

# Tunisia

## Human rights abuses in the run up to the WSIS

In 2001, the International Telecommunications Union (ITU), an agency of the United Nations, selected Tunisia as one of two countries to host the World Summit on the Information Society (WSIS). The first part of the Summit was held in Geneva, Switzerland from 10 to 12 December 2003; the second and concluding part is to be held in Tunis from 16 to 18 November 2005.

The aim of the WSIS is to promote equitable access globally to information and communication technologies in order that their potential as tools for sharing information and knowledge and promoting development and quality of life should be available to all, irrespective of national borders. Consequently, the choice of Tunisia as the country to host the major part of the Summit was and continues to be highly controversial. As both Tunisian and international human rights organizations have pointed out, the Tunisian government's record on freedom of expression and access to information is a poor one, and those who speak out in favour of reform and greater protection of human rights are subjected to persecution and harassment by the state authorities. Currently, the Tunisian government maintains strict controls on free speech and use of the Internet, refuses to allow the free operation of domestic human rights groups and holds hundreds of political prisoners, including some who have been jailed for the peaceful expression of their beliefs and are considered by Amnesty International to be prisoners of conscience.

It was hoped that the ITU's choice of Tunisia as a host country for the WSIS would prompt the Tunisian government to allow greater freedom and relax its controls on free speech and peaceful association, but this has not occurred. On the contrary, recent months have seen a further tightening of controls and increasing harassment of Tunisian human rights defenders, suggesting that the government feels emboldened by the ITU decision and able to clamp down even more harshly on its critics and opponents to prevent them from stepping out of line at the time of the Summit.

The international community has done little to address the Tunisian government's poor human rights record and has been quiescent in the face of violations, particularly those committed by the government in the name of security against its Islamist critics. The European Union's (EU) association agreement with Tunisia explicitly requires Tunisia to observe human rights and political liberalization, but seven years after the agreement came into force in 1998 the European Union has yet to establish a well-functioning mechanism to address continuing human rights violations by the Tunisian government.

By agreeing that the WSIS should be held in Tunis, the ITU is affording the Tunisian government an opportunity to present a positive image of the country to the outside world at a time when, in reality, human rights defenders and other voices for change are subjected to increasing harassment and repression by the government, stifling precisely the rights and freedoms of expression and information which the Summit was intended to promote.

At the first phase of the WSIS, held in December 2003 in Geneva, participating governments and organizations agreed a Declaration of Principles which states that respect for human rights and freedom of expression are fundamental to the building of a society where access to information, ideas and knowledge across the globe is guaranteed without restrictions.<sup>1</sup>

The Tunisian case stands in stark contrast to these principles, so much so that in September 2005 the EU and 11 other governments attending a preparatory meeting for the WSIS went so far as to issue a joint statement calling on Tunisia to uphold “freedom of opinion and expression, including the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”<sup>2</sup> A welcome, if belated, intervention, this call does not yet appear to have had the desired impact on the Tunisian authorities, who have taken no action to ease restrictions on freedom of expression or relax the pressure on human rights defenders. Indeed, recent weeks have seen no reduction in controls and there are fears that any government critics who seek to use the opportunity of the Summit to protest about human rights violations and demand greater freedoms will be at serious risk of assault or other abuses by the authorities.

Governments attending the WSIS, and the organizers of the Summit, have a heavy obligation to ensure that it does not provide a context for further harassment and repression of Tunisian human right defenders. In addition, they should take the opportunity of the Summit to make clear to the Tunisian government the extent of international concern about continuing rights violations in the country and bring all possible pressure on the Tunisian authorities to institute a process of far-reaching reform in line with the aspirations to which the Summit is dedicated.

Restrictions on freedom of expression, including access to information, and on exercise of the rights to freedom of association and assembly are not the only human rights issues in Tunisia that are of concern to Amnesty International. As the organization has documented in a succession of annual reports, it remains concerned too about long-standing abuse of detention powers, particularly by the security forces, by holding suspects incommunicado and without legal counsel beyond the limits allowed by law, and reports of torture and ill-treatment of detainees. In addition, many prisoners, particularly real or

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<sup>1</sup> Declaration of Principles, *Building the Information Society: A Global Challenge in the New Millennium*, UN Doc WSIS-03/GENEVA/DOC/4-E, 12 December 2003.

<sup>2</sup> Human rights violations by the Tunisian government have been documented by the Tunisia Monitoring Group (TMG). This coalition of 14 non-governmental organizations was established in 2004 by the International Freedom of Expression Exchange (IFEX) to monitor freedom of expression in the context of the WSIS. The TMG conducted three fact-finding missions to Tunisia in 2005 and released two reports on its findings. Three organizations, the International Federation for Human Rights, the World Organisation Against Torture, and Rights and Democracy, also mandated three experts to investigate the situation in Tunisia and conduct meetings with the authorities in January 2005. A report of their findings was published in May 2005. In June 2005, the freedom of expression group Reporters Without Borders (Reporters sans frontières), published a report on freedom of expression and the media in Tunisia.

suspected members of Tunisia's domestic Islamist movement, have been sentenced to heavy prison terms after grossly unfair trials. A number of them went repeatedly on hunger strikes to protest against their sentences and the continuing ill-treatment that they face in prison.

In this report, however, Amnesty International focuses on the Tunisian government's continuing failure to observe its obligations to uphold freedom of expression and association and related rights, and its continuing harassment and persecution of those Tunisian human rights defenders who have the courage to stand up for their own rights and those of their fellow citizens. It is high time that the Tunisian government recognized the contribution that human rights defenders make to Tunisian society and took the measures necessary to give real meaning and effect to its obligations to uphold and promote human rights.

To this end, Amnesty International makes the following recommendations and calls on governments attending the WSIS to lend their support to these recommendations:

**To the Tunisian government:**

- Release all prisoners of conscience immediately and unconditionally and put an end to unfair trials;
- Repeal or amend all laws that permit prison sentences for the peaceful exercise of the right to freedom of expression;
- Take effective measures to ensure the rights of all Tunisians to freedom of expression, including access to information, as guaranteed in international human rights treaties binding on Tunisia, by repealing repressive laws and removing other constraints that are imposed in practice to stifle expression;
- Remove legal and other impediments that are used currently to prevent the formal registration of human rights and other civil society organizations and which contravene Tunisia's obligations to guarantee freedom of association;
- Ensure that all allegations of torture and ill-treatment or of physical or other attacks on human rights defenders are promptly, thoroughly and impartially investigated, and that those responsible for such abuses are brought to justice;
- Extend invitations to visit Tunisia before the end of 2006 to the UN Special Rapporteur on torture, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Representative of the Secretary General on Human Rights Defenders.

**To governments attending the WSIS:**

- Seek high level meetings with the Tunisian authorities in order to make clear their concern about the continuing imprisonment of prisoners of conscience, harassment and persecution of human rights defenders and other human rights abuses in Tunisia, and to call for immediate and effective Tunisian government action to address these concerns;

- Make clear to the Tunisian government that, as the host for the WSIS, it has a particular obligation to ensure high standards in its observance of the rights to freedom of expression, including access to information, freedom of association and assembly;
- Extend invitations to Tunisian human rights defenders to visit their countries in order to brief officials and relevant civil society organizations on the situation of human rights defenders in Tunisia.

#### **To the European Union**

- Institute a transparent and effective process within the context of the EU's Association Agreement with Tunisia to facilitate continuous monitoring of human rights trends and developments and effective action by the EU to assist the promotion and protection of human rights in Tunisia.

## **Freedom of expression and information in Tunisia**

For well over a decade, Tunisians have experienced a climate of political repression in which their rights to freedom of expression and access to information have been severely curtailed. The government has maintained close control of the media, press and television, and this control has been extended also to other forms of communication, notably use of the Internet.

There was a degree of political liberalization after President Zine al-Abidine Ben Ali took power in November 1987, but it was short-lived and since then the country has been plagued by continuing human rights problems. In particular, the government has sought to control the activities of Islamist groups whom it accuses of seeking to overthrow the government and it has invoked a raft of "anti-terrorist" measures for this purpose, which takes little account of basic human rights. The government has also increasingly clamped down on those, across the political spectrum, who criticize its policies or call for greater freedom, harassing or jailing student activists, trades unionists and others. Journalists have been detained or imprisoned, newspapers have been prevented from publishing or have had their copies seized, and opposition figures have been detained and sentenced after unfair trials. Human rights and professional organizations seen to be critical of the government have been denied official registration and their leaders and activists have been subjected to assaults in the streets, smear campaigns in the state-controlled media and other forms of harassment and persecution.

The authorities' pressure on its critics has been unrelenting although it is now more than a decade since Tunisia's domestic Islamist movement was effectively crushed. This has been reflected particularly in the authorities' attitude to the emergence of new media, notably information technology and the potential of the Internet for spreading and exchanging information. Rather than seeing this as bringing a much-needed means to increase Tunisians' access to information, the authorities have shown themselves to be extremely wary of the Internet because of the opportunity it offers for people to have access to diverse views and opinions and to information that the government would prefer not to share with them. State

authorities block access to websites they know or suspect of carrying information critical of the government. Furthermore, people within the country who publish articles on the Internet that the government disapproves of are liable to prosecution and imprisonment under the Press Code.

The government has introduced two new laws in the past two years which have the effect of further tightening restrictions and increasing the penalties available for use against government critics. In December 2003, the government introduced a new "anti-terrorism" law, which contains a very broad definition of "terrorism" and has been used to imprison people seeking to exercise their right to freedom of expression.<sup>3</sup>

In July 2004, the government promulgated a law on personal data protection which the authorities said was intended to protect personal privacy. In practice, however, it further restricts access to information by requiring journalists, writers and non-governmental organizations (NGOs) to obtain advance authorization before they publish anything that could be considered personal data; this inevitably has a negative impact on press freedom and reduces the possibility that journalists can report, for example, on official corruption or other failures on the part of the authorities, as is common in other societies. Oversight of the law is in the hands of a government-appointed commission which is not accountable to the public.

### ***Audiovisual media***

The Tunisian authorities maintain tight control over the media, stifling freedom of the press and preventing the emergence of independent media inside Tunisia. Tunisia's television and radio broadcast no critical views of Tunisian politics and give practically no air time to opposition politicians. While a large proportion of air time is filled by reports of the actions and activities of Tunisian President Ben Ali, representatives of the country's domestic human rights movement are never seen on Tunisian television. Many Tunisians have turned to television channels broadcast from other countries in order to gain access to information not available to them from Tunisia's domestic media, and some 50 percent of Tunisian households are believed to have access to satellite television channels<sup>4</sup>.

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<sup>3</sup> Article 4 of Law No. 2003-75 (10 December 2003), concerning support for international efforts to combat terrorism and prevent money-laundering, states that "An offence committed by a group or an individual, regardless of the motives, will be classified as an act of terrorism if it is capable of terrorizing a person or a group of people or creating terror among the population with the aim of influencing the politics of the State and forcing it to do something it had not intended to do or to refrain from doing something it intended to do, of disturbing public order, peace or international security, of harming people or property, of causing damage to buildings, housing diplomatic or consular missions or international organizations, of causing serious damage to the environment, which is likely to endanger the lives or health of residents, or of causing damage to essential resources, infrastructures, means of transport and communication, information technology systems or to public services."

[Amnesty International's translation]

<sup>4</sup> See Ligue Tunisienne pour la défense des Droits de l'Homme, *Médias sous surveillance*, May 2004, p. 18.

In recent years, the authorities have taken some small steps towards opening up the domestic audiovisual media, which was previously all held under state ownership and control. Since late 2003, one privately-owned television station and two privately-owned radio stations have been permitted to broadcast following changes to the Tunisian Telecommunications Code in 2001.<sup>5</sup> The new private channels, however, are mostly concerned with providing entertainment rather than news and current affairs or dissemination of information that could put them at odds with the authorities.

Tunisian rights groups and international freedom of expression organizations have complained that the private broadcast licences were issued through a process that lacked transparency; apparently, there was no advance notification and invitation to tender for such licences, although this is required by the Telecommunications Code, and the grounds on which the new licence allocations were made were not disclosed by the authorities.<sup>6</sup> At least two individuals who had applied for broadcasting licences at the same time received no acknowledgement nor response from the authorities.<sup>7</sup>

The government has also sought to deter privately-owned and foreign media from airing opposition political views, notably at the time of elections. In 2003, it amended the Electoral Code to prohibit the use of privately-owned media and foreign television and radio channels to call on electors either to vote for, or abstain from voting for, a candidate or list of candidates. With any breach punishable by a fine of up to 25,000 Tunisian dinars (equivalent approximately to US\$19,000), this has restricted significantly the scope for political campaigning by opposition candidates in Tunisian elections.

### **The press**

Despite pledges by President Ben Ali in the run-up to the WSIS to extend press freedom,<sup>8</sup> the Tunisian press remains strikingly uniform in content and tone, publicizing little else than the official government line. The press generally does not report information on the situation of human rights and public liberties emanating from Tunisian or international human rights organizations. The privately-owned newspapers, which according to official statistics represent some 90 per cent of the press, are indistinguishable in tone from the official ones.

At the same time, the authorities have prevented the emergence of a critical press by preventing the distribution of these newspapers. Under the Tunisian Press Code, those seeking to publish a newspaper or periodical are required to register the publication at the Ministry of

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<sup>5</sup> Radio Mosaïque, the first private radio in Tunisia, launched its programmes in November 2003. A second private FM-radio station, Radio Jawhara, was launched from Sousse in July 2005. Broadcasts of Hannibal TV are carried by satellite.

<sup>6</sup> Article 20 of the Telecommunications Code provides that a candidate is selected after public invitations to tender.

<sup>7</sup> See Ligue Tunisienne pour la défense des Droits de l'Homme, *Médias sous surveillance*, May 2004, p. 18.

<sup>8</sup> On 3 March 2005, President Ben Ali was quoted by the news agency AFP as saying that “freedom of expression and freedom of the press are fundamental rights of the individual and of society”.

the Interior. When the relevant information has been submitted, the Ministry should automatically issue a receipt.<sup>9</sup>

In practice, however, the authorities have withheld such receipts for a number of independent publications, usually without giving reasons. The implication is that the publications cannot be printed in Tunisia, as printers are legally required to request to see the receipt delivered by the Ministry of the Interior before proceeding to printing.<sup>10</sup>

Several publications associated with critics of the government have been denied proof of registration by the Ministry of the Interior and, as a consequence, they cannot be printed in Tunisia. They include *Kalima* (The Word), a magazine edited by Sihem Ben Sedrine, spokesperson of the National Council for Liberties in Tunisia (*Conseil National pour les Libertés en Tunisie*, CNLT); *Kaws el-Karama* (The Arch of Dignity), edited by Jalel Zoghلامي, a known government critic; *La Maghrebine*, edited by journalist Noura Borsali; and *Alternatives Citoyennes*, edited by Nadia Omrane.

Tunisian journalists are required to work under very difficult circumstances and must be careful not to fall foul of the authorities. Censorship is rife and it is believed that many journalists also feel obliged to exercise self-censorship, both journalists working for state media and those employed in the privately-owned media. In March 2004, a group of journalists courageously drew attention to this in a letter that they circulated among government officials and civil society organizations. The letter expressed concern at what the journalists described as excessive censorship of their reporting by senior managers overseeing their work, apparently due to pressure from state authorities.

Two months after this letter appeared, some 150 journalists got together to form a new professional association, the Union of Tunisian Journalists (*Syndicat des Journalistes Tunisiens*, SJT), as an independent body dedicated to defending journalists' rights and promoting media freedom. It was immediately seen as a threat by the government and has been under considerable pressure from state authorities. The SJT's activities have been subjected to numerous restrictions and its president, Lotfi Hajji, has been repeatedly summoned for questioning by the Interior Ministry's security department. When he was summoned in August 2005, he was informed by the authorities that the SJT's first congress, due to be held in September 2005, had been banned, but was given no explanation.

Some periodicals and journalists working for them have come under concerted pressure from the authorities after publishing articles which were perceived as challenging the established political order. For example, in 2002, Hedi Yahmed was forced to resign from his position as a journalist on the weekly magazine, *Haqa'iq* (Realities), after he wrote about prison conditions, which until then had been a taboo subject for the Tunisian press.

Under the Press Code, the authorities are able to regulate the conditions under which foreign newspapers and other publications are distributed in Tunisia. In practice, they exercise systematic censorship of foreign publications, effectively preventing the distribution in

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<sup>9</sup> Press Code, Article 13.

<sup>10</sup> *Ibid.*, Article 14.

Tunisia of editions of newspapers such as the French dailies *Libération* and *Le Monde*, and Arabic-language dailies *Al-Qods al-Arabi* and *al-Hayat*, when they contain critical reports on Tunisia. In consequence, the London-based *al-Hayat* is said to no longer send copies to Tunisia because of the level of interference they have experienced at the hands of the authorities.

Foreign diplomats have compared this experience of censorship to living behind a “firewall”. For example, after the truck bomb attack outside a synagogue in Djerba in April 2002, which killed 19 people, most of them German nationals, the Tunisian authorities withheld all information about the event for several days. The Tunisian press was silent, carrying no reports of the outrage, and foreign newspapers which reported the incident were kept off the newsstands. Tunisians were thereby denied access to information about an event in their country at a time when it was being widely reported around the rest of the world.

### **Books and other printed publications**

The distribution of books and other printed publications inside Tunisia is also subjected to strict control by the authorities. According to the Press Code, before any publication can be printed in Tunisia it must be approved by the authorities through a process known as *dépôt légal*, whereby several copies of the publication have to be submitted to different authorities prior to printing.<sup>11</sup> Publications which are deemed to contain criticism of the government, its human rights record or policies, may be refused documentary proof of the *dépôt légal*, or even be seized from the publisher after printing, or from bookshops after distribution.<sup>12</sup>

In May 2005, President Ben Ali announced that he would end the *dépôt légal* system as part of a liberalization of publishing regulations. After this, the number of restrictions imposed under the *dépôt légal* requirement reportedly decreased although the Press Code was not amended. However, the change was of limited value because it was not so much the formal *dépôt légal* requirement that resulted in censorship, but the arbitrary nature of its application.

Such arbitrary restrictions have prevented the distribution of publications by human rights activists, political opponents and government critics, including some that contained no direct or explicit criticism of the Tunisian government, suggesting that the authorities may wish to use censorship also to hamper the development of particular organizations. For example, a human rights education manual developed jointly by the Tunisian and Norwegian national sections of Amnesty International for use in providing human rights education and training in Tunisia was blocked from distribution for five years after its printing due to arbitrary restrictions imposed by the Ministry of the Interior.

Similar restrictions affect books and other publications which are printed outside Tunisia, and which may be seized by Tunisian customs officials on arrival in the country or refused a *dépôt légal* within the country, thereby preventing their distribution within

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<sup>11</sup> Press Code, Articles 2ff.

<sup>12</sup> For recent examples of such practices, see IFEX Tunisia Monitoring Group, *Tunisia: Freedom of Expression Under Siege*, February 2005, pp. 26ff.

Tunisia.<sup>13</sup> In particular, works by Tunisian exiles that criticize the government, or those of foreign commentators and the writings of certain modern Islamic thinkers, are not available in Tunisian bookshops. Permission to print such books locally for the Tunisian market is generally withheld by the authorities.

### ***The Internet***

Because of restrictions on printed publications, many Tunisians have turned to the Internet to publicize political commentary and analysis, as well as independent information about economic and political affairs and human rights. Several newspapers and magazines which have been denied permission to print in Tunisia, such as *Kalima* and *Alternatives Citoyennes*, are published regularly on the Internet, and human rights groups have also made increasing use of websites and email discussion groups to draw attention to abuses in Tunisia. To do so, however, is to run a serious risk. Restrictions on the use of the Internet are no less severe than those on printed publications, and people using the Internet to distribute information that would be censored elsewhere may risk prosecution and imprisonment.

The production, provision, sharing and storing of information on the Internet are subject to the Press Code and a ministerial decree of 1997<sup>14</sup> but these are backed up, in practice, by other punitive measures to deter use of the Internet for political speech critical of the government. In this regard, the prosecution and imprisonment of Zouheir Yahyaoui in April 2002 for “spreading false information” and “misuse of telecommunication lines” sent a clear signal that the government would not tolerate dissent by means of the Internet. Zouheir Yahyaoui, who had operated *Tunezine*, an alternative online news and discussion forum, since mid-2001, was jailed for two years after his website hosted an open letter to President Ben Ali by a former judge complaining about the lack of judicial independence in Tunisia. Zouheir Yahyaoui, a prisoner of conscience who alleged that he had been tortured in pre-trial detention, served one and a half years of his sentence before being released. He died from a heart attack, aged 36, in March 2005.

In another case, journalist and teacher Néziha Rejiba was fined and given a suspended prison term in November 2003 after being convicted of contravening exchange regulations, apparently to punish her for publishing an open letter to the Education Minister in the online magazine *Kalima*, in which she criticized the country’s education system and announced her own resignation after 34 years as a teacher.

As a result of such targeting of critics, independent websites on Tunisia are now increasingly hosted outside the country, although those within the country who contribute

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<sup>13</sup> Amnesty International reports on Tunisia, or the Annual Report documenting human rights violations worldwide, both of which are printed outside Tunisia, are regularly blocked at customs for extended periods of time.

<sup>14</sup> The use of the internet is governed by a decree of the Ministry of Communications of 14 March 1997, in addition to four ministerial decisions issued on 22 March 1997. See Ministry of Communications, decree No. 97-501 of 14 March 1997, concerning value added services of telecommunications.

critical articles to such websites continue to be at risk, as the case of Mohammed Abbou, described below, illustrates.

The Tunisian authorities have operated systematic Internet censorship since it began to be used as a new medium of communication in and about Tunisia. This has been done outside any legal framework, thereby forestalling the possibility of any legal challenge, and its impact has been significant, as tests conducted over several years by Amnesty International and the Tunisia Monitoring Group (TMG) have shown. For its part, the Tunisian government denies that it censors the Internet, except for websites that contain what it considers “terrorist” content or otherwise affect national security.

From 1999 to 2001 Amnesty International conducted frequent tests, which showed that websites carrying information critical of the government, including international news sites, were rendered inaccessible to Internet users within Tunisia. Amnesty International found that users within Tunisia who tried to access such websites received a standard error message, suggesting that the server had broken down, the network was malfunctioning or the website did not exist. The websites affected included that of the United Nations and its human rights organs, as well as those of international human rights organizations. Subsequently, when the TMG carried out a further test during an announced visit to Tunisia in 2005, they found that some 20 websites were systematically unavailable in Tunisia, except through providers operating via satellite. The blocked websites were information sources on Tunisia which are independent of the government, including online newspapers which are banned from printing in Tunisia. Some of the blocked sites were operated by political opponents, others by human rights groups and activists.<sup>15</sup> The TMG found that it could access websites of international human rights organizations,<sup>16</sup> but concluded that these may only have been temporarily available during the period of the TMG’s visit.

While censoring the Internet on the one hand, the government has also used it to project a positive image of Tunisia as a country where human rights are protected,<sup>17</sup> mounting extensive public relations campaigns using NGOs which are close to the government.<sup>18</sup> For example, in 1998 a website named [amnesty-tunisia.org](http://amnesty-tunisia.org) was set up to provide a highly positive image of human rights in Tunisia at the very time that access to Amnesty International’s website was being blocked for access by Tunisian users. The government denied any link to those who registered the propaganda website and it was eventually discontinued.

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<sup>15</sup> See IFEX Tunisia Monitoring Group, *Tunisia: Freedom of Expression Under Siege*, February 2005, pp. 22ff.

<sup>16</sup> An exception was the website of Reporters Without Borders, which remained consistently blocked in Tunisia. The website contains information on Internet censorship in Tunisia and other countries, in addition to advice on how to disseminate information on the Internet while staying anonymous, as well as how to circumnavigate Internet censorship.

<sup>17</sup> See, for example, the official website of the Tunisian government for the second phase of the WSIS, at <http://www.smsitunis2005.org/plateforme/home.htm>.

<sup>18</sup> See Amnesty International, *Tunisia: Rhetoric versus reality: The failure of a human rights bureaucracy* (AI Index: MDE 30/001/1994), January 1994.

In April 2005, the authorities jailed lawyer and well-known human rights defender Mohammed Abbou for three-and-a-half years for publishing critical articles on the Internet. He was accused under the Penal Code (art. 121-122) and various articles of the Press Code, and accused too of violent behaviour towards another lawyer, although eye-witnesses to the latter incident declared the charges unfounded and no substantiating evidence was presented other than an unsigned medical certificate.

The real reason for the imprisonment of Mohamed Abbou, an active member of several Tunisian human rights organizations, is believed to be his outspoken criticism of the Tunisian government's decision to invite Israeli Prime Minister Ariel Sharon to attend the WSIS. Mohammed Abbou had also used the Internet to condemn the use of torture in Tunisia in the aftermath of worldwide revelations about US soldiers' torture and abuse of Iraqi prisoners at Baghdad's Abou Ghraib prison.

Mohamed Abbou's trial was attended by international observers and marked by protests by Tunisian lawyers and civil society activists. Protesters were harassed by police and some were beaten up by officers in plain clothes.

Mohammed Abbou is currently imprisoned at El-Kef, 200 kilometres from Tunis, where his family resides. His lawyers have reportedly been denied permission on several occasions to visit him in prison. Amnesty international considers him to be a prisoner of conscience and continues to call for his immediate and unconditional release.

## **Restrictions on human rights defenders**

Government controls on expression and association have particularly affected human rights defenders, whose activities have been severely restricted in breach of the government's obligations under international human rights treaties such as the International Covenant on Civil and Political Rights, the UN Convention against Torture and the Declaration on Human Rights Defenders; the last was adopted by the UN General Assembly in December 1998.

In order to operate legally, NGOs are required to register formally with the state authorities, but such registration has been denied in the case of several leading independent organizations concerned with human rights. These include the CNLT, the Tunis Centre for the Independence of the Judiciary (*Centre de Tunis pour l'indépendance de la justice*), the International Association for the Support of Political Prisoners (*Association internationale de soutien aux prisonniers politiques*), and the Association Against Torture in Tunisia (*Association de lutte contre la torture en Tunisie*, ALTT).

As they are not legally recognized, these organizations are barred from seeking official authorization to hold public events or to rent venues for such events, or to seek funding within Tunisia, and their activities can be readily criminalized. As they lack legal registration, such organizations are also unable to become accredited for participation in the WSIS; only three independent national human rights organizations will be among the many Tunisian civil society organizations able to participate in the WSIS, the Tunisian Human

Rights League (*Ligue tunisienne pour la défense des droits de l'homme*, LTDH), the Tunisian Association of Democratic Women (*Association Tunisienne des Femmes Démocrates*), and the Tunisian section of Amnesty International.

However, even official registration and legal recognition provide no guarantee that an organization can operate free from official interference as evidenced by the experience of the Arab Institute for Human Rights, a regional organization based in Tunis whose activities have often been restricted by the authorities, including through the freezing of funds for a couple of months under the “anti-terrorism” law of 2003.

Legally-registered organizations must obtain prior official authorization for public meetings and events, but this is often withheld if the event concerns human rights in Tunisia, and attempts to hold demonstrations or gatherings without official sanction are prevented or disrupted by the police.

In recent months, the LTDH has come under particular pressure from the authorities and their supporters. In September 2005, it was stopped from holding its sixth national congress and thrown into some disarray two days before the congress was due to start, after a court order was issued on behalf of 22 individuals, said to be close to the authorities, who claimed that they had been unfairly dismissed from the organization by its executive committee. This, however, was only the latest in a series of court actions against the LTDH. In November 2000, a case brought by four LTDH members believed to be close to the authorities resulted in a court decision to suspend the LTDH's newly elected leadership and take control of the LTDH's offices. In addition, the Tunisian authorities have effectively blocked the LTDH's receipt of the second instalment of a grant awarded to it in 2002 by the European Commission within the framework of the European Initiative for Democracy and Human Rights, by withholding authorization necessary to release the funds from the bank.

As well as the difficulties caused by the need to obtain legal registration, the activities of human rights defenders are subjected to other controls, some of which are themselves in breach of the law. At their most extreme, these include physical attacks and assaults by police officers or by men in plain clothes who are believed to be security officers or acting on their behalf, either alone or in combination. Many such attacks have been made on human rights defenders in recent years, often apparently with the aim of intimidating and punishing them. In March 2005, lawyer and human rights defender Radhia Nasraoui was beaten up in the street by police officers while on her way to a demonstration being held to protest against the Tunisian government's invitation to Ariel Sharon to attend the WSIS. A founding member of the ALTT, she sustained a broken nose, cuts to her forehead and extensive bruising. No action is known to have been taken against those responsible.

Some human rights defenders who have been attacked in this way have recognized their assailants as individuals who have previously carried out surveillance outside their homes or places of work. However, as far as Amnesty International is aware, no investigations or prosecutions have been initiated by the Tunisian authorities in response to attacks and assaults committed against human rights defenders, suggesting a high degree of official acquiescence in such abuses.

Less obvious but similarly intimidating measures used against human rights defenders include police surveillance of their homes, workplaces, families and friends; interference with their mail, telephones and fax lines; and even smear campaigns in the state-controlled media. For example, in May 2005 several newspapers carried reports in which they referred to Sihem Ben Sedrine, the CNLT's spokesperson, as a prostitute and suggested that she was serving the interests of the US and Israeli governments. Other smear campaigns against human rights defenders have involved the publication of compromising photographs or photomontages in several Tunisian newspapers, insults and denigration.

Hina Jilani, the UN Special Representative of the Secretary-General on Human Rights Defenders, has been effectively denied access to Tunisia after she reported in February 2002, following an official visit to the country, that the government was failing to afford protection to Tunisian human rights defenders. The government has not sanctioned a further visit by the UN Special Representative, and when Tunisian NGOs invited her to participate in a human rights seminar in March 2005, the authorities delayed issuing her a visa in time to allow her to attend.