general nature", and the changes required by this law in its rules, was seen as an attempt by the authorities to undermine the independence of the LTDH and to curtail its criticism of the government's human rights record. The amendment to the law stated that associations registered as "general" may not refuse membership to anyone who wished to become a member and for the LTDH there appeared to be a danger that its membership might become flooded by security agents who would damage its independence. This law brought about the *de facto* dissolution of the LTDH until 1993, when it was allowed to resume its

¹⁴ *Les Femmes: Alibi du Pouvoir Tunisien* (Women: the Alibi of the Tunisian Regime), by Olfa Lamoum and Louisa Toscane, *Le Monde Diplomatique*, June 1998.

¹⁵ During 1991 the LTDH set up a *Comité des Libertés* (Liberties Committee) to receive complaints from families whose relatives had been arrested and held in prolonged secret detention. After sending lists and complaints to the Ministry of the Interior and not receiving any substantive reply, the LTDH issued two communiques, in June and December 1991, denouncing the human rights violations taking place in Tunisia, especially prolonged secret detention, torture and deaths in custody.

activities after the temporary revocation of the decision classifying it as an association of “general nature”.¹⁶ However, by then the LTDH had been considerably weakened by the prolonged freeze of its work, by the harassment of its members and the restrictions on its activities. The LTDH offices have been under constant police surveillance for years. Victims and their families contacting the LTDH have often been intimidated by security forces and on several occasions the President and leading LTDH members have been questioned by the authorities about their telephone conversations; at times they were actually made to listen to recordings of their own telephone conversations with human rights organizations.

The *Association tunisienne des femmes démocrates* (ATDF), Tunisian Association of Democratic Women, and the Amnesty International Tunisian Section have also faced similar problems. In 1992 the Director of the Amnesty International Section in Tunisia was arrested and interrogated for several hours and the President of the Section was also summoned and interrogated. On the same occasion the security forces raided the Section office in Tunis confiscating hundreds of annual reports. Subsequently the police also confiscated the annual reports which were on sale in bookshops around the country, interrogated and intimidated a number of bookstores owners and warned them never to put such publications on sale. Since then, Amnesty International’s annual reports, which had previously been sold in bookstores in Tunisia have been off the market in the country, as no bookshop wants to take such a risk again. The Section office has been broken into and its mail often stolen; an individual caught stealing mail from the mail box was never prosecuted. The Tunisian authorities know that neither the Amnesty International Tunisian Section nor Tunisian nationals who are staff or members of the organization are involved in the work on the human rights situation in their own country, by virtue of the organization’s own statute. The harassment of the Amnesty International Tunisian Section and its members appears to have been partly as a retaliation for the work of the organization’s International Secretariat and other members around the world on the human rights situation in Tunisia.

¹⁶ The decision classifying the LTDH as an association of “general nature” was definitively reversed in May 1996.

In addition to having their offices under surveillance, their activities monitored, their leaders and members followed, harassed and intimidated to pressure them to quit or to act as informers to the police, the LTDH, the ATFD and the Amnesty International Tunisian Section have come up against a barrage of restrictions on their activities. Most notably, their meetings have often been banned or disrupted. The authorities have at times refused authorization for meetings or refused to grant permission to these organizations to use public halls; at other times the security forces surrounded the area where the meetings were supposed to take place and stopped those trying to attend, and on other occasions the authorities reportedly put pressure on the hotels where the meetings were scheduled to take place. Countless meetings organized by these organizations had to be cancelled at the last moment because the hotels informed them that the meeting rooms were no longer available because of “technical reasons”. Any echo of these organizations’ activities and material is banished from the Tunisian media, which is strictly controlled by the government,¹⁷ and they are thus deprived of any means of publicizing their activities in the country. The wide range of restrictions imposed on these organizations, as well as the intimidation directed against anyone seen to be close to, or to sympathize with, them, has drastically reduced their ability to raise funds for their activities, thus adding further pressure on their development and survival. Such attitude towards any human rights organization wanting to remain independent of government control has demonstrated the authorities’ determination to monopolize and control the human rights message and to use it to serve its political objectives.

International Human Rights Organizations

The increasing restrictions imposed on Tunisian human rights defenders and organizations have also affected the work of international human rights organizations, as the risk for both human rights defenders and victims of human rights violations who contact international organizations has dramatically increased in recent years. In addition, other measures have been taken by the authorities to restrict the work of international organizations. Researchers from Amnesty International and *Reporters Sans Frontières* (RSF), Reporters Without Borders, have been banned from Tunisia, and in May 1996 the President of the FIDH was expelled upon arrival in Tunisia. Amnesty International’s Secretary General and other delegates from Amnesty International and other human rights organizations, including Human Rights Watch and the Lawyers Committee for Human Rights, were under constant surveillance during their visits to the country in recent years.¹⁸ Some foreign journalists have

¹⁷ On 4 June 1997 the World Association of Newspapers (WAN) passed a resolution at its Annual General Meeting expelling from membership the Tunisian Newspapers’ Association (TNA) for its failure to expose repression of freedom of the press in Tunisia. The WAN had suspended the TNA for one year in 1996.

¹⁸ In September 1996 Amnesty International, the FIDH, Human Rights Watch, the Lawyers Committee for Human Rights and RSF signed an open letter to President Ben Ali expressing concern at the deterioration of the human rights situation in the country, including restrictions imposed on international human rights organizations working on Tunisia.

also been expelled from Tunisia and others have reported being followed or prevented from meeting with victims of human rights violations.

Harassment of human rights defenders and organizations and curtailment of their activities are not only tolerated but encouraged at the highest level. In recent years such methods have been further institutionalized. A circular issued in January 1997 by the Ministry of Higher Education requires that anyone organizing a meeting or conference in Tunisia must submit in advance to the Ministry of the Interior the list of participants, a copy of the agenda and details of the date, time and place of the meeting. The organizers must also submit in advance the text of any speeches or conference papers for legal registration (*dépôt légal*).

A circular issued by the Ministry of Tourism in March 1997 requires hotel managers to inform the police of any meeting, seminar, conference, wedding or other function to be held in their hotel; it instructs them to communicate to the police details including the name of the organizer, and number and nationality of the participants in the meeting, and it specifies that police authorization is necessary in all cases. The last-minute cancellation of previously hired hotel halls, on the pretext of sudden repairs or unavailability, has often been used as a means of banning human rights conferences or meetings. This new circular formalizes the previously unwritten but nonetheless well-known rule according to which police authorization is necessary for any meeting, regardless of its purpose.

Sleaze campaigns

Another tactic used against human rights defenders and organizations, both Tunisian and others, has been sleaze campaigns. These have taken the form of degrading and insulting articles published in media particularly close to the authorities¹⁹ and publicity of photo/video montages showing individuals in compromising situations.

An Islamist lawyer and leading member of *al-Nahda* who was active in the defence of Islamist victims was the subject in 1991 of one such video tape showing him having sex with a woman other than his wife on the prayer carpet in his office. The content of the videotape was commented on in detail in certain media and Tunisian embassies abroad distributed the videotape. The same year a well known human rights activist and board member of the LTDH was the subject of a photomontage showing her undressed in the company of a man who was not her husband. Such methods have been widely used against government opponents and at least two other videotapes were circulated, one featuring a former minister and current government opponent undressed in a hotel room with a woman other than his wife and the other featuring a detained leading member of *al-Nahda* having sex with a man in a prison cell. On another occasion a young woman prisoner of conscience was

¹⁹ The Arabic-language *al-Shourouq* (Sunrise) and *al-Hadath* (the Event), and the Arabic/French-language *al-I'lan/Les Annonces* (Announcement) and *Haqa'iq/Réalités* (Realities).

the subject of a detailed article alleging that she had lost her virginity with an exiled government opponent. It is important to note that such references to individuals' private lives, whether accurate or not, are considered offensive in Tunisian society and are never discussed in any media - except in cases such as those mentioned above, of persons targeted by the authorities.

In 1997 and 1998, sleaze campaigns were again carried by certain government-controlled media against a number of human rights defenders, including some who live outside Tunisia. Those targeted included women from the ATFD (who were described as lesbians, a term considered insulting in Tunisian society); human rights lawyer Radhia Nasraoui, LTDH board member Salah Zeghidi; former LTDH Vice-President Khemais Chamhari and other LTDH members, and Kamel Jendoubi, spokesman of the Paris-based CRLDH *Tunisie*. Throughout 1997 and 1998 pamphlets containing degrading and insulting allegations against many of the above human rights defenders and others, as well as against exiled political opponents, were distributed in Paris and in Tunisia.²⁰ The pamphlets are anonymous, but their content and distribution indicate that they may originate from sources close to the Tunisian authorities.

Human rights activists from international organizations have also been targeted in such ways. By way of example, in 1994, a French woman lawyer who had visited Tunisia to observe a trial on behalf of the FIDH and a Moroccan male lawyer who had also been in Tunisia to observe the same trial on behalf of the Arab Lawyers' Union, were alleged by such media to have had an affair.

CONCLUSION AND RECOMMENDATIONS

The extent and scale of the harassment and intimidation which human rights defenders have suffered in Tunisia for a number of years indicate that these are not only tolerated but are encouraged at the highest level by the Tunisian authorities. Moreover, the restrictions imposed on the activities of human rights defenders have increasingly deprived victims of human rights violations of independent recourse and assistance. Such practices violate international human rights treaties which the Tunisian authorities have pledged to respect and promote.

On numerous occasions over the past few years Amnesty International and other human rights organizations have expressed their concern to the Tunisian authorities about the deterioration of the human rights situation in general and about cases of human rights defenders in particular, and have urged the Tunisian Government to take concrete and effective measures to address these concerns. In October 1994 the United Nations Human Rights Committee also expressed concern at the human rights situation in Tunisia and

²⁰ The French-language *Les Masques* (The Masks) and the Arabic-language *Akhbar al-Muflisin* (News of Bankrupt People).

made a series of recommendations to the Tunisian Government, some of which were particularly relevant to the situation of human rights defenders.

The 1998 session of the UN Sub-Commission on Human Rights passed a resolution on “Violation of the rights of human rights defenders in all countries” (Sub-Commission resolution 1998/3) noting with deep concern “that in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threat, harassment and insecurity”; expressing deep concern “at the increasing number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belong”; and urging each State “to take any measures necessary within its own jurisdiction to ensure the effective respect of their obligations in the field of human rights, in accordance with the provisions of the various international instruments, and to guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”.

Regrettably, to date the Tunisian authorities have done nothing to implement these recommendations. Amnesty International urges once again the Tunisian Government to take concrete action to implement without further delay the recommendations it has made in its previous reports, as well as the recommendations made by the UN Human Rights Committee in 1994, so as to redress the increasingly entrenched patterns of human rights violations and prevent their recurrence in the future. On the occasion of the 50th anniversary of the UDHR the organization urges the Tunisian authorities to implement their repeatedly stated commitment to human rights protection and promotion by swiftly addressing the cases of human rights defenders, and in particular to:

- immediately and unconditionally release the LTDH Vice-President Khemais Ksila, drop all charges against human rights lawyer Radhia Nasraoui, lift all conditions and restrictions imposed on previously imprisoned human rights defenders, including Najib Hosni, Moncef Marzouki and Khemais Chammari, and lift all restrictions imposed on all other human rights defenders;
- take concrete and effective measures to implement the resolution on “Violation of the rights of human rights defenders in all countries” passed at the 1998 session of the UN Sub-Commission on Human Rights, which calls on governments to act to protect human rights defenders, and which specifically calls for action on the case of Khemais Ksila.

- implement as a matter of priority the recommendations of the UN Human Rights Committee of October 1994 [see UN Index: M/CCPR/C/52/COM/TUN/3], and ensure especially:
- “that steps be taken to strengthen the independence of human rights institutions in Tunisia” in order to “close the gap between law and practice and enhance the confidence of the public in those institutions”; that “any commission investigating reports of human rights abuses should be transparent and the results should be made public”; and that steps should be taken to “strengthen the independence of the judiciary, particularly from the executive branch” [E/para.14];
- “that measures be taken to ensure the exercise of the freedom of opinion and expression in accordance with article 19 of the Covenant” and in particular a “review and, where appropriate, amendment of those provisions of the Press Code which unduly protect Government policy and officials from criticism” [E/para.19];
- that the Associations Act, the Passport Act and the Political Parties Act be reviewed “to ensure that they are in full conformity with the requirements of the Covenant” [E/para.20].