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Introduction

The following submission has been prepared based on information received from independent human rights defenders in Tunisia. Front Line is an international NGO in Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders).

There is continued repression of human rights defenders, with those highlighting human rights abuses by the authorities being subject to harassment, intimidation, physical assault, arbitrary arrests and detentions, ill-treatment while in custody, stigmatisation, professional sanctions and restrictions on freedom of movement. Freedom of expression, freedom of association and freedom of assembly are severely limited and there have been attacks on the independence of the judiciary. In particular, human rights organisations and their members, journalists and lawyers are targeted.

Denial of legal registration of human rights organizations

The Tunisian authorities regularly block or deny legal recognition to independent human rights organizations. Frequently, despite an organisation having followed the correct procedures, its application for legal recognition is not accepted. This results in a large number of independent human rights organizations operating without official recognition and exposes defenders to criminal sanctions for membership of an illegal organization.

The Law on Associations of 7 November 1959 has been subjected to two amendments, one of which permits judicial appeals against decisions of the Ministry of the Interior with respect to the establishment and dissolution of an association. Under this law, a request for approval, for which a receipt is given, must be submitted to the Governor's Office before setting up an association. In principle, the Ministry of the Interior has three months during which it can decide to turn down the application to establish the association. As a result Independent human rights organisations in Tunisia operate in a legal limbo. The CNLT (*Conseil National des Libertés en Tunisie*), the ALTT (*Association de lutte contre la torture en Tunisie*), the AISPP (*L'Association Internationale de Soutien aux Prisonniers Politiques*), the OLPEC (*Observatoire pour la liberté de presse, d'édition et de création*) and the *Centre Tunisien pour l'Indépendance de la Justice - CTIJ* (Tunisian Center for the Independence of Justice), have all been refused legal recognition by the authorities. 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.

The **CNLT** and its members have been the subject of ongoing harassment and intimidation. On 18 May 2007, dozens of plainclothes police officers surrounded the building housing the Tunis offices of the *Conseil National des Libertés en Tunisie* -

Pattern of ongoing harassment of human rights defenders and their families

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

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.

Freedom of assembly is severely limited, with the systematic prevention of meetings by police obstruction and defenders being subjected to constant surveillance. In particular, there were repeated attacks against human rights organisations and their members in the run up to the World Summit on the Information Society in 2005. Human rights defenders have been prevented from leaving the country to participate in international conferences and foreign activists have been expelled from the country. Freedom of expression is also severely curtailed and the publication of information found to be disruptive of public order or defamatory is a criminal offence which can result in up to 3 years' imprisonment. This legislation has been used to imprison those publishing articles critical of the Tunisian authorities.

A joint Front Line and Human Rights First delegation travelled to Tunisia from 19 to 24 May 2007. 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.

Mohamed Abbou, a lawyer and a member of the *Conseil National des Libertés en Tunisie* - CNLT (National Council for Liberties in Tunisia), was arbitrarily arrested in Tunis on 1 March 2005, following the publication of an online article, in which he denounced the use of torture in Tunisian prisons. In April 2005, he was sentenced at an unfair trial to three and a half years in prison and was subsequently detained in el-Kef, a town situated more than 170 Km from his family home in Tunis. Mohamed Abbou was ill-treated while in detention and denied access to appropriate medical attention. Following his arrest, Mohammed Abbou's wife, **Samia Abbou** and their three children were subjected to continuous harassment and intimidation, including intrusive

surveillance. On several occasions, whilst travelling to el-Kef prison to visit her husband, Samia Abbou was physically attacked and threatened. For instance, on 7 December 2006, Samia Abbou along with other human rights defenders was brutally assaulted and beaten by a group of forty men in the presence of several police officers, who looked on without intervening.

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

On 24 July 2007, Mohamed Abbou was released on parole by order of the Tunisian President Zine el-Abidine Ben Ali, following an international campaign for his release. However, since then he has faced restrictions that are not consistent with the legal terms or confines relating to his conditional release. On 24 August 2007, Mohamed Abbou was prevented from travelling to the United Kingdom, where he was due to give an interview with the television channel *Al-Jazeera*. On 22 October 2007, he was prevented from travelling to Egypt where he had been invited by the Arabic Network for Human Rights Information, to attend and monitor the trial of Ibrahim Essa, editor in chief of the independent Egyptian newspaper *Al-Dustur*.

Omar Mestiri, human rights defender and editing director of the news website *Kalima*, faces a possible sentence of 1-3 years imprisonment on the basis of legal proceedings for libel. On 7 July 2007, Omar Mestiri received a summons to appear on 2 August 2007 in front of the Court of First Instance of Tunis to respond to an action for libel submitted by the lawyer Mohamed Baccar. The action stemmed from the publication of an article on *Kalima* in September 2006, in which Omar Mestiri expressed surprise at the reinstatement of the lawyer, who had been struck off the Bar Council following his conviction for fraudulent activities in several final judgements. On 29 March 2007, Omar Mestiri was interviewed in relation to the case by the Procurator of the Republic. The interrogation focused on the source that enabled Omar Mestiri to learn about this reinstatement and not on the accuracy of the facts. Omar Mestiri refused to name his sources, relying on his right as a journalist to refrain from divulging such information. His lawyers have questioned the legal basis for the proceedings as well as the regulation of the facts.

Ali Ben Salem (75 years), Vice-President of the *Association de lutte contre la torture en Tunisie - ALTT* (Association against Torture in Tunisia) 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 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 condition had to be carried to the hospital after police officers surrounded 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.

Abdul Raouf Ayadi a lawyer and former member of the Council of the Order of Lawyers and former Secretary General of the *CNLT*, has been the victim of a campaign of physical attacks, harassment and defamation by the Tunisian authorities since 2000. His office has been under permanent surveillance by plainclothes police officers and in June 2006, he was evicted from his office without any legal basis, under the instruction of the Ministry of Justice and Human Rights. Abdul Raouf Ayadi has, on numerous occasions, been prevented from carrying out his work defending hundreds of young men who have been arrested, detained and charged with offences under the anti-terrorist law. One such instance occurred on 14 April 2007 when he was violently

kicked by a police officer of the *Bâb Bnet* police station in Tunis and then prevented by police officers from entering the fourth criminal chamber of the Tribunal of First Instance of Tunis, where he was due to defend his clients. On 12 July 2007, Abdul Raouf Ayadi was informed that judicial proceedings were to be brought against him for physically attacking the Chief of Police at *Bâb Bnet* police station. The action followed his lodgement of an official complaint regarding the incident which occurred at the same police station in April 2007. On 7 July 2007, one week after he had received an offensive fabricated photograph of his wife and a DVD, Abdul Raouf Ayadi attempted to lodge a complaint with the authorities, however the police refused to accept it. Furthermore, the car belonging to Abdul Raouf Ayadi and his wife have been tampered with on a number of occasions. On 1 November 2007, Abdul Raouf Ayadi was attacked by members of the security police who prevented him from visiting the lawyer Mohamed Ennouri, who is currently on hunger strike. He was physically restrained and pushed to the ground, before being subjected to a barrage of verbal abuse by the police who they then announced to a crowd of onlookers that Abdul Raouf Ayadi was a thief.

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.

Targeting judges and lawyers

While the *Association des Magistrats Tunisiens - AMT* (Association of the Tunisian Judges), is legally recognized by the authorities it 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.

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 kilometres 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 in to 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.

Violations of the right to freedom of expression

Whilst the Constitution provides for the freedom of speech and freedom of the press it does so with certain restrictions, which seek to stifle press freedom and increase government control of the media. In 2003 a new law criminalizing freedom of expression was introduced allegedly to support “the international efforts in matters of the fight against terrorism and money laundering.” The legislation has been used by the Tunisian authorities as a tool to silence and punish critics of the government. Internet access is routinely blocked and e-mails addressed to certain e-mail accounts often fail to reach the intended recipient. Human rights lawyer Mohamed Abbou served 2 years and 4 months of a three-and-a-half year sentence for exposing torture in Tunisia in two online articles. 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.

Travel restrictions

Travel restrictions imposed on human rights defenders are commonly used by the government to punish them for their commitment to human rights and hinder the activities of the independent human rights movement. 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. On 24 August 2007, Mohamed Abbou was prevented from travelling to the United Kingdom, where he was due to give an interview with the television channel *Al-Jazeera*. On 22 October 2007, **Mohamed Abbou** was prevented from travelling to Egypt where he was due to attend and monitor the trial of Ibrahim Essa, editor in chief of the independent Egyptian newspaper *Al-Dustur*.

Front Line calls upon the UN to urge the authorities in Tunisia to prioritise the protection of human rights defenders and in doing so to:

- (1) To conduct an independent inquiry into the source of threats, ill-treatment, torture and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report;
- (2) To ensure that all human rights defenders in Tunisia are free to carry out their human rights activities free from persecution and that independent human rights organizations are able to register legally;
- (3) To invite the UN Special Representative for Human Rights Defenders to Tunisia.

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