

closure of “all terrorist offices and facilities” in Syria; cessation of the development and deployment of short and medium range ballistic missiles; and an end to the development and production of biological and chemical weapons. It proposed new sanctions, including a ban on all U.S. exports to Syria, except food and medicine, and prohibition of U.S. companies from investing or operating in Syria.

In a September 3 letter to Congressman Robert Wexler, President Bush stated that the U.S. had “both serious differences and areas of common interest with Syria. Managing our complex relationship with Syria requires a careful and calculated use of all the options we have to advance U.S. interests.” The president added that the imposition of new sanctions pursuant to the proposed legislation “would limit our options and restrict our ability to deal with a difficult and dangerous regional situation at a particularly critical juncture. We are pursuing a number of initiatives to reverse [Syria’s] unacceptable behavior.”

#### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Decree No. 50/100: Human Rights Concerns, 1/02*

## **TUNISIA**

### **HUMAN RIGHTS DEVELOPMENTS**

Tunisian authorities exploited the U.S.-led war on terrorism to curtail public liberties and keep critics of all viewpoints under pressure. The repression tightened after April, when Tunisia suffered its first deadly terrorist attack in many years.

Suspected Islamists faced the harshest treatment, with a revival of military court trials for civilian suspects, long prison terms under inhumane conditions, and heavy restrictions that kept ex-prisoners from resuming an ordinary life. Liberal and leftist dissidents encountered arbitrary curbs on their rights to meet, demonstrate, and travel, and were victimized by assaults, vandalism, and theft credibly attributed to plainclothes police. A few spent time in prison or remained in exile.

In parliament in April and in a national referendum in May, the ruling Democratic Constitutional Rally party easily won adoption of constitutional amendments that included new affirmations of certain rights but, more significantly, enabled President Zine el-Abidine Ben Ali to run again in 2004 and 2009. They also granted permanent immunity to the head of state for acts connected to official duties. The amendments were approved by more than 99 percent of the voters—the same official margin by which Ben Ali had won re-election in 1989, 1994, and 1999.

The Islamist Nahda party remained banned, as did the small but vocal Tunisian Communist Workers Party (Parti communiste des ouvriers tunisiens, PCOT). One

recently formed opposition party, the Congress for the Republic, continued to be denied legal recognition, while another, the Democratic Forum for Work and Freedom, was legalized on October 25, eight years after first applying for recognition.

In April, Tunisia suffered the first serious act of political violence in a decade and the first major terrorist attack to be credibly claimed by al-Qaeda since the September 11, 2001 attack on the United States. The target was North Africa’s oldest Jewish synagogue, in Djerba, an international tourist destination. Twenty-one persons, including fourteen Germans, died when a young Tunisian detonated the gas-laden truck he was driving. The attack was condemned by all political forces in Tunisia, including the banned Nahda party.

During 2001 and 2002, authorities increasingly referred suspected Islamists to military courts, particularly those who were arrested after periods spent out of the country. Tens of civilians were charged, many in absentia, under article 123 of the code of military justice for “serving, in times of peace, terrorist organizations operating abroad.” Military courts deprived defendants of fair trial guarantees and their rulings were subject to no appeal except a narrow review by the Court of Cassation.

On January 30, a Tunis military court convicted Béchir Ben Zayed, Mounir Ghaith, Abdelbasset Dali, and thirty absentee co-defendants of forming an al-Qaeda-linked terror group called Ahl Al-Jamaâ w’al-Sunnah (Adherents of the Islamic Community and the Traditions of the Prophet). Their lawyers claimed the court ignored allegations that testimonies had been obtained under duress, arrest dates had been falsified to hide irregularities, and the prosecution produced no convincing evidence against the defendants. In April, the Court of Cassation confirmed the sentences of between eight and ten years for the three men. One of their absent co-defendants, Jaber Trabelsi, surrendered to authorities in Italy and on June 26 received an eight-year sentence in a military trial closed to the press.

While military trials of civilians were troubling, civilian courts hardly ensured a fair trial in politically tinged cases. A stark example was the February 2 re-trial of Hama Hammami, spokesman of the PCOT, and co-defendants Samir Taâmallah and Abdeljabbar Maddouri. The three had just emerged from four years in hiding to challenge their convictions in absentia.

Before the judge could open the proceedings, police surged into the crowded courtroom and forcibly removed the defendants, prompting a walk-out by the defense lawyers. The defendants were later escorted into a different courtroom, where they told the judge that police had beaten them. The judge did not respond to these allegations. Nor did he conduct any manner of trial or hear testimony. He swiftly re-imposed the original sentences of nine years and three months on charges that included “maintaining an unauthorized association,” “defamation of the judiciary,” and “inciting the public to violate the country’s laws.” Maddouri received an additional two years for a “defamatory” remark he allegedly uttered that day.

The sentences were later reduced on appeal. After a five-week hunger strike by Hammami’s wife, human rights lawyer Radhia Nasraoui, and the confirmation of the convictions by Tunisia’s highest court on September 2, authorities conditionally released Hammami and Taâmallah on September 4 for “health reasons.” Maddouri was conditionally freed on November 5.

Tunisia's prisons held, at a minimum, several hundred political prisoners. The great majority had been convicted in previous years for mere Nahda membership or participation in Nahda activities, without evidence that they had any connection to acts of violence. During the year, suspected Islamists continued to be arrested or re-arrested for these offenses, sometimes reformulated as the crime of "associating with a criminal gang" in order to bypass the statute of limitations that would have applied to lighter charges.

August marked the tenth anniversary of the conviction in two unfair mass trials before military courts of 265 suspected Nahda leaders and members for an alleged plot to overthrow the state. During 2002, some one hundred remained in prison. These included party leaders like Sadok Chorou, Ajmi El-Ourimi, and Habib Ellouz, who were serving life sentences under harsh conditions. Like some of the other leaders, Ali Laaridh, who was serving fifteen years, endured near-permanent solitary confinement and deprivation of materials for reading and writing.

In January, authorities cited "humanitarian reasons" in conditionally releasing Mohamed Mouada, a leading opposition politician, seven months after re-imprisoning him. Initially sentenced in 1996 to eleven years on trumped-up charges of providing intelligence to a foreign state, Mouada had been conditionally released later that year but then was subjected to continuous surveillance and harassment until his second arrest in 2001. On both occasions, Mouada's imprisonment followed his sharp public criticisms of the president.

Prisons, which since 2001 have been under the authority of the Justice Ministry, remained closed to inspections by independent monitoring groups. Inmates staged frequent hunger strikes to protest overcrowding, poor hygiene, medical neglect, the assignment of prisoners to facilities far from their families, and other abuses. Strikers were sometimes beaten, denied family visits, or placed in isolation.

Abdelwahab Boussaa died in March after a four-month hunger strike. Lakhdar Essdiri died two weeks later, possibly from medical neglect. Boussaa and Essdiri had been serving sentences of sixteen and twenty-eight years respectively for Nahda activities. Habib Saïdi, an inmate in his thirties, died mysteriously in late September, only days before his scheduled release; he was the younger brother of Ali Saïdi, a civil servant and former human rights activist who was murdered under suspicious circumstances in December 2001.

Released political prisoners faced surveillance, house searches, passport confiscations, and onerous measures of control, sometimes court-ordered but often arbitrary. Freed prisoners were often unable to hold jobs due to government pressures on employers and orders that they sign-in frequently with police. In September, Taoufik Chaieb, an ex-prisoner and former high school teacher in Tunis, reported that police pressures on him and employers had forced him from one job to another. Chaieb was also deprived of a passport.

After completing an eleven-year sentence for Nahda activities, Abdallah Zouari defied an order from the Ministry of Interior banishing him to the south of the country, far from his family home in the capital. For his refusal, a court sentenced Zouari on August 23 to eight months in prison, a decision upheld on appeal. Authorities conditionally released Zouari on November 6.

Police also harassed the families of exiled Islamists, questioning them about their relatives abroad and searching their homes.

The state kept tight reins on all broadcast media and daily newspapers. Only small-circulation, independent, and party periodicals criticized the absence of public liberties, and these were confiscated on occasion.

As Internet use continued to expand, authorities imprisoned an online writer for the first time. Zouheir Yahiaoui had been pseudonymously publishing the satirical electronic journal *Tunezine* when authorities arrested him on June 4 at the cybercafé where he worked. They then searched his house without a warrant and confiscated computer materials. Yahiaoui was sentenced on June 20 to one year in prison for disseminating "false" information and sixteen months for theft of telecommunication services in connection with the unauthorized *Tunezine*. In July, an appeals court reduced the total sentence to two years. Yahiaoui is the nephew of dismissed Judge Mokhtar Yahiaoui (see below), whose open letter to President Ben Ali first ran in *Tunezine*.

On June 16, twelve days after Yahiaoui's arrest, *La Presse* reported that authorities had temporarily shut down some Internet cafés that were not complying with the applicable laws. Tunisia's Internet regulations were designed partly to prevent that medium from escaping government controls placed on other means of expression.

While impunity prevailed inside Tunisia, torture victims in exile achieved a victory when one victim persuaded a French judge to issue an international arrest warrant in February for a diplomat stationed in Strasbourg, the first such warrant ever to be issued against a Tunisian. The plaintiff's complaint alleged that the diplomat, Consul Khaled Ben Saïd, had been the supervising police officer in Jendouba in 1996 when agents interrogating her bound her ankles and wrists and beat her with sticks and fists. Ben Saïd disappeared after the warrant was issued.

In addition to the work of human rights organizations, evidence of civil society assertiveness included a one-day nationwide strike by lawyers to protest police intervention during the Hammami trial in February and steps by the General Union of Tunisian Workers to enhance the union's internal democracy.

In January, the government hosted a regional seminar on the Land Mine Ban Treaty in North Africa. The army destroyed one thousand stockpiled antipersonnel mines as part of the event. On October 4, Tunisia submitted its annual report on measures taken to implement the treaty.

## DEFENDING HUMAN RIGHTS

As of mid-November, the government had not shut down human rights organizations or imprisoned human rights defenders in 2002, but authorities continued to employ a wide range of repressive measures to hamper their activities. Defenders faced heavy police surveillance, suspicious break-ins and acts of vandalism, travel bans, dismissals from work, harassment of spouses and children, and frequent blockage of telephone and e-mail service.

The two leading human rights organizations, the twenty-five-year-old Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH) and the three-year-old National Council on Liberties in Tunisia (Conseil pour les libertés en Tunisie, CNLT), operated in legal limbo: the former because of a 2001 court

decision nullifying the election of its outspoken executive committee, the latter because its application for legal recognition had been rejected.

Police on many occasions prevented, without explanation, meetings called by rights groups. On May 19, activists heading from Tunis to Jendouba for an LTDH meeting on political prisoners were intercepted and turned back at a checkpoint on the intercity road. On June 2, the day that the LTDH celebrated the opening of a new office in Monastir province, police occupied the premises and changed the locks, ostensibly pursuant to a lawsuit filed by the landlord. On June 16, Monastir police blocked a rally organized in solidarity with the local LTDH section, and on July 23, a court ruled in favor of the landlord and voided the signed lease. On September 10, police thwarted a meeting at CNLT headquarters in Tunis, pushing away members and guests as they arrived.

While the state-controlled press maintained a blackout on criticism of authorities by these organizations and by groups such as the independent Tunisian Association of Democratic Women, pro-government papers engaged in lurid campaigns to defame their leaders. For example, *Le Quotidien* in April lambasted CNLT spokesperson Sihem Ben Sedrine for supposedly cozying up to Israeli diplomats while in Geneva, asking whether “organizations that connive with Zionist terrorism can also be working for the well-being of Tunisians . . . [and] for human rights.”

Discrediting the LTDH appeared to be the goal of the extensive coverage given to the charges of attempted rape filed against LTDH Secretary-General Khemaïss Ksila in September 2001. The pro-government press shed its customary respect for the privacy of victims of sex crimes, in this case divulging the name of the alleged victim and covering in a detailed, one-sided fashion the accusations against Ksila. It even published excerpts of the investigating judge’s inquiry in apparent violation of Tunisian law. Ksila, who had left the country in 2001, was convicted in February 2002 in absentia for attempted rape and sexual harassment and sentenced to a fine and ten years in prison.

On December 29, 2001, the Judicial Disciplinary Council dismissed Judge Mokhtar Yahiaoui from the bench for “insulting the honor of the judiciary” and violating his “professional duties” and his “obligation of professional reserve.” Yahiaoui’s offense was to have published, as a sitting judge in July 2001, an open letter to President Ben Ali denouncing the lack of judicial independence. After persisting in his public criticism and rejecting inducements to retract, Yahiaoui found himself the object of anonymous phone threats, surveillance, confiscation of mail, disruption of phone service, and a ban on leaving the country imposed by the Ministry of Justice in November 2001. On April 5, after leaving a pro-Palestinian rally in Tunis, police forced him into a car without explanation and then, twenty kilometers from Tunis, dropped him off at the side of the road.

The two-year-old travel ban against Moncef Marzouki, a veteran human rights defender, was lifted in late November 2001, days before the visit to Tunisia of French President Jacques Chirac. But the ban against Sadri Khiari, a co-founder of the CNLT and of an unauthorized anti-globalization group, remained in force, preventing Khiari from defending his doctoral dissertation in France.

Human rights lawyers and defenders in Tunisia suffered a suspiciously high

incidence of physical assaults, break-ins, car thefts, and property damage, crimes that were solved by the police rarely if ever. The office of Bechir Essid, the independent president of the national Bar Council, was burglarized and ransacked on the night of October 26-27, 2001. LTDH president Mokhtar Trifi’s law office suffered a similar fate on the night of February 6-7, 2002.

A high proportion of rights activists endured extended blockages of incoming and outgoing phone calls as well as disruptions of e-mail service. They remained unreachable at times when communication with other Tunisians appeared problem-free.

Lassaad Jouhri, a disabled ex-prisoner, was assaulted by five men in downtown Tunis in daylight on August 28. They broke one of his crutches and beat him with it. The men refused to identify themselves as security agents to Jouhri but did so when ordering a uniformed policeman not to intervene. For Jouhri, it was the most severe of the assaults he had suffered in apparent retaliation for his publicizing the plight of prisoners.

The government-sponsored Higher Committee for Human Rights and Fundamental Liberties received members of the public with human rights complaints and had authorization to conduct unannounced inspections of prisons.

Foreign human rights organizations and trial observers visited frequently during 2002. However, a delegation from the International Commission of Jurists (ICJ), arriving to look at the justice system, was turned back at Tunis-Carthage airport June 16 on the pretext that the government had been “insufficiently informed of the mission’s objectives.” Another ICJ delegation was expelled upon its arrival on October 26.

At politically charged trials, police often admitted some foreign observers while turning away others.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In its report to the Security Council’s Counter-Terrorism Committee, dated December 26, 2001, Tunisia stated that it “did not wait for the events of 11 September 2001 before taking the necessary measures to combat terrorism, as it had already proceeded to combat it within its borders and succeeded in countering it.” Among the measures it listed was the above-mentioned trials in military courts of civilians who had returned from abroad.

The Committee on the Rights of the Child noted some areas of progress in its May 28 response to Tunisia’s periodic report, but said it was “extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, . . . particularly in relation to children of human rights defenders and political opponents.”

As of mid-October, Tunisian authorities had yet to reply favorably to a long-standing request for a visit by the special rapporteur on the independence of judges and lawyers.

## European Union

The European Union (E.U.) continued to underscore its satisfaction with Tunisia's record of economic growth and liberalization, along with the pace of tariff reductions pursuant to the four-year-old Association Agreement between the two parties. The E.U. raised rights concerns from time to time, but in a low-key fashion. At the third bilateral Association Council meeting on January 29, an E.U. statement praised Tunisia's success in reducing poverty and illiteracy but regretted "the absence of progress in certain spheres, notably freedom of expression, assembly, and association." Despite a provision in the Association Agreement expressly addressing human rights, however, the E.U. never suggested that Tunisian rights violations imperiled the agreement or aid programs.

In its Tunisia Strategy Paper under the Euro-Med Partnership for 2002-2006, the E.U. declared, "[t]he impetus for a democratic transition, notably with respect to cooperation with civil society, reinforcing the rule of law and press freedom, seems highly desirable." However, it noted, dialogue via the Association Council and Committee "progressed with difficulty due to Tunisia's impatience with respect to criticism by the E.U. concerning matters of human rights."

The Tunisian government impeded some projects of nongovernmental organizations that had been funded by the European Commission, on the grounds that it had been inadequately informed of them, according to a commission official. However, earlier blockage of European Commission-backed LTDH projects was reported to have eased during the year.

Responding to a parliamentary question, Commissioner in Charge of External Relations Chris Patten said on July 26 that the European Commission had earlier that month "raised in very clear terms the problem of human rights with various Tunisian ministers and high officials." In addition to diplomatic communications, he said, the commission's financial cooperation program with Tunisia emphasized human rights, democratization, and the primacy of law.

The European Parliament adopted a resolution on March 14 criticizing trial and detention conditions for Hama Hammami and his co-defendants. A small group of deputies actively defended Tunisian human rights activists and political prisoners.

## France

After it voiced increasing discomfort with repression in Tunisia beginning in 2000, France eased the pressure following the events of September 11, 2001, the re-election of President Jacques Chirac in May 2002, and the ouster of the Socialist-led government by center-right parties in June.

In Tunis on December 1, 2001, Chirac praised Ben Ali's "exemplary" rejection of "intolerance" and "fundamentalism," overlooking his use of such labels as a cover for jailing nonviolent critics and crushing all dissent. "It's clear that if everyone, regardless of the country or the religion, had the same attitude, there would probably be far fewer problems and human rights violations," Chirac told the press. He stated that rights issues were raised in bilateral talks, but added, "I have always strived to do so in a noncontentious manner."

On February 6, then-Foreign Minister Hubert Vedrine of the Socialist Party spoke more bluntly on the conviction of Hama Hammami and his co-defendants. "I am very concerned by the reports I have received concerning the conduct of the trial," he said. "Precisely because of the remarkable economic and social progress it has achieved . . . Tunisia should be widening the space for public liberties."

Vedrine's successor, Dominique de Villepin, was more circumspect in his first months in office. His hosting of Foreign Minister Habib Ben Yahia on July 10 occasioned no public comment on human rights. However, a French Foreign Ministry spokesperson cautiously noted on July 30 and August 2 that France had raised with Tunisia the Hammami case. On September 5, the spokesperson welcomed Hammami's release as a "conciliatory gesture."

Interior Minister Nicolas Sarkozy conducted an official visit on October 31 described as focusing on security cooperation and the plight of Tunisians in France. De Villepin visited on November 14 and met both with Foreign Minister Ben Yahia and President Ben Ali. De Villepin later said he raised human rights in his meetings but neither he nor Sarkozy commented publicly on the subject.

France remained Tunisia's leading trade partner. France's loans and grants surpassed, on a per capita basis, the aid it provided to any other country, and its diplomatic mission in Tunisia was among the largest in that country. However, embassy personnel attended political trials and other human rights events less frequently than diplomats from Great Britain and the U.S., among other countries.

## United States

Washington enjoyed warm relations and conducted joint military exercises with Tunisia, although it did not view it as a priority country in the region. Washington's minimal bilateral assistance included U.S.\$3.5 million in Foreign Military Financing and \$1 million in International Military Education Training. According to an embassy letter dated October 7, "None of the military exercises or financing has been associated with security forces implicated in human rights abuses."

The main U.S. contributions to rights promotion were the detailed, hard-hitting chapter in its Country Reports on Human Rights Practices and the work of U.S. embassy staff who actively monitored conditions on the ground by meeting with human rights defenders and attending political trials. But the human rights message was muddled following the events of September 11, 2001 by often unqualified praise given to President Ben Ali's cooperation against terrorism.

Central Intelligence Agency Director George Tenet met with President Ben Ali in Tunis on February 18 and conferred on anti-terrorism measures. On April 19, Secretary of State Colin Powell received Foreign Minister Ben Yahia in Washington. A State Department spokesman that day praised Tunisia as "a strong supporter of our campaign against terrorism" but gave no indication that human rights issues were raised in the meeting.

On July 4, U.S. Ambassador Rust M. Deming reportedly declared: "We have learned a lot from the Tunisian experience in combating terrorism." The ambassador described bilateral relations as "exemplary" in an interview published around the same time in the *Revue Méditerranée*. In a letter to Human Rights Watch of

August 8, Secretary of State Powell stated that the U.S. was continuing to encourage Tunisia “to address serious concerns about human rights.” He said that Ambassador Deming had met on August 5 with then-Minister of Human Rights Fethi Houidi and raised the case of Hama Hammami, among others. Hammami was released one month later.

Undersecretary of State for Political Affairs Marc Grossman visited Tunis on November 5 and met with Prime Minister Mohamed Ghannouchi and other ministers. Embassy sources said he raised human rights issues privately. But in his press conference that day Grossman avoided mention of human rights concerns while hailing Tunisia as a “model of social and economic development” and praising its help in the “global war on terrorism.”