

# TUNISIA

## REPUBLIC OF TUNISIA

**Head of state:** Zine El 'Abidine Ben 'Ali

**Head of government:** Mohamed Ghannouchi

**Capital:** Tunis

**Population:** 9.5 million

**Official language:** Arabic

**Death penalty:** retentionist

**Repression of human rights defenders escalated and journalists and political activists were targeted by the police, but responded with an unprecedented level of protest against harassment and intimidation. Torture and ill-treatment in police stations and prisons remained widespread and at least two detainees died in police custody. Three prisoners of conscience were released but dozens of others were arrested. Up to 1,000 political prisoners, most of them prisoners of conscience, remained detained. Trials of political detainees continued to violate international standards for fair trial. Thousands of former prisoners of conscience and their relatives, and the families of prisoners and exiled government opponents, were subjected to harassment and intimidation. Scores of prisoners undertook lengthy hunger strikes to demand their release and to protest at ill-treatment and poor conditions of detention.**

## Background

In February and April high-school students and unemployed youths demonstrated in several towns against price rises and changes in examination procedures.

In April the authorities' decision not to hold a state funeral for former President Habib Bourguiba prompted widespread protests.

In May people demonstrated in Bou Salem to protest at the floods and damage following the authorities' decision to open a dam without warning the local population.

In all cases, the demonstrations were forcibly broken up by police. In some cases demonstrators burned or damaged cars and public property. Scores were arrested, including people who had not participated in violent acts, and dozens were sentenced to prison terms. In October police beat women's rights activists and others who demonstrated peacefully in support of the Palestinian people.

The authorities often blocked Internet access to the websites of human rights organizations and the foreign media, and human rights defenders were often unable to access their own e-mail addresses.

In May, days after criticizing the authorities in a French newspaper, former journalist Riad Ben Fadhel was shot and injured outside his home, next to the presidential palace, in what may have been an attempted extrajudicial execution.

## Human rights defenders and civil society activists

The targeting of human rights defenders escalated to an unprecedented level. Many were prosecuted or threatened with prosecution, some were beaten or ill-treated and others had their telephone and fax lines cut.

In December Nejib Hosni, a human rights lawyer and leading member of the *Conseil national pour les libertés en Tunisie* (CNLT), National Council for Liberties in Tunisia, was imprisoned for failing to comply with an arbitrarily imposed five-year ban on practising law. Earlier in the year the Tunisian Bar Council, the only institution competent to suspend or disbar a lawyer, had confirmed that he was never suspended or disbarred and was fully entitled to practise law. He remained detained at the end of the year and was notified that he would also have to serve the remaining five and a half years of an eight-year prison sentence imposed in 1996 on trumped-up charges of forgery.

In December, Moncef Marzouki, a doctor and CNLT spokesman, was sentenced to one year's imprisonment for his human rights activities on behalf of the CNLT. In July he was arbitrarily dismissed from his post at Sousse University.

In November the authorities suspended all activities of the *Ligue tunisienne des droits de l'homme* (LTDH), Tunisian Human Rights League, shortly after the organization's general assembly had elected to its board a majority of outspoken human rights activists. In December the authorities initiated legal proceedings against LTDH vice-president Slaheddine Jurchi for a statement he had signed on behalf of the LTDH after its suspension.

In June 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 possessing reports by the RAID and the CNLT, both of which organizations had been refused registration by the authorities.

Following national and international protests, the authorities returned the passports of some human rights defenders and former prisoners of conscience. However, throughout the year human rights defenders were subjected to harassment and intimidation and their activities and meetings were often broken up or prevented by the police. On several occasions police ill-treated human rights activists, including CNLT members Sihem Ben Sedrine, 'Ali Ben Salem, 'Omar Mestiri, and members of the *Association tunisienne des femmes démocrates* (ATDF), Tunisian Association of Democratic Women.

In December LTDH and CNLT members were prevented from holding meetings and some were ill-treated by police who blocked access to the meeting places.

CNLT spokesperson Moncef Marzouki remained banned from leaving the country at the end of the year, as were CNLT and RAID members 'Ali Ben Salem, Sadri Khiari and Mohamed Chourabi, and lawyer 'Ameur Rouani.

AI's Tunisian Section also remained under surveillance and in March its members were prevented from holding a number of public events by police who manhandled some of its leading members.

### Torture/ill-treatment

Torture and ill-treatment continued to be widely used by police to extract confessions in both criminal and political cases and by prison guards to punish detainees. A new law, adopted in 1999, making torture a crime punishable by eight years' imprisonment was disregarded, and no member of the security forces was prosecuted for acts of torture committed during 2000 or in previous years. The six-day legal maximum limit on incommunicado detention also continued to be breached.

☞ Lotfi Ferhati, a Tunisian living in France, was arrested in August, when he arrived in Tunisia with his wife for a family visit. He was held in the Ministry of the Interior for 18 days, where he said he was suspended by his feet from a pulley and his head was repeatedly plunged in a bucket of dirty water, causing near-asphyxiation (known as the *baño* method); kept in constrained positions; allowed only about one hour's rest a day; and threatened that his wife would be tortured. He was allegedly forced to sign an unread confession admitting to links with an unauthorized Islamist group. He was awaiting trial at the end of the year.

☞ Ridha Jeddi was arrested in September and reportedly tortured in Menzel Bourguiba police station, where he died later the same day. Police claimed he committed suicide by hanging but the forensic report ruled out death by strangulation. At his burial his family noted bruises on his face and chest. An investigation was reportedly opened but no information could be obtained by the end of the year.

Conditions in prisons remained very poor, especially for political prisoners, who were held in overcrowded cells, where scant hygienic facilities resulted in the spread of scabies and other skin diseases. Political detainees were often denied medical care; forced to sleep on concrete floors; beaten and ill-treated; placed in solitary confinement, at times chained; and denied access to their families and lawyers.

☞ 'Abdellatif Bouhajila, Yassine Benzerti and scores of other Islamist sympathizers on prolonged hunger strike to protest against the length and unfairness of judicial proceedings and against ill-treatment and poor conditions of detention, were prevented from receiving visits from their families and lawyers for several weeks at a time. 'Abdellatif Bouhajila was placed in solitary confinement in October; he was kept in chains for five days and had to sleep on a concrete floor. He and scores of others were also beaten and verbally abused.

### Prisoners of conscience

Three prisoners of conscience were released but dozens of others were arrested. At least three Tunisians resident abroad

were arrested when they went to Tunisia for family visits.

☞ In June 'Abdelmoumen Belanes and Fahem Boukaddous, supporters of the *Parti communiste des ouvriers tunisiens* (PCOT), Tunisian Workers' Communist Party, were released before completion of their sentences.

☞ In August Taoufik Chaeb, an Islamist sympathizer, was released by presidential pardon after a 52-day hunger strike. He had been tried and sentenced three times on the same charges.

☞ In August, Mehdi Zougah, a French-Tunisian national, and 'Abderraouf Messa'oudi, resident in Austria, were arrested on arrival in Tunisia. They had previously been sentenced *in absentia* on charges of links with the unauthorized Islamist group *al-Nahda* (Renaissance). They remained in detention awaiting retrial at the end of the year.

Several former prisoners of conscience were arrested and sentenced to prison terms on charges of non-compliance with the administrative control requirements to report to the police daily or, in some cases, several times a day. Such measures, at times part of the sentence and in other cases arbitrarily imposed, continued to prevent former prisoners from working and resuming a normal life.

☞ In June, former prisoner of conscience 'Ali Ben Salem Sghaier symbolically offered his children for sale at the local market in Douz to protest at the administrative control measure which prevented him from working and earning a living to feed his seven children. He was arrested, threatened with imprisonment and released, but was rearrested in August and sentenced to six months' imprisonment on charges of non-compliance with administrative control measures. His sentence was upheld on appeal in September and he continued to serve his sentence at the end of the year.

### Unfair trials

Trial proceedings began against scores of people arrested in previous years on political grounds. Many had been held longer than the 14-month maximum limit for pre-trial detention. Some detainees were tried in two or more cases on similar charges and in relation to the same events, in breach of the rule against double jeopardy. Lawyers were often prevented from visiting their clients or were refused access to their clients' files, and some prisoners were summarily tried without their lawyers having been notified of the date of the hearing.

☞ Ahmed 'Amari was deported from Libya in 1997 with dozens of other Islamist supporters, tortured in secret detention, and sentenced to two and five years' imprisonment respectively in June 1998 and June 1999. His lawyers were refused access to the documents relating to these trials. In 2000, he was being tried in three different cases in which the main charge was "membership of a criminal gang", a charge widely used against political opponents of the government.

☞ In September the trial began of 'Abdellatif Bouhajila, Yassine Benzerti and at least seven other Islamist supporters arrested in September 1998 and accused of having links with

an unauthorized association and intelligence with a foreign power, reported to be Iran. No evidence was produced to support these charges and it was believed that they were tried for their links with exiled Tunisian government opponents. In November they were sentenced to up to 17 years' imprisonment, after the defence lawyers withdrew from the trial in protest at the unfairness of the proceedings. 'Abdellatif Bouhajila and Yassine Benzerti, who had been on hunger strike for more than 80 days, could not stand, sit up or speak.

### **Intergovernmental organizations**

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued a report following his visit to Tunisia in December 1999 and strongly condemned the restrictions imposed by the authorities on such liberties.

In June and December, the European Parliament adopted two resolutions condemning the lack of freedom of association and expression, calling on the Tunisian government to end human rights violations and allow political pluralism, and calling on the European Commission to present a report on Tunisia.

### **AI country reports and visits**

#### **Reports**

- The administration of justice in Tunisia: Torture, trumped-up charges and a tainted trial (AI Index: MDE 30/004/2000), issued jointly by AI, Human Rights Watch and the *Fédération internationale des ligues des droits de l'homme* (FIDH), International Federation of Human Rights

#### **Visits**

In July the authorities refused entry to Tunisia to a joint AI-FIDH delegation; both the AI researcher and the FIDH President had been banned from Tunisia since 1994 and 1995 respectively. The government did not respond to any of AI's communications seeking information and raising concerns about specific cases.