

*Report of the  
Tunisia Monitoring Group*

**Freedom of Expression in Tunisia:**

**The Siege Holds**

*April 2007*

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**The Siege Holds**

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## **A. INTRODUCTION:**

This is the fourth report of the Tunisian Monitoring Group (TMG) and follows the latest of a series of fact-finding missions to Tunisia by members of the group in the run up to, and following the World Summit on the Information Society (WSIS). The first mission, of six TMG members, took place from 14-19 January 2005 and led to the first report “Tunisia: Freedom of Expression Under Siege”<sup>1</sup>, published in February 2005. The report described our initial findings and set out a series of recommendations to the Tunisian government.

Subsequent missions took place in May and September 2005 and in April 2006. For mission reports, see: <http://campaigns.ifex.org/tmg/reports.html>

TMG members actively took part in WSIS itself (16-18 November 2005).

During the course of the five missions the TMG has now met with over 300 individuals and over 50 organisations and institutions including members of the government and opposition, public officials, government supported organisations, independent civil society organisations, human rights defenders, journalists, publishers, librarians, private broadcasters and others.

During the latest mission we met with a representative of the Ministry of Justice and Human Rights. Surprisingly, the Director of the External Communications Agency (ATCE) refused to meet with us this time.

Since WSIS, and since the last TMG report issued in May 2006, we have disappointingly witnessed serious deterioration in the conditions related to freedom of expression in Tunisia, particularly with respect to independent organisations, harassment of journalists and dissidents, independence of the judiciary, blocking of books and websites, and the imprisonment of the human rights lawyer Mohamed Abbou, for voicing his opinion in articles on the Internet. Cumulatively these changes lead us to conclude that the Tunisian government has sought to further stifle dissent since May 2006.

We urge the Tunisian government to take very seriously the recommendations we are making in this report and to show a real and immediate intent to remove the practices we have identified that violate international human rights laws and standards to which Tunisia is a signatory.

We call on the international community to take responsibility in holding Tunisia to account for its international obligations, to insist on real commitment to change and to ensure that independent voices in Tunisia are treated with the respect and tolerance of a rights-based democracy and not the abuses that we consider more characteristic of a police state.

In the following sections we set out the principal developments that we have observed since our first report.

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<sup>1</sup> <http://campaigns.ifex.org/tmg>

### About the Tunisia Monitoring Group

The Tunisia Monitoring Group (TMG) is a coalition of 16 organisations set up in 2004 to monitor freedom of expression in Tunisia in the run up to and following the World Summit on the Information Society (WSIS). The 16 organisations are all members of the International Freedom of Expression Exchange (IFEX), a global network of 71 national, regional and international organisations committed to defending the right to freedom of expression.

The sixth mission of the TMG in Tunisia (27 February - 4 March 2007) was comprised of Carl Morten Iversen of Norwegian PEN, Yousef Ahmed of Index on Censorship, Virginie Jouan of the World Association of Newspapers (WAN), Alexis Krikorian of the International Publishers Association (IPA). Sherif Azer of the Egyptian Organization of Human Rights (EOHR) was prevented from receiving a visa on time by the Embassy in Cairo, which treated him rudely. (Gamal Eid of the Arabic Human Rights Information Network (HRinfo) was denied an entry visa to join the TMG mission in April 2006.)

Other members of the TMG are: Arabic Human Rights Information Network (HRinfo), ARTICLE 19, Canadian Journalists for Free Expression (CJFE), Egyptian Organization for Human Rights (EOHR), International Federation of Journalists (IFJ), International Federation of Library Associations and Institutions (IFLA), International PEN Writers in Prison Committee (WiPC), International Press Institute (IPI), Journaliste en Danger (JED), Media Institute of South Africa (MISA), World Association of Community Radio Broadcasters (AMARC) and World Press Freedom Committee (WPFC).

## **B. FACTS ON THE GROUND**

### **1. Prisoners of opinion**

*We strongly reiterate past recommendations to Tunisian authorities:*

*\* To end arbitrary administrative sanctions compelling journalist Abdallah Zouari to live nearly 500km away from his wife and children and guarantee his basic right to freedom of movement and expression.*

*\* To release all prisoners of opinion held for their religious and political beliefs and who never advocated or used violence.*

*Furthermore we call for the immediate release of human rights lawyer and writer Mohamed Abbou.*

### **Mohamed Abbou**

On 1 March 2007, men who refused to identify themselves physically prevented the members of the Tunisia Monitoring Group (TMG) delegation from entering a street in the town of Le Kef; the prison where human rights lawyer and writer Mohamed Abbou is jailed is located on

the street to which they were denied access. A second group of men photographed the TMG delegation from a distance, and members of the TMG delegation were prevented from taking their own photographs by the same men. The delegation's car had previously been stopped on the road to Le Kef for about ten minutes by a group of national guard officers plainclothed men, who also refused to identify themselves (for more, please see ANNEX 3).

The TMG delegation enquired about the possibility of visiting Mohamed Abbou. Members of the delegation were told they needed authorisation to approach the prison gates. Samia Abbou, the wife of Mohammed Abbou, was granted a 15-minute visit.

When pressed about the incident, the Ministry of Justice and Human Rights denied harassment.

Arrested on 1 March 2005, Abbou is currently serving a three- and-a-half year prison sentence in connection with articles posted online, in which he criticised Tunisian authorities.

### **The youth of Zarzis**

Since their early release from prison in February 2005, the Zarzis youth have faced a stringent administrative control that prevents them from living a normal life. In fact, the sanction pronounced against them in early 2002 continues, despite their prison terms having ended.

They are obligated to sign a register every day, yet at changing times of the day and/or at changing locations, which represents a serious obstacle for any steady job or professional training. Moreover, pressures are reportedly exerted on current or possible employers to discourage them to keep or recruit the youth. Finally, their being labelled "terrorists" only deepens their exclusion and isolation.

Encountering obstacles and harassment in all aspects of their life over the past two years, the youth feel helpless and deprived of their basic civil rights. Their only request is for an end to the administrative control measures and for the possibility to live normally.

### **Abdallah Zouari**

All of Mr. Zouari's requests for authorisation to see his wife and children in Tunis for religious holidays were denied. The requests were filed with the appropriate authorities, including the president, Ben Ali.

Mr. Zouari is not allowed to travel outside of the city of Zarsis. (He is not allowed to go to Djerba, for example, 4km from his house.) This administrative control has been in effect since June 2002 and should end in June this year.

Mr. Zouari is forbidden to have an Internet connection as of April 2005 and is refused connection at Internet cafés, the owners of which are reportedly pressured to deny him access.

## **2. Internet blocking**

*In past reports of the IFEX-TMG we observed blocking of websites, including news and information websites, and police surveillance of e-mails and Internet cafés.*

*We recommended that the Tunisian government stop the practice of blocking websites and cease putting Internet cafés and Internet users under police surveillance.*

*At the time of this latest report we have witnessed no significant change and no progress on our recommendations.*

*We therefore maintain these recommendations and specifically, we recommend the amendment of Article 8 of the Press Code by lifting the printer's obligation to present copies of any printed book to the local prosecutor's office, the Ministry of the Interior and the chamber of deputies.*

We have discussed Internet blocking with Tunisian government representatives and with government supported civil society organisations. They confirmed to us that systematic Internet blocking takes place. However government representatives asserted that blocking of political and information sites was due to their “terrorist” or “hate speech” content. Government officials were unable to describe any judicial or regulatory process that would enable such assertions to be legitimately challenged in law.

In January 2005 we identified a sample of 20 sites that we assessed to be blocked for their political and information content and which did not appear to carry any information which could be considered illegal or harmful under international law. In September 2005 we undertook further tests of the 20 sample sites. We found that 19 of the sites identified remained blocked in the tests that we conducted. In February 2007 we conducted a similar research on a sample of 21 websites. (Please see ANNEX 5 for the full list of 21 blocked sites as of 28 February 2007.)

The National Council for Liberties in Tunisia (CNLT), a non-approved organisation, listed several forms of harassment, including the confiscation of e-mails. CNLT Internet access, which is usually blocked, was again available starting a few days before the TMG mission to Tunisia.

The Tunisian League for Human Rights (LTDH), an approved association, reported that their Internet Access had been blocked for months since April 2006. Access has been re-established quite recently. However, attachments cannot be downloaded. (This is true for all NGOs.)

In addition, the website of the Observatory for the Freedom of Press, Publishing and Creation in Tunisia<sup>2</sup> (OLPEC) remains blocked.

Access to the website of the Forum démocratique pour le travail et les libertés<sup>3</sup> (FDTL), a political party created in 1994 and approved in 2002, remains blocked as well. The website of the Parti démocratique progressiste (PDP) is also blocked.

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<sup>2</sup> <http://www.observatoire-olpec.org/>

<sup>3</sup> <http://www.fdtl.org/>

### 3. Censorship of books

*In past reports of the IFEX-TMG we observed blocking of the distribution of books and publications.*

*We recommended to the Tunisian government to release banned books, end censorship, and conform to international standards for freedom of expression.*

*At the time of this latest report we have witnessed no significant change and no progress on our recommendation.*

*We therefore maintain these recommendations and specifically we recommend to amend Article 8 of the Press Code by lifting the obligation (for the printer) to deposit copies of a printed book with the local prosecutor's office, the Ministry of the Interior and the chamber of deputies.*

The *dépôt légal* system is still shamelessly used as a hidden form of censorship of books in Tunisia. In a country that prides itself on producing 1,400 titles a year for a population of just over ten million, there are actually only 200-300 new titles produced per year; the rest are mainly reprints and children's books.

Publishers which dare to publish books the authorities disapprove of not only see these books being blocked at the printer's (after having been printed), but also have to face other forms of harassment, including forms of fiscal harassment. For more, see the first IFEX-TMG report.

Three books by Professor Abdeljelil Temimi, founder of the Temimi Foundation (FTRSI<sup>4</sup>), have been printed and then blocked through the legal submission procedure: his book on censorship has been banned since 2000, and his books on President Habib Bourguiba and on the society of knowledge since 2003. The national library of Tunisia provides no reason, nor answer for these bans. In addition, the distribution of the proceedings of four conferences on censorship organised by FTRSI are also blocked through the legal submission procedure. As a consequence, the publication of these proceedings takes place in another country of the region.

In addition, the distribution of the proceedings of four conferences on censorship organised by FTRSI are also blocked through the legal submission procedure. As a consequence, the publication of these proceedings may take place in another country of the region.

According to the League of Free Writers (LEL), the situation for book publishing in the country has worsened since WSIS in 2005. Three examples of recent book blocking were given:

- a. *Portrait of a businessman who succeeded* by Mr. Hamdouni, Vice-President of LEL. Initially, an authorisation to publish the novel was issued in November 2006. A few days later, a group of plainclothes policemen stormed the printer's in order to seize the books, which had been printed, and to seize the receipt

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<sup>4</sup> Fondation Temimi pour la Recherche scientifique et l'Information (FTRSI) ; <http://www.tn.refer.org/hebergement/temimi/>

authorising the publication. According to LEL, this was the first time this had happened.

- b. *The Rocking Chair* by Amel Mokhtar, a young Tunisian female writer. The second novel by this author is denied publication and distribution through the legal submission procedure. The content of this book is deemed to be too morally controversial. Her first and third novels are freely available.
- c. *Justice* by Falilah Chebbi, a famous Tunisian poet who has published some 20 books. In *Justice*, she condemns Arab regimes for spending too much money on armaments, and not enough on social welfare. The book has been blocked at the printer's since spring 2006.

In addition, three of Jalloul Azzouna's books are still blocked through the legal submission procedure.

Hafidha Chekir, a member of the Board of the Tunisian Association of Democratic Women (ATFD), tried to have her PhD on the role of law in the promotion of women's rights published by the University Press (a text for which she received the Human Rights Prize of the French Society of International Law), but this was refused. She tried to self-publish later, but the book was blocked through the legal submission procedure. Her guide on the participation of women in political life is also blocked through the legal submission procedure. It is one of the ten blocked books by the Arabic Institute of Human Rights.

The proceedings of ATFD's November 1993 seminar on violence against women are still blocked through the legal submission procedure.

OLPEC, which issues reports and alerts whenever it finds out a book is being blocked through the legal submission procedure, issued a report on the 2006 Tunis Book Fair. The Tunisian authorities issued a list of banned books in anticipation of the fair. (For more, please see ANNEX 4).

### **Theatre - Khamsoun**

*Khamsoun (corps otage)*, which translates as *Fifty*, is a play by the famous Tunisian playwright Fadhel Jaibi. The Tunisian authorities first refused to issue a permission to show the play. However, after successfully being performed abroad, including a performance in Paris, the authorities found no alternative but to allow it to be performed. This came after six months of prohibition by the commission of censorship of the Ministry of the Culture, which had drawn up a list of phrases to be censored. However, those involved in *Khamsoun* had refused to subject the play to this list.

The play addresses the problems facing Tunisian society after 50 years of independence, including torture in prisons, fundamentalism and lack of civil and political freedoms. The play itself became the target of such lack of freedoms as a result of heavy censorship. The authorities attended the rehearsals of the play and censored all names of prisons, all dates and many Quranic verses used in the play. After months of negotiations, even though the director refused to comply, the authorities decided to allow the play to run, but only during the week. The play is not allowed to be performed during the weekend, and there were few performances in Tunisia in February 2007.

#### **4. Independent organisations**

*In the first report of the IFEX-TMG we observed restrictions on freedom of association, including the right of organisations to be legally established and to hold meetings.*

*We then recommended that the Tunisian government to respect international standards on freedom of association and freedom of assembly and that they grant legal recognition to independent civil society groups. The second report documented no progress on our recommendations. During the fourth mission we documented a series of new attacks on legally recognised, independent organisations, such as the Tunisian League for Human Rights (LTDH), The Tunisian Association of Magistrates (ATM) and the Tunisian Association for Democratic Women (ATFD).*

*Severe harassment of these organisations, including smear-campaigns in the media, and other problems facing these legal organisations, has resulted in an almost complete state of inactivity. The Tunisian authorities have made certain that these organisations are not able to work. Funds are blocked, Internet and e-mail is blocked or monitored, phone lines are disconnected and cell phones monitored and regular mail service is stopped. In short, they are unable to carry out the work they have previously been legally authorised to do. These attacks represent a serious deterioration in respect for freedom of association.*

*We therefore strongly reiterate our recommendation that the Tunisian government must allow legal NGOs to work, and must allow independent organisations to be established without requiring prior political approval.*

#### **The National Council for Liberties in Tunisia (CNLT)**

The surveillance is the same every day. The same team of police monitors all the traffic in and out of the CNLT office, and often is seen in the shops close to the CNLT office. Since 2004, CNLT has not been able to hold its annual congress. CNLT cannot make any collective decisions or make changes to its board. It is impossible for the organisation to hold even small meetings because all meetings, even meetings of the board, are prohibited.

CNLT submitted an appeal to become a legal organisation before an administrative court in March 1999, but there is still no reply.

According to CNLT, some visitors to the CNLT offices, who come to lodge complaints about harassment, are stopped by the police, taken to the police station and forced to sign a document stating they will never return to CNLT again.

In addition, CNLT has seemingly become the target of a new form of harassment, i.e. fiscal harassment. As CNLT is not officially recognised, its offices are located in the apartment of an individual, Mr. Omar Mestiri, who faces fiscal harassment from the tax office for the period during which he was under house arrest and the period during which he has been residing abroad. As a member of the editorial board of *Kalima* newspaper, this harassment has potentially bad consequences for *Kalima*, which aims to be an independent voice in the

Tunisian print media.<sup>5</sup> The closure of *Kalima* would be a terrible blow to pluralism in a country where the print media already suffers from its lack of pluralism.

### **The Tunisian League for Human Rights (LTDH)**

All the local offices of the League are under police surveillance. The situation has worsened since WSIS in late 2005. The board of LTDH can meet, but LTDH is not allowed to arrange congresses and training sessions. Since April 2006, there have been no further meetings. LTDH does not receive regular mail, and since 5 July 2006 e-mail and all Internet access have been blocked. There are daily campaigns against the League in the media and the League's President, Mokhtar Trifi, has been insulted in Parliament as a "spy" for the USA. There is not one week, according to Mr. Trifi, that the League does not get attacked, including on television.

The authorities do not want to shut down the League. Simply put, their goal is to prevent the League from carrying on its activities, according to Souhayr Belhassen, Vice-President of the League.

On 30 October 2006, the Tunisian Ministry of Foreign Affairs circulated a verbal note to all embassies in Tunisia. The note reminded the representatives of foreign governments in Tunisia that the League could not lead any activities because of the pending trials,<sup>6</sup> adding that it can only hold a congress. This verbal note followed two aborted visits to the LTDH section of Bizerte by the American authorities. A reminder was sent to all foreign missions on 1 December 2006 as a significant number of diplomats showed solidarity by visiting the League headquarters following the first note of 30 October. Support by some foreign diplomats has had a tendency to wane since WSIS.

On 17 February 2007, in full contradiction of the verbal notes issued by the Ministry of Foreign Affairs, the verdict was delivered in the latest of a long series of trials pending against the League. The convocation of the Board, which intended to hold the congress of the League in September 2005 and in May 2006, was cancelled. In other words, LTDH is now forbidden to hold its congress.

It seems to us that the Tunisian authorities have been conveying the following contradictory message: The only activity LTDH is allowed to do is to prepare for its congress, yet it is not allowed to actually hold it. The Tunisian authorities are therefore trying to turn the oldest human rights organisation in the African continent and the Arab world into an empty shell.

The TMG remains deeply concerned about the intense political pressure that is being placed on the independent LTDH by the authorities and by people close to the ruling party.

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<sup>5</sup> The TMG witnessed at first hand the authorities' refusal to allow new independent journals. On 10 September 2005, Mark Bench, Executive Director of the World Press Freedom Committee (WPFC) and Alexis Krikorian, Director, Freedom to Publish Committee of the International Publishers' Association (IPA), accompanied Sihem Bensedrine, editor of the online magazine *Kalima* with two other contributors to the Ministry of the Interior in Tunis to register the declaration of the establishment of *Kalima*. In violation of Article 13 of the Tunisian Press Code the Interior Ministry official refused to acknowledge receipt of their request. It is the fourth time since 1999 that the Interior Ministry refused to comply with Tunisian law by handing Bensedrine a receipt acknowledging that she officially informed them of her request to establish a newspaper.

<sup>6</sup> LTDH has had to face 34 trials since 2000, which amounts to judicial harassment. For more on the trials, please see previous TMG reports on <http://campaigns.ifex.org/tmg>

## **The Observatory for the Freedom of Press, Publishing and Creation in Tunisia (OLPEC)**

The organisation is concerned that the conditions of freedom of expression in Tunisia have worsened since WSIS. They are concerned that authorities will use the events of December 2006<sup>7</sup> as a reason to increase pressure on civil society. The fact that the organisation still exists is in itself an achievement. OLPEC submitted an appeal to become a legal organisation before an administrative court in 2001, but there is still no reply. Consequently, OLPEC is still not legal and cannot have offices, or open a bank account. OLPEC is officially non-existent.

## **Tunisian Association of Democratic Women (ATFD)**

Like LTDH, the Tunisian Association of Democratic Women (ATFD) is one of the few legally approved and independent NGOs in the country.

ATFD's new President, Mrs. Khedija Cherif, told TMG mission members that members of the Association are increasingly harassed. A new form of harassment includes the exclusion of Academic members of the Association from academic conferences. The Faculty of Law of Sfax even cancelled a conference once to avoid participation of a member of the Association. In international meetings (ATFD can participate in such meetings unlike CNLT or OLPEC for instance), members of the Association are verbally targeted by the representatives of the official associations.

According to ATFD, post-WSIS repression has deepened, and grown more perverse and more diverse. In addition to the usual forms of harassment against the association that had been used pre-WSIS (police surveillance, exclusion from the media, smear campaigns in the media targeting the Association etc.), a new form of harassment has emerged following WSIS: economic harassment via the blocking of the association's finances. The third part of the European Union (EU) funding, channelled through the Friedrich Naumann foundation as part of the "equality" project is blocked by the Tunisian authorities as of May 2006. ATFD wrote to the Ministry of the Interior several times to enquire about the blocking (September 2006, November 2006 and January 2007), but so far to no avail. When EU External Relations Commissioner Benita Ferrero-Waldner questioned the Tunisian Minister of Foreign Affairs about the blocking on 1 February 2007, the latter said he did not know about it.

In June 2006 ATFD was forced to hold its congress at its headquarters. As usual, it was not possible for the association to rent a room in town.

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<sup>7</sup> The Tunisian government censored information about the deadly clashes between security forces and armed groups in the end of December 2006 and in early January 2007 in the Southern suburbs of Tunis.

## **5. Journalists and dissidents**

*In the first report of the IFEX-TMG we observed restrictions on the freedom of movement of human rights defenders and political dissidents together with police surveillance, harassment, intimidation and interception of communications. At the time of the second report we had witnessed no progress on our recommendations. As of March 2007 the situation has worsened, in particular with regard to the increased harassment of independent Tunisian journalists. We therefore strongly reiterate our concern about systematic harassment of journalists, activists and dissidents, and urge that immediate steps be taken to remove political surveillance and harassment of individuals engaged in the legitimate defence of human rights and the right to freedom of expression.*

*At the time of this latest report, we further recommend the EU make broader use of the 2004 guidelines on human rights defenders.*

*See: <http://ue.eu.int/uedocs/cmsUpload/GuidelinesDefenders.pdf>*

The recent mission of the TMG shed light on the absence of positive progress for journalists and human rights activists in Tunisia. Both groups are being systematically harassed by the authorities through the withholding of mail and e-mail, through arbitrary travel bans and through interference by government employees in their private lives, including surveillance and harassment which often also extends to their families and friends.

Independent journalists like Lotfi Hajji are not able to work freely as foreign correspondents. The recent publication of articles by journalist Taoufik Ben Brik were the first published in Tunisia by him since 1989, and these appeared in a newly-established private paper. Activists are not allowed to work in Tunisia at all and are dependant on financial support from other sources in order to lead a normal life.

## **6. Press Freedom**

*In the first report of the IFEX-TMG we observed press censorship and lack of diversity of content in newspapers. At the time of the second report we witnessed a step in the right direction through the 27 May 2005 announcement to abolish the «dépôt légal» for periodicals, but there was no other progress on our recommendations. At the time of the present report, there is still no press freedom in Tunisia, the main reasons being state censorship, lack of open distribution networks comprising all printed media, and a serious one-sided distribution of financial resources. We therefore reiterate our previous recommendations by asking the Tunisian government to take serious steps toward lifting all restrictions on independent journalism and encouraging diversity of content and ownership of the press. Furthermore, we urge the government to abolish the «dépôt légal» for foreign newspapers. We also call on the Ministry of the Interior to respect Article 13 of the Tunisian Press Code enabling the establishment of newspapers and periodicals.*

Newspapers, both local and international, are still being censored. During the mission, two French dailies (*Le Monde* and *Libération*) and one weekly news magazine (*Le Nouvel Observateur*) were banned in Tunisia for publishing articles written by Mr. Ben Brik that upset the authorities. In the case of *Libération*, the article was ironically entitled: “En 2009, je

‘vote’ pour Ben Ali” (“In 2009, I ‘vote’ for Ben Ali”). Mr. Ben Brik has been widely published abroad, but de facto banned in his home country.

Distribution is casual and favours newspapers close to the authorities. Readers have to ask for opposition papers in the kiosks, as the vendors are not likely to display them so that people can see them, but instead store them under the counter. These obstacles to distribution are designed to isolate the opposition from the population, and are meant to hinder the accessibility of non-controlled content and information to Tunisian citizens.

One newspaper editor stated to the group during the mission: "You just have to open the pages of a newspaper to see if it is government controlled – the ones controlled by the government have all the advertising."

Even journalists in the official press are censored. An article entitled "Bayrou le candidat du bon sens" was reportedly censored by the editorial team in the government-controlled French-speaking newspaper *La Presse*.

## **7. Torture, brutality and impunity**

In the first report of the IFEX-TMG we reported credible accounts of recent use of torture by the security services with impunity.

We recommended the Tunisian government allow independent investigation into cases of torture allegedly perpetrated by security forces.

At the time of the second report we had witnessed some progress on prison conditions, but no real progress on our main recommendation. Despite some progress, prison conditions also remained a source of major concern.

The recent TMG mission witnessed no positive development. On the contrary, police brutality is becoming an almost daily event in the public spaces and people are becoming increasingly frightened.

On this basis, we therefore restate our previous recommendation and urge the Tunisian government to make every effort to completely eliminate the practice of torture by the security services.

## **8. The judiciary**

The lack of an independent judiciary and an almost total lack of a normal rule of law are considered to be major problems in Tunisian society, a fact that was confirmed by several different sources during the mission. According to the same sources, the majority of Tunisian lawyers, judges and magistrates are in favour of an independent judiciary, but a small group of people with strong ties to the president is very active and controls the whole system, thus creating a climate of fear in the society.

Some of the elements leading to this situation are arbitrary arrests and lack of information for families of the arrested, but also undemocratic treatment of judges through arbitrary relocation and harassment.

Based on these facts we urge the Tunisian authorities to bring their legal system in accordance with international standards of an independent judiciary and to respect the rule of law as a way to strengthen freedom of expression.

### **C. CONCLUSIONS**

During the recent mission (27 February to 4 March 2007) and undertaking of the work for this report, it became evident that no significant, positive development had occurred for freedom of expression in Tunisia since the WSIS in November 2005. On the contrary, reports indicate a stalemate in most domains and deterioration in others. Interviewees reported an increased resort to intimidation and violence, and the impossibility of challenging such abusive practices. As stated in the introduction, lack of positive change has led us to conclude that the Tunisian government has sought to further stifle dissidents since the previous TMG report of May 2006. As the present report reflects, it is therefore necessary to maintain and strongly reiterate all past recommendations from the TMG to Tunisian authorities.

Tunisian authorities have rejected all previous recommendations from the TMG. They have also tried to discredit our work and that of IFEX in general as one-sided and biased, partly because we, as they claim, have refused to meet with Tunisian civil society groups who do not share our views on Tunisia. This is not true<sup>8</sup>.

It is also worth noting that the TMG, on previous missions, have met with Tunisian authorities at the ministerial level. The TMG would hereby like to voice its disappointment at the Tunisian authorities' unwillingness to arrange meetings with ministers during this recent mission.

With this as background material, we take this opportunity to remind all readers of this report that we are merely asking Tunisian authorities to abide by their international human rights obligations, as well as to their commitments as reported in the WSIS final documents. Basic human rights, such as freedom of expression, movement and association, and the freedom to seek, receive and impart information and to create organisations without government interference, do not exist in Tunisia. These rights are respected in democratic countries where the rule of law prevails.

Sadly, this is not the case in Tunisia either. The TMG therefore has to conclude that it is still increasingly important that international free expression and human rights groups, as well as

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<sup>8</sup> Prior to the last mission, the chair of the TMG contacted the Tunisian embassy in Oslo, requesting meetings with Tunisian authorities when in Tunisia from 27 February to 4 March 2007. The request for meetings was faxed on 15 February, more than 10 days ahead of the mission. Even though it contained the dates for the mission, an e-mail reply did not reach the TMG Chair until after he had left for Tunisia. Needless to say, with Tunisian authorities blocking Internet access, e-mail could not be accessed from the hotel in Tunis. The letter, confirming possible meeting with the Ministry of Justice and asking us to meet with the civil society groups, was only made known to TMG after a meeting with Ridha Khemakhem in the Ministry of Justice on Friday morning, 3 March (this meeting was arranged by telephone). At this point, all meetings were booked and it was not possible to arrange additional meetings during our stay, as most of the delegation members were due to leave Tunis the next day. This is the way Tunisian authorities work.

the international community at large - with the EU bearing a significant responsibility - still keep monitoring development in Tunisia.

Oslo - Geneva - Paris – Amsterdam - Cairo

## D. ANNEXES

### **ANNEX 1: 18 January 2007 TMG letter to UN SG HE Ban Ki Moon**

H.E. Ban Ki Moon  
Secretary General  
United Nations  
First Avenue at 46th Street  
New York, NY 10017  
Fax: +1 212 963 7055 / 4879

January 18, 2007

Your Excellency,

As members of the Tunisia Monitoring Group (TMG), established in 2004 under the umbrella of the International Freedom of Expression Exchange (IFEX), we are writing to express our deep concern at the continuous violations of this basic right by the Tunisian authorities since the World Summit on the Information Society (WSIS) was held in Tunis in November 2005. The TIMG, now composed of 16 IFEX members, was set up to evaluate the freedom of expression situation in Tunisia prior to and in the aftermath of the second phase of the in November 2005

On September 2, 2005 and following two fact-finding missions to Tunisia which brought to the attention of the international community the unprecedented attacks on freedom of expression in that country's recent history, we wrote to your predecessor. We called on Secretary General Kofi Annan to "strongly encourage the Tunisian authorities to act to put an end to these attacks, which in the minds of many call into question Tunisia's suitability to host the World Summit on the Information Society."

In a public reaction to our open letter, the second of its kind since 2004, Mr. Annan declared that the holding of the WSIS in Tunis offered "a good opportunity for the Government of Tunisia to address various human rights concerns, including those related to freedom of opinion and expression."

Unfortunately, Mr. Annan's optimistic and encouraging statement was totally ignored by the Tunisian authorities, who chose to defiantly carry on with their policies of harassment and intimidation of independent journalists and human rights defenders on the eve as well as in the wake of WSIS. These attacks, documented by human rights groups and also by Western diplomats based in Tunis, went on unabated even after the Tunisian government won a seat on the UN Human Rights Council in May 2006.

Most recently, the Tunisian government has once again engaged in censorship with its Soviet-style handling of deadly clashes between security forces and armed groups in the end of December 2006 and in early January 2007 in the Southern suburbs of Tunis. We were once again shocked by the unacceptable disregard of the Tunisian population's basic right to information about these incidents. In fact, neither President Zine El Abidine Ben Ali nor his government have responded to local and international journalists' requests for details of the

incident, which left 14 people dead, including two members of the security forces, according to official sources.

It seems that Tunisians can only get accurate information about important events in their country through reports from international or Arab media, particularly Al-Jazeera, whose correspondent in Tunisia and those who are interviewed are often intimidated and harassed by plainclothes police.

Local and international human rights groups have expressed fear that the widening circle of repression and injustice will further undermine the stability and the future of a country which was regarded by many outside Tunisia as one of the most qualified Arab countries to turn into democracy.

One of the most prominent victims of the cycle of torture and injustice today is Mohamed Abbou, a human rights lawyer currently in prison for pieces he wrote for online sites. Abbou's wife and children, as well as rights defenders and journalists, such as Neziha Rejiba, Sihem Ben Sedrine, Radhia Nasraoui, Moncef Marzouki, Hamadi Jebali, Abdallah Zouari, Ali Ben Salem, Souhayer Belhassen and Lotfi Hajji are among the favourite targets of the ministry of the interior and its plainclothes police and thugs.

We would like also to draw your attention to the unrelenting police and judicial harassment of the Tunisian Human Rights League (LTDH), the oldest rights group in Africa and the Arab world. On 3 February, a court in Tunis postponed once again its hearing of the complaint filed against this human rights group by members of President Ben Ali's political party, the Democratic Constitutional Rally. The 30-year old LTDH has been denied the right to hold its general meeting since September 2005; so has the beleaguered Tunisian Journalists Syndicate.

Other groups such as the IFEX member, the Observatory for Freedom of the Press, Publishing and Creation (OLPEC), and the National Council for Liberties in Tunisia (CNLT), the Tunis Center for the Independence of the Judiciary, the Association for the Struggle against Torture, the International Association to Support Political Prisoners, the League for Free Writers and Raid-Attac Tunisia are arbitrarily denied the right to function under Tunisian law.

As the behaviour of the authorities has not improved since the WSIS was held in Tunis, we request and would very much appreciate your assistance in urging the Tunisian government to take the following steps to see the country's declining freedom of expression record improved:

1. Release from prison human rights lawyer Mohamed Abbou who is imprisoned, like hundreds of other Tunisians, on charges related to the peaceful exercise of his basic right to freedom of expression and association.

Local, regional and international rights groups and Western governments maintain that these prisoners, known worldwide as political prisoners and prisoners of conscience, have neither used nor advocated the use of violence and have been denied the right to a fair trial.

Abbou was apprehended by the police in the streets of Tunis on March 1, 2005, less than 24 hours after posting an opinion piece on the Internet criticising the Tunisian government's decision to invite Israeli Prime Minister Ariel Sharon to the WSIS.

Paradoxically, he was sentenced by a criminal court in Tunis, following an unfair trial on April 28, 2005, to three-and-a-half years of imprisonment for publishing statements "likely to disturb public order" and for "defaming the judicial process" and also for alleged "violence", nearly four years ago, against a female lawyer close to the government. A Tunisian appeals court on June 10, 2005 confirmed his prison sentence following a hearing that fell far short of international standards for a fair trial, according to human rights defenders and diplomats in attendance. (The opinion piece used to indict Abbou was not the one he posted on the Internet on the eve of his arrest by the police, but another posted in August 2004 in which he compared the inhumane conditions in the US-run Abu Ghraib prison in Iraq to those prevailing in Tunisian prisons.)

2. End harassment of human rights groups and journalists such as the judicial harassment of the Tunisian League for Human Rights and intimidation and assault of its members; and the arbitrary administrative sanctions and police harassment compelling journalist Abdallah Zouari to live 500 km from his wife and children and preventing him from earning a living or using public Internet cafés.

3. Release all banned books and publications, including those written by prominent democracy advocates like Mohamed Talbi and Moncef Marzouki, and edited by institutions committed to human rights education.

4. Recognise the inalienable right of civil society groups to operate freely and without any form of harassment of their leading figures and members. In particular, we call for the recognition of and respect for the right to freedom of association of the National Council for Liberties in Tunisia, the Tunis Center for the Independence of the Judiciary, the Association for the Struggle against Torture, the International Association to Support Political Prisoners, the League for Free Writers, Raid-Attac Tunisia and many other civil society groups.

We are concerned at the removal in 2005 by the authorities of the democratically elected leadership of the Executive Board of the Tunisian Association of Magistrates (TAM). This is especially troubling within the context of the absence of an independent judiciary in Tunisia. The eviction of the legitimate leadership of TAM is an obvious attack on the law of associations and on the statutes of TAM.

5. End harassment of independent publishers, writers and journalists and leading figures of the Tunisian Journalists' Syndicate, whose establishment in May 2004 was in conformity with the Tunisian Labour Code.

6. End the abusive application of the Law on Terrorism of December 10, 2003 which local and international human rights groups say unfortunately turned out to be a tool to silence and punish critics of the government.

7. Assure that the right to establish media outlets is not solely reserved to individuals or groups close to the government and establish a fair and transparent procedure for the award of broadcast licenses through an independent regulatory body. Lift arbitrary decisions preventing the launch of different papers, including "Kalima" and the weekly "L'Expression" of the privately-owned Assabah Group.

8. Ensure that the right to access Internet cafés and to freely surf the Web is not restricted and end the practice of blocking websites for their informational or political content.

The blatant conflict between the United Nations' values and principles on the one hand and Tunisia's record on freedom of expression and media freedom on the other hand cannot be ignored any longer, particularly after taking the responsibility to hold the WSIS in Tunis and the election of Tunisia to the UN Human Rights Council in May 2006.

Thank you for your attention to this letter. We look forward to your early reply.

Sincerely,

Members of the IFEX-TMG:

Arabic Network for Human Rights Information (HRinfo.net), Egypt

ARTICLE 19, UK

Canadian Journalists for Free Expression (CJFE), Canada

Egyptian Organization for Human Rights (EOHR), Egypt

Index on Censorship, UK

International Federation of Journalists (IFJ), Belgium

International Federation of Library Associations and Institutions (IFLA), The Netherlands

International Press Institute (IPI), Austria

International Publishers' Association (IPA), Switzerland

Journaliste en danger (JED), Democratic Republic of Congo

Media Institute of Southern Africa (MISA), Namibia

Norwegian PEN, Norway

World Association of Community Radio Broadcasters (AMARC), Canada

World Association of Newspapers (WAN), France

World Press Freedom Committee (WPFC), USA

Writers in Prison Committee of International PEN (WiPC), UK

ANNEX 2: 13 March UN  
Reply

United Nations  Nations Unies

HEADQUARTERS - SECS NEW YORK, NY 10017  
TEL: 1 (212) 963.2912 - FAX: 1 (212) 963.4361

13 March 2007

Dear Mr. Iversen,

I write in response to your letter of 18 January 2007, addressed to the Secretary-General, in which you convey the concerns of the International Freedom of Expression Exchange (IFEX) Tunisia Monitoring Group regarding freedom of expression in Tunisia, both before and after the second phase of the World Summit on the Information Society held in November 2005.

I have forwarded your letter to the Office of the United Nations High Commissioner for Human Rights with the request that it be brought to the attention of the Special Rapporteur on the promotion and protection of the right of opinion and expression, Mr. Ambeyi Ligabo, who has within his remit responsibility for gathering information on discrimination against, threats or use of violence and harassment against individuals or professionals in the field of information.

Yours sincerely,



Shashi Tharoor  
Under-Secretary-General  
for Communications and Public Information

Mr. Carl Morten Iversen  
Chair  
International Freedom of Expression Exchange  
Tunisia Monitoring Group  
Toronto, Canada

## **ANNEX 3: 1 March 2007 TMG Alert re: Mohammed Abbou**

### **UPDATE - TUNISIA**

**1 March 2007**

**Mohammed Abbou Day: IFEX-TMG delegation blocked and intimidated at prison gates**

**SOURCE: IFEX Tunisia Monitoring Group (IFEX-TMG)**

**\*\*Updates IFEX alerts of 8 December, 8 May, 26 and 21 April, 15, 6 and 2 March and 28 February 2006, and others\*\***

(IFEX-TMG) - The following is a 1 March 2007 IFEX-TMG press release:

Mohammed Abbou Day: TMG delegation blocked and intimidated at prison gates

Earlier today, the members of the Tunisia Monitoring Group (TMG) delegation visiting Tunisia (27 February - 4 March 2007) were physically prevented from accessing the street of the prison of the town of Le Kef (170 km south-west of Tunis), where human rights lawyer and writer Mohammed Abbou is jailed, by men who refused to identify themselves. A second, more distant, circle of men were taking pictures and openly staring at the members of the TMG delegation, thus creating a tense atmosphere. Members of the TMG delegation were prevented from taking pictures by the same men, most likely plainclothes policemen. The car of the delegation had previously been stopped on the road to Le Kef for about ten minutes by a group of officers of the national guard and plainclothes men who also refused to identify themselves.

The TMG delegation simply wanted to enquire about a possible visit to Mohammed Abbou. Members of the delegation were told they needed an authorisation to get near the prison gates. Samia Abbou, the wife of Mohammed Abbou, was granted a 15-minute visit.

TMG Chair Carl Morten Iversen declared: "I'm utterly outraged by what happened in Le Kef today. Unidentified men prevented us from accessing the street leading to the prison where Mohammed Abbou, the famous prisoner of opinion, is jailed, thus preventing us even from asking for permission to visit Mohammed Abbou. This is an abuse of power. Tomorrow we will be having a meeting at the Ministry of Justice and Human Rights where we will be demanding answers vis-à-vis these events, while reiterating our call for the immediate release of Mohammed Abbou."

Arrested on 1 March 2005, Abbou is currently serving a three and a half year prison sentence in connection to articles posted online in which he criticised Tunisian authorities.

Abbou was charged under both the press and penal codes for "publishing false reports inclined to disturb the public order," "insult to the judiciary" and "inciting the population to break the country's laws". His sentence was announced on 29 April 2005 and later upheld by an appeals court in a 10 June 2005 hearing that international observers deplored as a "sham trial" during which neither Abbou, nor his lawyers, were allowed to contest the charges against him.

Abbou has been jailed under harsh conditions at El Kef prison. Since his imprisonment, Abbou's wife and family have been repeatedly harassed and threatened by security forces.

The sixth mission of the TMG in Tunisia (27 February - 4 March 2007) is composed of representatives of INDEX on Censorship, PEN Norway, World Association of Newspapers (WAN), and International Publishers Association (IPA).

**Members of the IFEX-TMG are:**

Arabic Human Rights Information Network (HRinfo), Egypt  
ARTICLE 19, UK  
Canadian Journalists for Free Expression (CJFE), Canada  
Egyptian Organization for Human Rights (EOHR), Egypt  
Index on Censorship, UK  
International Federation of Journalists (IFJ), Belgium  
International Federation of Library Associations and Institutions (IFLA), The Netherlands  
International Press Institute (IPI), Austria  
International Publishers' Association (IPA), Switzerland  
Journaliste en danger (JED), Democratic Republic of Congo  
Media Institute of Southern Africa (MISA), Namibia  
Norwegian PEN, Norway  
World Association of Community Radio Broadcasters (AMARC), Canada  
World Association of Newspapers (WAN), France  
World Press Freedom Committee (WPFC), USA  
Writers in Prison Committee of International PEN (WiPC), UK

For further information, contact Carl Morten Iversen, Norwegian PEN, Cellphone: + 47 926 88 023, E-mail: pen@norskpen.no; or Alexis Krikorian, IPA, Cellphone : + 41 79 214 55 30, E-mail: krikorian@ipa-uie.org; Website: <http://campaigns.ifex.org/tmg/> (Note: website is still blocked in Tunisia.)

**ANNEX 4: LIST OF  
BANNED BOOKS – 2006  
TUNIS BOOK FAIR**

**Source: OLPEC**

Books confiscated from the 2006 Tunis book fair:

No.	Title	Writer	Publishing House	Country
1	Lowering the gaze	Hilal ben Saleh Al Hashemi	Aljil Al Waed	Oman
2	The role of the mosque	Saleh ben Salim AL Rabkhi		
3	The successful Mission	Hamad ben Mohammed Al Othmani		
4	Reformation of the Nation	Ahmed El Khalili		
5	How to make your family Happy	Om El Warith Al Jamiyya		
6	The cups of the straight way (part1)	Abul Rabi'		
7	Tears in the Mihrab of repentance (poetry)	Om El Warith Al Jamiyya		
8	The inspirations of the Mihrab	Ahmed EL Khalili		
9	Dualism in the Islamic personality	Ahme El Khalili		
10	Discover your position	Ruqayya El Khrousiyya		
11	Word	Hamad El Miwali		
12	How to find a wife who can make you happy	Nourel Din Ben Ahmed		
13	Hymns on the two (river) banks (poetry)	Khamis EL Mikdami		
14	Al Imam Jaber Ben Zaid and the fundamentals of the Ibadhi thought	Zianah El Harthiyya		
15	Ibadhi role in the unification of the nation	Jamila El Rabkhi		
16	Signs of the hour of Resurrection	Khalid AL Wahibi		
17	The efforts of the lessened	Zahran El Barashdi		
18	Justice	Ali EL Hijri		
19	The messages of God	Aziz Mash-hour	Dar El Farqad	Syria
20	Ayman El Zawahiri	Jamal Abdul Rahim		
21	The New Face of Capitalism	Tawfiq Al Madini	Arab Writers Union	Syria
22	Criticising the established	Raja' ben Salamah	Darul Talia'	Lebanon

23	Partial secularism and Comprehensive secularism (two parts)	Abdul Wahab El Misiri	Darul Shorouq	Egypt
24	The Sheppard of Souls	Ibnul Qayyim Al Jouziyyah	All publishers and bookshops	
25	The Soul	Ibnul Qayyim Al Jouziyyah	All publishers and bookshops	
26	Dictatorship in the modern governing systems	Ali Khalifa El kwari	Wihda studies centre	Lebanon
27	Prophet- Khalifa style in modern Arabic political leadership	Bashir Mohammed El Khadra	Wihda Studies Centre	Lebanon
28	Arab Islamic Fundamentalism	Hussain Saad		
29	Islamic movements encyclopaedia	Ahmed EL Mousili		
30	Corruption and Good Governance	Debate		
31	Fatwa's of Abdul Halim Mahmoud		Darul Maarif	Egypt
32	Arms possession Law		Legal books House	Egypt
33	Consensus and will in their unifying dimension	Rafiq El Ajam	Arabic book House	Lebanon
34	Views of Fundamentalist Mutazelah	Ali El Thwaihi	Al Rushd House	Saudi Arabia
35	Nation, Society and State	Radhwa El Sayyed		Lebanon

Books examined and allowed:

1	Perpetual Conflicts	Zakaria El Mahrami	Promising generation Publishing House	Oman
2	Security and Social Thoughts	Said El Hitali	<i>same</i>	
3	The Quraan and modern challenges	Mohammed El Rashid	The Pioneers House	
4	The Rise of Philosophical Thinking in Islam	Sami El Nash-shar	Daarul Maarif	Egypt
5	Religious Freedom in Islam	Abdul Mitaal Al Seidi	Daarul Maarif	Egypt

Forbidden Books and Writers in Tunis Book Fair:

Books:

1	The Position of the Quraan from its rivals	Omar Abdul Rahman	Dar masr el Mahrousa	Egypt
2	Changes in the Islamic	Kamal Habib	<i>same</i>	

	Movement			
3	Islamic movements- view from inside	Montaser El Zayyat	<i>same</i>	
4	Ayman el Zawahiri, as I knew him	Montaser El Zayyat	<i>same</i>	
5	Islam and Politics	Abdul Elah Belqziz	Arabic Cultural Center	Morocco
6	The first civilisation war	Mahdi El Manjara	<i>same</i>	
7	The Future of Political Islam, American point views	Ahmed Yousef	<i>same</i>	
8	Islam and Politics	Hasan El Turabi	Daarul Saqi	London
9	Political terminology Dictionary	Hasan El Turabi	Daarul Saqi	London
10	Ibno Taymiyya (all titles)		All publishers	
11	Ibno El Qayyem Al Jowziyyah (all titles)		All publishers	

Banned Writers:

Mohammed Said Al Bouti  
Hasan Al Turabi  
Tawfiq Al Madini  
Sayyed Qutb  
Hasan Hanafi  
Ibno Taymiyya  
Ibno El Qayyem Al Jowziyyah

**ANNEX 5: List of blocked  
websites providing news,  
politics and information  
on Tunisia as of 28  
February 2007**

1. **<http://www.tunisnews.net/>**  
- Tunisian oppositional news and politics
2. **<http://www.albadil.org/>**  
- online newspaper of the banned Tunisian Communist Workers Party
3. **<http://www.cprtunisie.com/>**  
- "official" website of the Tunisian CPR (Congress for the Republic, unrecognized)
4. **<http://www.nawaat.org/>**  
- Tunisian oppositional news and politics
5. **<http://www.maghreb-ddh.sgdg.org/>**  
- Tunisian oppositional news and politics
6. **<http://www.nahdha.net/>**  
- website of banned Tunisian Islamist An-Nahdha movement
7. **<http://www.reveiltunisien.org/>**  
- Tunisian oppositional politics, news, satire
8. **<http://www.kalimatunisie.com/>**  
- "the Word", independent Tunisian news and politics
9. **<http://www.hrinfo.net>**  
- website of the Arabic network for Human Rights Information (IFEX-TMG Member)
10. **<http://www.rsf.fr>**  
- website of international NGO campaigning for press freedom
11. **<http://www.omct.org>**  
- website of international NGO campaigning against torture
12. **<http://www.amnesty.org>**  
- website of international NGO campaigning for Human Rights
13. **<http://www.cnlt98.org>**  
- website of non-approved Tunisian NGO campaigning for Human Rights in Tunisia
14. **<http://www.observatoire-olpec.org>**  
- website of non-approved Tunisian NGO campaigning for freedom of expression in Tunisia

15. **<http://www.ifex.org>**
  - website of international freedom of expression network
16. **<http://www.euromedrights.net>**
  - website of umbrella organisation of human rights group of the Euromed region
17. **<http://www.verite-action.org>**
  - website of Swiss NGO campaigning for human rights in Tunisia
18. **<http://www.alarabiya.net>**
  - website of the Al Arabiya News Channel (Dubai-based)
19. **<http://www.fdtl.org>**
  - website of Tunisian political party (approved)
20. **<http://www.pdpinfo.org>**
  - website of Tunisian political party
21. **<http://www.etunisie.net/>**
  - website of Etunisie