

**Joint Front Line-Human Rights First mission to Tunisia  
19-24 May 2007**

**MISSION REPORT**

**Introduction**

A joint Front Line and Human Rights First delegation travelled to Tunisia from 19 to 24 May 2007. The delegates visited the cities of Tunis, Bizerte and el-Kef. The mission observed that there continues to be a pattern of harassment and intimidation of human rights defenders (HRDs) that aims clearly to dissuade them from performing their peaceful and legitimate human rights activities. HRDs are subjected to persistent harassment, intrusive surveillance, threats, physical assault, sexual slander, travel restrictions, arbitrary arrest and ill treatment while in custody. HRDs' freedom of expression, freedom of association and freedom of assembly remain severely limited in Tunisia.

The delegation met with human rights defenders, family members of human rights defenders, lawyers, judges and journalists. They also met with a *chargé de mission* to the Tunisian Minister of Justice and Human Rights. At the end of the visit a meeting was held at the European Commission delegation with a group of 20 diplomats from 14 different EU member states to discuss the findings of the mission. The delegates also held a meeting with the Belgian Ambassador to Tunisia and two diplomats from the Embassy of the United States of America.

The delegation members themselves were under constant surveillance and faced obstacles making hotel bookings. They were blocked from meeting with HRDs at the hotel where they stayed.

On 24 July 2007, two months after the visit, the Tunisian President Zine Al-Abidine Ben Ali ordered the release on parole of human rights lawyer Mohammed Abbou. He was arrested on 1 March, 2005 following the publication of online articles in which he denounced the use of torture in Tunisia. After an unfair trial in April 2005, Mr Abbou was sentenced to three-and-a-half years' imprisonment and detained at el-Kef, a town that is more than 170 Km from his family home in Tunis. Front Line and Human Rights First have followed the case of Mohammed Abbou since his arrest and have repeatedly called for his release. A part of the mission to Tunisia was devoted to advocacy efforts to obtain his release. During a meeting with the representative of the Ministry of Justice and Human Rights, the delegation demanded the release of Mr. Abbou. The delegation also visited his family in Tunis and accompanied his wife in her weekly trip to el-Kef to visit her husband. Mohammed Abbou's release is a welcome step by the Tunisian government. Front Line and Human Rights First hope that it will be followed by further positive moves by the government to put an end to the abuses of human right defenders' rights described in this report.

## 1. Pattern of ongoing harassment of human rights defenders and their families

HRDs and members of their families are under almost permanent surveillance by security agents. Their homes and offices are watched by the police and often conspicuously surrounded by obtrusive numbers of security agents who prevent them from meeting and carrying out their human rights activities.

On 18 May 2007, dozens of plainclothes police officers surrounded the building housing the Tunis offices of the *Conseil National des Libertés en Tunisie* - CNLT (National Council for Liberties in Tunisia) and physically prevented Tunisian HRDs from attending a training workshop organized there by Front Line. The following day, the security agents surrounding the building prevented CNLT staff from entering their offices. For several weeks, the CNLT offices remained encircled day and night by police officers, blocking access to the offices.

Many HRDs reported that their offices have been broken into, and items such as computers taken or damaged. For example, the offices of the *Association internationale de soutien aux prisonniers politiques en Tunisie* - AISPPT (International Association for the support of political prisoners) have repeatedly been broken into and their computers damaged. The lock of the front door of the offices of the *Association de lutte contre la torture en Tunisie* - ALTT (Association against Torture in Tunisia) was tampered with but no items were damaged or taken.

HRDs' telephone communications are tapped and their emails are blocked or intercepted. Many of them have had their telephone and Internet connections merely interrupted.

The persistent harassment faced by HRDs has placed them under intense emotional stress that has affected their family and professional life and for some of them has caused health problems. Ali Ben Salem (75 years), Vice-President of the ALTT and President of the Bizerte section of the *Ligue tunisienne des droits de l'Homme* - LTDH (Tunisian League for Human Rights), has been subject to continuous harassment by the authorities since 2000. Members of his family including his sons have been prevented from coming into his home, which is located in the same building housing the Bizerte LTDH section. Members of the security forces have been almost permanently posted outside his home and the section's building since November 2005. In April 2000, he was physically assaulted by Tunisian police officers and as a consequence suffered a fractured shoulder. In June 2006, he was arrested for several hours and charged with "spreading false information likely to undermine the public order" for issuing a press release condemning the use of torture at the Borj Erroumi prison. In July 2006, Ben Salem who suffers from a serious heart disease had to be carried to the hospital after police officers surrounding the Bizerte LTDH office in order to prevent a meeting, jostled him severely. Security officers prevented him from travelling from Bizerte to Tunis to meet with the Front Line and Human Rights First delegation.

On 24 May 2007, Front Line and Human Rights First accompanied Samia Abbou in her weekly trip from Tunis to el-Kef prison to visit her husband, human rights lawyer Mohammed Abbou. Mohammed Abbou and Samia Abbou were both forcibly removed from their weekly meeting simply because Samia Abbou mentioned that she was accompanied by the Front Line and Human Rights First delegation.

During Samia Abbou's subsequent visit to el-Kef, on 31 May 2007, she was further harassed by senior prison staff who threatened to prevent her from visiting her husband if she discussed human rights issues with him or informed him of the support he is receiving from international human rights organizations. During this visit Samia's meeting with her husband took place in the presence of 11 police officers who were listening to their conversation and one of them was taking notes.

Furthermore, after Human Rights First and Front Line visited Samia Abbou at her home in Tunis on 23 May 2007, an increased number of security personnel was posted outside her home for weeks, and security agents followed her 14-year old son while he was going to the shops in their

neighbourhood.

After Mohammed Abbou's arrest, Samia and her three children were continuously intimidated and harassed. Their apartment was placed under surveillance. On several occasions, during her trip to el-Kef prison, Samia Abbou was physically attacked and threatened. For instance, on 7 December 2006, while on her way to visit her husband with other human rights defenders, she was brutally assaulted and beaten by a group of forty men in front of several police officers, who looked on without intervening.

Lassad Jouhri, a human rights defender and founding member of the AISPP was arrested at 8.00am on 24 May 2007. The day prior to his arrest he had agreed to accompany Front Line and Human Rights First to el-Kef prison with Samia Abbou. He was held in a police station in the neighbourhood of Mannouba. He was subsequently released at 8.00pm on the same day. At the police station, Lassad was questioned about his human rights activities and his intention to accompany Human Rights First and Front Line to el-Kef prison. Two of his fingers were fractured as a result of ill-treatment while in police custody. A former political prisoner, Lassad is partially incapacitated as a result of torture and mistreatment he suffered during his previous detention.

Many other HRDs reported to the delegation how family members have also been targeted and harassed by the authorities. For instance, Naziha Rjiba, Deputy Chair of the *Observatoire pour la liberté de presse, d'édition et de création* – OLPEC (Observatory for the Freedom of Press, Publishing, and Creation in Tunisia) complained of heart problems resulting from the stress caused by the harassment she and her family have been facing. The delegation met Naziha Rjiba at her family house that was surrounded by dozens of security agents. She recounted to the members of the delegation how the authorities fabricated a pornographic photomontage of her husband and threatened to distribute it. She also told them that the authorities contacted the clients of her husband's law firm and tried to dissuade them from seeking his services.

## **2. Violations of the right to freedom of association**

Independent human rights organisations are denied legal recognition. For example, the CNLT, the ALTT, the AISPP, the OLPEC and the *Centre Tunisien pour l'Indépendance de la Justice* - CTIJ (Tunisian Center for the Independence of Justice), have been refused legal recognition. This non-recognition has been used as a pretext by the authorities to persistently obstruct and restrict their activities. The same excuse is also exploited to forbid the members of these human rights groups from holding meetings in their organization's offices as well as in public places such as restaurants and cafés. For instance, the CNLT has been unable to hold its annual general meeting since December 2004 .

Even the few human rights groups that were allowed to legally register by the authorities such as the LTDH and the *Association tunisienne des femmes démocrates* - ATFD (Tunisian Association of Democratic Women) have faced judicial harassment and administrative interference.

Since 2000, the LTDH has been bogged down in dozens of lawsuits initiated by dissident members affiliated or close to the ruling party that clearly aim to paralyze its activities. The judiciary controlled by the executive branch has always ruled in favour of the plaintiffs and the decisions that often appear to be contradictory have been used by the Ministry of Interior as a pretext to block the organization's meetings and activities. The LTDH offices are under 24-hour surveillance, and security officers check ID cards of people who are coming in and often prevent them from entering. The authorities have also blocked foreign grants to the organisation.

The ATFD whose offices have been repeatedly surrounded by the security forces has also been blocked from receiving international funding and its members are often prevented from meeting with victims of gender-based violence.

As detailed in the next section, the *Association des Magistrats Tunisiens* - AMT (Association of the Tunisian Judges), which is legally recognized has been subject to extensive government interference since the election at the end of 2004 of new members to its Executive Board (*Bureau exécutif*) who have been particularly vocal about the need to reinforce the independence of the judiciary.

### **3. Targeting judges and lawyers**

New members of the AMT Board were elected by the association's 10<sup>th</sup> congress in December 2004. The members of the new Board came under pressure as soon as they called for the strengthening of judicial independence and expressed their intention to take part in the debate on a parliamentary bill aiming to reform the judicial system. The pressures against them culminated in 2005 following a public statement they issued on 2 March 2005 in which the AMT Board condemned the physical assault by the police of a group of lawyers led by the chair of the Bar Association who gathered at the Tunis courthouse to support their arrested colleague Mohammed Abbou. Unhappy with AMT's positions and its aspiration for independence, the government pressured a group of judges to unlawfully convene an extraordinary congress to pass a vote of no confidence against the AMT Board in December 2005. Meanwhile, at the beginning of August 2005, the *Conseil supérieur de la magistrature* (High Judicial Council), under the pressure of the Ministry of Justice and Human Rights, transferred members of the AMT Board to other positions hundreds of kilometers from Tunis in what appears to be a punitive measure aimed at taking them away from the AMT office in the capital. On 4 December 2005, the Extraordinary Congress convened at the government's instigation voted to oust the sitting AMT board and elected a new one.

The Tunisian authorities block human rights lawyers from meeting their clients. The offices of the AISPTT, ALTT, two organizations that provide legal aid to political prisoners and victims of torture, are regularly surrounded by police officers who control the identity of the clients coming in and often prevent them from entering. The offices of the two organizations and of the lawyers working for them have also been broken into repeatedly and their computers examined and sometimes damaged.

Human rights lawyers are frequently attacked and physically assaulted. In April 2007, human rights lawyer, Abderraouf Ayadi, was physically assaulted by police officers at the entrance of a courtroom in Tunis where he was supposed to address the court on behalf of a client. In June 2007, the car of Abderraouf Ayadi's wife was vandalised in what appears to be an act of vandalism intended to intimidate him.

Lawyer Abderrazak Kilani, who is a member of the CTIJ, has lost many clients since the authorities started to contact them and dissuade them from working with him. Former judge Mokhtar Yahyaoui, member and founder of the CTIJ, has faced the same problem since he decided to open a law firm.

### **4. Violations of the right to freedom of expression**

Public denunciations of human rights violations have been systematically met with retaliatory measures from the government.

Human rights lawyer Mohammed Abbou served 2 years and 4 months of a three-and-a-half year sentence for exposing torture in Tunisia in two online articles. Following an unfair trial in April 2005, Mohammed Abbou was imprisoned in el-Kef, a town that is more than 170 kilometers from his family home in Tunis.

In June 2006, Ali Ben Salem was arrested for several hours and charged with "*spreading false information likely to undermine the public order*" for issuing a press release condemning the

detention conditions and the use of torture at the Borj Erroumi prison.

Access to independent websites and blogs, such as Kalima Tunisie, TunisNews and Tunisia Watch that cover the human rights situation in Tunisia have been blocked by the authorities.

## **5. Travel restrictions**

Many HRDs have been subjected to international travel bans, either they have been prevented at the airport from boarding the plane or the authorities have confiscated or refused to renew their passports.

In September 2006, Judge Wassila Kaabi, member of the “overturned” AMT Board was prevented from attending the Congress of the International Association of Judges in Budapest, Hungary when members of the security forces stopped her from boarding a plane at Tunis-Carthage airport.

Ali Ben Salem has been prevented from leaving Tunisia since 2000 following a judicial complaint he made against the Tunisian authorities. Former judge Mokhtar Yahyaoui has faced a travel ban for 6 years, since the authorities have refused to renew his passport. Mohammed Ennouri, and Graid Amor, both members of the AISPTT, are also under *de facto* travel bans as their passports have not been renewed.

Nizaha Rjiba of the OLPEC faces harassment at the airport every time she travels; she is interrogated and searched by members of the police.

In addition, many HRDs reported that the police confiscate items from their luggage such as books and documents when they return from travelling abroad.

## **6. The role of the international community**

Human rights defenders in Tunisia welcome the support they have received from the international community, in particular from EU Member States, the European Commission Delegation and the United States Government. Human rights defenders, including Samia Abbou, wife of the then imprisoned human rights defender Mohammed Abbou, were invited on 17 March 2007 to the European Commission Delegation to meet with Hans-Gert Pöttering, the President of the European Parliament. There are also mutual visits on a regular basis: representatives of EU Member States have recently visited the offices of the LTDH and, in the same way, diplomats from the U.S. Embassy in Tunis frequently meet members of the human rights community and visit their offices.

At the time of the delegation visit, the EU missions were working on how to give new impetus to the implementation of the EU Guidelines on human rights defenders. It seemed that some different perceptions remained among member states, with some southern member states being reluctant to take any further action.

On an *ad hoc* basis, the European Commission Delegation has helped human rights defenders work in better conditions, including by hosting some meetings in its premises. Delegates mentioned the new European Instrument for Democracy and Human Rights (EIDHR), which should enable European Commission Delegations to support and protect HRDs, including those in emergency situations. Similarly, the U.S. representatives showed interest in receiving advice on how to operate the U.S. Emergency Fund for HRDs and how to implement the Department of State's 2006 Guidelines on NGOs in practice.

If human rights defenders acknowledge that contacts have been established with representatives of the international community, they see them as a 'moral' support rather than concrete steps towards tangible outcomes. Most of them complained about the inconsistency of the official

position of some of the EU member states and the United States with respect to human rights in their country and believe that frequent official statements praising the “achievements” of President Ben Ali’s government are counterproductive and systematically exploited by the authorities. They believe that eventually, in the context of the global fight against terrorism and illegal immigration to EU member states, the European Union and the United States are supporting the Tunisian government and often turning a blind eye to its human rights practices.

However, the U.S. diplomats the delegation met during the mission completely rejected any suggestion that the United States is turning a blind eye to human rights violations in Tunisia in exchange of President Ben Ali’s cooperation in the “war on terror.” Promoting the “freedom agenda” and human rights and convincing the government of the need to reform and balance counter-terrorism and civil freedoms, were presented by the U.S. officials as a top priority of the United States policy toward Tunisia.

## **Recommendations**

Recommendations to the Tunisian authorities:

1. Ensure that all provisions of the United Nations Declaration on HRDs, are respected and effectively implemented in Tunisia, enabling HRDs to carry out their legitimate activities free from threats, violence and intimidation of all kinds;
2. Ensure that the registration process for human rights organisations is not unduly burdensome, and that it is implemented in a fair, transparent and consistent manner, so that all human rights organisations are able to register in accordance with the law;
3. Stop judicial harassment against all human rights organisations, including the registered LTDH, so that their members can meet and freely perform their human rights activities without fear of reprisals;
4. Put an end to ongoing threats and harassment of human rights lawyers and judges who are fighting for the independence of the judiciary and ensure that the U.N. Basic Principles on the Role of Lawyers and the U.N. Basic Principles on the Independence of the Judiciary are respected and effectively implemented in Tunisia;
5. Stop the intrusive and obstructive surveillance of all HRDs and respect their right to movement inside and outside Tunisia, including through the delivery or renewal of passports to those who want to travel abroad;
6. Stop blocking foreign funding to human rights associations, in accordance with Article 13 of the United Nations Declaration on Human Rights Defenders, which states that everyone has the right, individually and in association with others *“to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”*;

Recommendations to the European Union and Member States:

1. Actively implement the EU Guidelines on the Protection of Human Rights Defenders, through an integrated, consistent, mainstreamed and result-oriented strategy that will really produce clear improvements in the situation of HRDs;
2. Closely monitor and report on the situation of HRDs in Tunisia, maintain regular contacts with them and their families, attend trials and monitor investigations of torture and ill-treatment, and raise issues of concern with the Tunisian authorities as appropriate;
3. Provide concrete support to HRDs at risk as appropriate, such as demarches and public statements, training opportunities, invitations to take part in international events, and emergency grants;
4. Within the framework of the EU-Tunisia Association Agreement, make sure that the Sub-Committee on human rights - still to be established - discusses individual cases, and holds the Tunisian government accountable to its international human rights commitments

## Recommendations to the United States government:

1. Ensure that the need to respect the rights of HRDs as provided for in the United Nations Declaration on Human Rights Defenders and the US Department of State Guidelines on Non-Governmental Organizations as well as individual cases of persecuted HRDs are consistently raised during bilateral contacts between the two countries at all levels;
2. Make sure that U.S. officials who visit Tunisia meet with representatives of the independent human rights movement, including representatives of human rights organisations that the government has not yet registered;
3. Maintain and develop regular contacts between the U.S. Embassy in Tunis and HRDs throughout the country;
4. Issue public statements condemning violations of the rights of HRDs, urging the Tunisian government to stop them.

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