

Tunisia

When Mohammed Bouazizi, a unemployed youth from the province of Sidi Bouzid, set himself on fire on December 17, 2010, to protest affronts to his dignity and the confiscation of his vegetable cart by police, he did not realize that his act would lead to the fall of the Tunisian police state and the end of the absolute monopolization of power by dictator Zine el-Abidine Ben Ali. Ben Ali fled the country on January 14, 2011, after it became clear that the tools of repression could not stifle the popular uprising that swept away his regime and heralded the transition to democracy.

During the popular revolution, which maintained its overwhelmingly peaceful character, at least 147 people were killed as a result of excessive police violence used to suppress demonstrations, including through the use of live ammunition and rubber bullets. Detentions were also widespread, and protestors and detainees were subjected to various types of physical abuse and torture in detention facilities.

Ben Ali's flight did not represent an immediate break with the repression he had imposed for more than 23 years. Remnants of his regime and the ruling party attempted to usurp power over the weeks that followed, engaging in violence in the face of peaceful actions by revolutionary forces. Despite this, the latter was able to eliminate the remnants of the Ben Ali regime, and the power vacuum was filled using inventive structures to manage the transitional period and to guarantee the fulfillment of the

revolution's goals of democratization and the construction of a state based on the rule of law and human rights.

Several factors enabled Tunisia to become a model for democratization in the Arab region. Most importantly, since its founding at the time of Tunisian national independence in the 1950s, the military establishment has maintained its distance from civil and political life. Indeed, the army and military establishment were marginalized throughout these decades due to fears of military coups.¹ Thus, although the Tunisian armed forces played a decisive role in the success of the revolution by refusing to fire on demonstrators and taking positive steps to restrain the security forces from continuing the crackdown, they did not attempt to assume power or manage the transitional period. Instead, the military observed developments from a distance, while ensuring that it could still intervene if the state was in danger of collapse.²

This enabled the civil and political elite who aspired to a democratic transition to quickly occupy the power vacuum through the formation of the High Commission for the Realization of the Revolution's Goals, Political Reform, and Democratization (HC), which included the most important components of political and civil society, among them the major political parties, including the Islamists, as well as trade unions and human rights organizations. The commission became the primary platform for proposing all transitional legislation and democratic reforms necessary for fulfilling the goals of the revolution. The fact that the Tunisian elite retained much of its vitality despite the repression it faced throughout Ben Ali's rule, along with the relative spirit of compromise and accommodation of the leaders of the Islamist Ennahda movement, helped to build a political and social consensus which in turn fostered a climate more welcoming of democratization. The political elite gave primary consideration to the future rather than wasting their energies on settling past accounts, focusing on institutional development and legislation for the future and adopting measures for transitional justice as dictated by a transition from a police state to a democracy.³

Nevertheless, the transition still faces challenges and difficulties. In particular, reform and purging of security and judicial institutions has yet to

¹ Badra Gaaloul, "Back to the Barracks: the Tunisian Army Post-Revolution," Nov. 3, 2011, <<http://carnegieendowment.org/2011/11/03/back-to-barracks-tunisian-army-post-revolution/6lxx>>.

² Bahey eldin Hassan, "Li-madha tafshal Misr was tanjah Tunis?" al-Shorouk, Oct. 30, 2011, <<http://www.shorouknews.com/columns/view.aspx?cdate=30102011&id=79b5d8de-c822-4f05-86b1-4bafc1c2fa22>>.

³ Ibid.

be carried out. As a result, last year saw various security violations and abuses, both inside detention centers and in dealing with peaceful assemblies. Complaints were also heard of continued surveillance of political and rights activists, particularly via tapping of their telephones. In addition, the Islamist Ennahda movement became the largest parliamentary faction, thus giving moral support to some extremist Salafi groups and putting pressure on freedom of expression and academic and personal freedoms. This pressure was not met with an appropriate response by the Ennahda-led government, thus raising fears about the future of respect for human rights in the country.

Violations during the crackdown on the revolution:

The excessive use of force by the security apparatus while dispersing the peaceful demonstrations between the beginning of the popular uprising on December 17, 2010, and the flight of Ben Ali on January 14, 2011, led to the deaths of at least 147 people. In addition, 72 people were killed in 11 prisons that were torched on January 14 and 15.⁴

Many testimonies confirmed that demonstrators were shot with the intent to kill, including in the chest and head. Medical reports also noted that protestors in Kasserine and Thala were shot from behind, indicating that they were attempting to avoid direct clashes with the police. Demonstrators were also targeted with rubber bullets and tear gas, and they were pursued and attacked with batons.⁵

Eyewitnesses in Kasserine and Thala, where most casualties occurred, said that security forces did not comply with Tunisian law, which requires the use of non-lethal, gradually escalating measures before resorting firing at demonstrators.⁶

The authorities attempted to impose a strict information blackout on the protests and the accompanying violations, banning the media from covering protests. It also interrupted internet communications and shut down email for

⁴ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi: al-tahawwul al-dimuqrati wa istimrar intihakat huquq al-insan," <www.fidh.org/IMG/pdf/tn567ar.pdf>.

⁵ Amnesty International, "Disturbing New Evidence of Tunisian Security Forces Brutality," Jan. 27, 2011, <<http://www.amnesty.org/en/for-media/press-releases/disturbing-new-evidence-tunisian-security-forces-brutality-2011-01-27>>.

⁶ Human Rights Watch, "Tunisia: Hold Police Accountable for Shootings," Jan. 29, 2011, <<http://www.hrw.org/news/2011/01/29/tunisia-hold-police-accountable-shootings>>.

activists and internet users. Several activist bloggers were arrested, among them Hamadi Kloucha, Selim Amamou, and Aziz Amamy.⁷

In addition to arbitrary arrests among the ranks of protesters, several trade unionists, students, lawyers, and journalists were also detained. Copies of the opposition *al-Mawqif* and *al-Tariq al-Jadid* were confiscated on December 24, and journalists who attempted to cover demonstrations were threatened, assaulted, and subjected to arbitrary arrest.

Several lawyers were kidnapped, among them Abderraouf Ayadi and Chokri Belaid, who were taken to an undisclosed location after taking part in a solidarity meeting with the residents of Sidi Bouzid on December 28; they were released the following day. Many detainees were subjected to torture and ill treatment while being arrested or inside detention facilities. When attorney and rights activist Abderraouf Ayadi was kidnapped, he was beaten and forced into an unidentified car, which took him to a building where he was threatened with death and the harming of his family. His two children had been beaten when they attempted to help him and prevent the abduction.⁸

Attia Athmouni, the official spokesman for the Committee in Solidarity with the Families of Victims in Sidi Bouzid and a major organizer of anti-government marches, was arrested on December 28, 2010 by security personnel in civilian clothes in the Sidi Bouzid area and taken to the capital for investigation, before being transferred again to Sfax for additional questioning. During his detention he was beaten, denied sleep, food, and water, and forced to kneel against a wall for prolonged periods. He was released on December 31 but placed under surveillance.⁹

Arbitrary detentions also included Hamma Hammami, the leader of the Communist Workers Party in Tunisia, who was arrested at his home on January 12, 2011, and was held handcuffed for more than two days before being released.¹⁰

It is estimated that 1,200 people were detained during the popular uprising, most of whom were released following the fall of Ben Ali's

⁷ Amnesty International, "Tunisian Authorities Urged to Protect Protestors following Deadly Weekend," Jan. 10, 2011, <<http://www.amnesty.org/en/news-and-updates/tunisian-authorities-urged-protect-protesters-following-deadly-weekend-2011-01-10>>.

⁸ Amnesty International, "Tunisia in Revolt: State Violence during Anti-Government Protests," Mar. 1, 2011, <<http://www.amnesty.org/en/library/info/MDE30/011/2011/en>>.

⁹ Radio Kalima, "Itlaq sarah al-natiq bi-ism lajnat al-mutaba'a wa da'm ahali Sidi Buzayd," Dec. 31, 2010, <<http://www.kalima-tunisie.info/kr/News-file-article-sid-2708.html>>.

¹⁰ Amnesty International, "Tunisia in Revolt."

regime. Some 300 were referred to trial at that time on charges of engaging in violence.¹¹

Transitional period of the Tunisian revolution:

Following the flight of President Ben Ali, the popular revolt continued, driven by the desire to remove symbols of his regime from the administration of the transitional period, after it became clear that figures from the ruling party were attempting to fill the power vacuum. Immediately after Ben Ali's departure, Prime Minister Mohamed Ghannouchi announced that he would temporarily assume the presidency, based on section 56 of the constitution, while also declaring a state of emergency and a curfew.¹² The Constitutional Council, however, pointed to section 57 of the constitution, which states that if the office of the presidency is vacated, the speaker of the Chamber of Deputies should assume the position temporarily until early presidential elections are held.

Interim President Fouad Mebazaa formed a national unity government that brought in former members of Ben Ali's government who belonged to the ruling Constitutional Democratic Rally (RDC), as well as three opposition parties, and made Mohamed Ghannouchi prime minister. These measures sparked renewed protests which led to the formation of another government headed by Ghannouchi. As a result, the government was boycotted by the Tunisian General Labor Union (UGTT) and the Democratic Forum for Labor and Liberties.

Popular pressure, manifested in al-Qasbah sit-in from January 23 to 28, resulted in the dismissal of ruling party figures from the Foreign Ministry, Defense Ministry, and Interior Ministry. A second sit-in at al-Qasbah on February 25 led to the resignation of Ghannouchi, after which Beji Qaid el-Sebsi was tasked with forming a new interim technocratic government. The administration of the transitional phase was left to a new institution—the HC—which included 150 members representing 12 political parties and 19 associations and trade unions as well as representatives from 11 Tunisian provinces and 72 public figures, among them lawyers and jurists. The formation of this commission allowed for the involvement of civil society and political groups across the political spectrum in determining the features of the transition period and drafting legislation that would determine the country's future. As such, the commission, with its impressive array of

¹¹ Ibid.

¹² Hespess, "Ba'd rahil Bin 'Ali al-Ghannushi ightasab al-sulta fi Tunis," Jan. 14, 2011, <<http://hespress.com/international/26942.html>>.

accomplishments in less than a year, was the engine for democratization and respect for human rights at this decisive juncture of Tunisia's history.

Through the commission, a new electoral law was drafted for the selection of a national constituent assembly tasked with writing a new constitution for the country to replace the 1959 document, which had been suspended. In its basic form, the electoral law adopted a proportional list system for the distribution of seats and guaranteed gender equality in the drafting of electoral lists and the formation of the constituent assembly.

An independent supreme commission was also formed to administer elections, headed by well-known Tunisian dissident Kamal Jendoubi, who returned to his country after years in exile during which he was not permitted to visit his homeland. The electoral law responded to popular demands to ban figures of the Ben Ali regime and his party from participating in elections, which were held on October 23, 2011.¹³

Further popular pressure through demonstrations and sit-ins compelled the transitional authorities to suspend the activities of the RCD. At the same time, the security apparatus known as the political police was dissolved; the agency had been used broadly to crack down on political opponents under Ben Ali's rule.¹⁴ An edict was also issued forming an independent fact-finding commission to investigate the crimes committed since the eruption of popular protests on December 17, 2010.¹⁵ Another edict was issued creating an independent national commission to investigate bribery and corruption during the Ben Ali era; its members enjoy immunity against repercussions resulting from their work.

Nevertheless, the operation of these two commissions has suffered from a lack of transparency and access to information, which has increased anger among a public seeking the facts about and accountability for human rights crimes and corruption during the Ben Ali era.¹⁶

The HC made vital achievements in the field of legislative reform that complies with international human rights standards. The commission ratified several international conventions, most importantly the Rome Statue establishing the International Criminal Court, the Convention for the

¹³ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi." To see the decree creating the HC, see the Tunisian Official Gazette, no. 13, Mar. 1, 2011.

¹⁴ Al-Jazeera, "Hukuma jadida bi-Tunis wa hall jihaz al-amn," Mar. 7, 2011, <<http://www.aljazeera.net/NR/exeres/8DC50D64-76A4-46C1-8E10-0C9BA9FC0C2C.htm>>.

¹⁵ To read the decree, see the Tunisian Official Gazette, no. 14, Mar. 1, 2011.

¹⁶ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

Protection of All Persons from Enforced Disappearance, and the two optional protocols of the International Covenant on Civil and Political Rights. It also lifted Tunisia's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women¹⁷ and issued an emancipatory NGO law, considered the best in the Arab world.

The HC also began reviewing and drafting several laws closely related to public liberties and human rights, amending provisions in the Penal Code related to torture and freedom of the press and publication. It created an independent body to regulate the field of audiovisual communications, which played a vital role in restructuring this important field, while complying with international standards on freedom of expression.

The organization of elections was an overwhelming success, representing a unique example in the Arab world. The election of a national constituent assembly on October 23, 2011, constituted an important step in the democratization process and the turnover of governance to an elected, civilian authority. The elected assembly is comprised of 217 members, including 18 members elected by Tunisian expatriates. The Ennahda movement won a plurality with 89 seats and led the compromise among the political forces which won the largest numbers of seats on a power-sharing agreement during the transitional period. Well-known rights advocate Moncef Marzouki, the president of the Congress for the Republic Party, assumed the presidency, while the secretary-general of Ennahda movement was tasked with forming a government and Mustapha Ben Jafar, the president of the socialist Democratic Forum for Labor and Liberties, assumed the presidency of the constituent assembly. The assembly approved an interim constitution that defines the powers of the various branches of government and the nature of their relations, showing a preference for a parliamentary system that minimizes the powers of the president. The new constitution is scheduled to be written and general elections held within one year of the selection of the constituent assembly.

Status of human rights after the ouster of Ben Ali:

Tunisia witnessed a massive easing of restrictions on public liberties after the departure of Ben Ali, and the revolution's victory allowed for the return of political exiles and rights activists, most importantly Kamal Jendoubi, prominent dissident Moncef Marzouki, the former chair of the Tunisian

¹⁷ Human Rights Watch, "Tunisia: Government Lifts Restrictions on Women's Rights Treaty," Sep. 7, 2011, <<http://www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-women-s-rights-treaty>>.

League for the Defense of Human Rights, and Sheikh Rashed al-Ghannouchi, the leader of the Islamist Ennahda movement. On January 19, the transitional government ordered the release of 1,800 prisoners, among them hundreds of prisoners of conscience, many affiliated with Ennahda in addition to trade unionists and rights activists. It also lifted the siege on human rights organizations and other civil society institutions and instated the freedom to form political parties, of which there are now more than 100.

The Administrative Court overturned an arbitrary decree issued in 2001 expelling prominent judge Mokhtar Yahyaoui from the judiciary after he wrote an open letter to President Ben Ali demanding an independent judiciary and condemning the police state's control over the judicial system.

Nevertheless, challenges still obstruct the process of advancing human rights, largely due to the meager progress made toward security and judicial reform and justice for the crimes of the Ben Ali regime. This may explain the continuation of violations against the freedom of demonstration, protest, and peaceful assembly and the ongoing practice of forms of torture and ill treatment during detention. Moreover, the delay in instituting laws on freedom of the press and expression has been accompanied by some violations. Finally, human rights challenges are exacerbated by growing religious pressure, which has contributed to restrictions on the exercise of the freedom of expression and academic freedoms.

Status of human rights defenders:

Many restrictions on the freedom of association were lifted after Ben Ali's ouster. On February 26, the Administrative Court overturned a decree issued by the minister of interior in 1999 objecting to the establishment of the National Council for Liberties, thus allowing members to return to their offices after they had been barred from entering them in 2009. On April 22, the Administrative Court issued a similar ruling for the National Observatory for Freedom of Press, Publication, and Creative Expression. The Tunisian Association Against Torture was also licensed. All restrictions and repressive measures that had targeted the offices of the Tunisian League for the Defense of Human Rights, both in the capital and in the provinces, were also lifted.

International NGOs were permitted to register legally in Tunisia, organize conferences, send fact-finding missions, and visit prisons.¹⁸ The

¹⁸ Observatory for the Protection of Human Rights Defenders, "Samidun fi-l-ihitijaj," 2011 annual report, pp. 34-44.

measures culminated in September with the passage of a new law regulating NGOs that adopted international standards. The law explicitly grants the right of associations to obtain information, assess the performance of state institutions, hold meetings, conferences, demonstrations, and other forms of civic activities, publish reports and print flyers, and conduct opinion polls. It bans the public authorities from obstructing or impeding NGO activities and grants associations the right to develop their financial resources, including the right to receive contributions from domestic or foreign sources, as long as the association informs the government of all transfers from abroad. It makes the suspension of any activity or dissolution of any association dependent upon a court order.¹⁹

Nevertheless, rights activists continued to experience some forms of harassment. On July 16, police forces attacked several rights activists, among them Iman al-Tariqi and Zeinab al-Shibli, both members of the executive bureau of Freedom and Equity. With several other citizens, the two women had taken part in a protest in front of the Bouchoucha police station against attacks that targeted those occupying al-Qasbah to demand the immediate release of detainees.²⁰

Continued violations of freedom of assembly, demonstration, and occupation:

Despite the success of the Tunisian revolution, the assaults on rights of citizens to assembly, demonstration, and protest have not ceased.

Security forces used excessive force to end the sit-in at al-Qasbah from January 23 to 28, where protestors were demanding the dismissal of the Ghannouchi government. The violent security intervention²¹ took place after army forces withdrew and worked only to secure public facilities.

On April 1, security forces intervened to prevent a demonstration from heading for a planned sit-in in al-Qasbah, using tear gas and batons to disperse demonstrators and slapping, beating, and insulting those who fell into their hands. Twenty-four of those arrested were referred to trial on charges of breaking the emergency law and infringing on the property of others.

¹⁹ For more information on Decree 88/2011 on the regulation of NGOs see (in Arabic), <<http://mongi-tunisiepolitique.blogspot.com/2011/11/116-2011-2-2011.html>>.

²⁰ Arabic Network for Human Rights Information, "al-I'tida' 'ala nashitayn huquqiyayn amam thukna Bushushua," July 16, 2011, <<http://www.anhri.net/?p=35873>>.

²¹ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

Demonstrators were also attacked during protests in the capital on May 6 and 7, along with 15 journalists who were covering the events. The Interior Ministry was forced to apologize to the journalists and citizens, but the demonstrators considered the apology insufficient and assembled to demand the resignation of the interior minister and the prosecution of officials from the Ben Ali regime. According to the Interior Ministry, 250 individuals were detained during these demonstrations.²²

A 13-year-old boy was killed in July 2011 when security forces used live ammunition to disperse anti-government protests in Sidi Bouzid. Security forces prevented several journalists and human rights activists from reaching the site of the sit-in and pursued them on motorcycles. It was reported that dozens of people sustained head injuries and other wounds. Ahmed Ben Nasib, a rights activist with the organization Freedom and Equity, was beaten with batons, kicked, and slapped before being taken to a police station. When he stated that he was covering the sit-in as part of his advocacy work, he was again assaulted before being released later the same day. It was also reported that 47 protestors were arrested and taken to the Bouchoucha Prison.²³

International reports have noted the extreme difficulties facing bodies investigating the violations that accompanied attempts to suppress the revolution, either as a result of the lack of cooperation on the part of security apparatus, which has failed to turn over records containing the names of leaders responsible for security units that used weapons against demonstrators, or due to flawed procedures which have led to the destruction or erasing of evidence in some cases.²⁴

In November, a military court sentenced former security officials to four years in prison on the charge of torture, representing the first sentence handed down to officials from the former Ben Ali regime. Those convicted included Abdallah Kallel, the former interior minister; Ben Ali was sentenced to five years in prison in absentia.²⁵

Under Tunisian law, military courts have jurisdiction in cases involving crimes committed by domestic security forces in the course of duty. This entails an infringement of due process standards in such trials, both for the

²² Ibid.

²³ Amnesty International, "Tunisia Must Investigate Death of Boy during Protests," July 19, 2011, <<http://www.amnesty.org/en/news-and-updates/tunisia-must-investigate-death-boy-during-protests-2011-07-19>>.

²⁴ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

²⁵ Al-Ahram, "al-Sajj 'askariyan li-Bin 'Ali wa mas'ulin fi nizamihi bi-tuhmat al-ta'dhib," Nov. 30, 2011, <<http://gate.ahram.org.eg/News/143616.aspx>>.

rights of the accused and for the victims, who are barred from filing suit before these courts.²⁶

Several preliminary court rulings were also issued sentencing Ben Ali, his wife, and several of his relatives to decades in prison in absentia on charges of corruption or influence peddling. In total, 138 cases have been filed against Ben Ali, his family, and his in-laws.²⁷

More seriously, detainees arrested after demonstrations in Siliana in April were tortured and subjected to ill treatment; the demonstration had become violent, some government buildings were torched, and demonstrators occupied the national security building and released detainees held there. 22 people were arrested in relation to these events. They were forced to kneel before large armored personnel carriers, which later moved them to the capital. During the transport, they were beaten. They were placed in the al-Qarjani police station for six days, during which time they remained handcuffed and were repeatedly beaten while being suspended from an iron rod with their arms and legs bound.²⁸

The Tunisian Association Against Torture documented similar cases of torture and poor conditions for detainees in connection with protests in Tunisia.²⁹

The Interior Ministry confirmed the incidence of these practices, blaming them on the legacy of the past and promising to open investigations. Yet it is clear that these investigations contain no guarantees for independence and transparency, and there is no evidence that the cases have been referred to court. These violations cannot be viewed separately from the reluctance to reform the security and judicial sectors.

In this context, it should be noted that purges at the Interior Ministry have been limited to the referral of 43 former officials to retirement. In addition, the prosecution of officials for human rights abuses under Ben Ali has seen little progress, which suggests that there is little serious political will to prevent impunity for those responsible for these violations, whether they occurred before, during, or after the revolution.

²⁶ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

²⁷ Al-Ahram, "Fi thalith muhakama: sajn Bin 'Ali 16 'aman fi jara'im fasad wa istighlal nufudh," July 29, 2011, <<http://goo.gl/6D74K>>.

²⁸ Ibid.

²⁹ Al-Mouharrer, "al-Munazzama al-Tunisiya li-munahadat al-ta'dhib: hal al-hukuma al-intiqaliya mutawarrata fi tawasul al-ta'dhib ba'd al-thawra," Oct. 13, 2011, <<http://www.almouharrer.com/ar/amnesty-tunisi.html>>.

Torture and ill treatment of detainees: Insufficient security reforms and continued impunity for crimes:

Reports showed the continuation of torture of peaceful demonstrators and those taking part in violent protest.

According to the testimony of Mahdi Ben Arabiya, an amateur photographer, he was detained while photographing a demonstration in late January 2011. A group of security personnel violently punched and kicked him and forced him to remain in a kneeling position in a police station; his camera equipment was confiscated. Similarly, itinerant peddler Ezz al-Din Qeimawar says he was arrested in March during a peaceful demonstration in front of the Baladi theater, beaten with batons, and stomped on by masked policemen. He was again beaten inside the Bab al-Bahr police station, located near the Interior Ministry. In another case, Osama Qaayedi, an online activist who was photographing a demonstration in Jada al-Habib Bourguiba in April, stated that a group of policemen came up to him and a friend and slapped them before taking them away in a vehicle belonging to the counterterrorism forces. Inside the vehicle, they were punched, kicked, and beaten with clubs. They were moved to the Bab al-Bahr police station, where they and several other detainees were violently beaten by three policemen. Finally, Mehrez al-Yaqoubi, who works with Radio Kalima and the National Council for Liberties, faced a similar assault. He and others were led to a police car after taking part in a demonstration on May 5. Inside the vehicle they were brutally beaten and threatened with disfigurement.³⁰

With regards to legislation to address crimes of torture, the country witnessed a positive development with the passage of Decree 106/2011 on October 22, which amends some provisions of the Penal Code and the Code of Criminal Procedure. Notably, the decree adopts the definition of torture used in the International Convention Against Torture and nullifies any confessions obtained under torture or duress. It mandates a prison term of five years for any public servant who infringes on the freedom of another without legal cause or mistreats any suspect or witness. It carries a penalty of 8 to 16 years in prison for crimes of torture and prescribes life imprisonment for cases of lethal torture. However, the law sets a 15-year statute of limitations on crimes of torture, in contrast to international standards, which affirm that no such limitations should apply to such crimes. This legislation

³⁰ International Federation for Human Rights, “Tunis: ma ba’d Bin ‘Ali fi muwajahat ashbah al-madi.”

may permit senior officials responsible for torture under Ben Ali to evade punishment.³¹

Pressures on freedom of expression and academic freedoms:

Despite the greater space for freedom of expression after the revolution, the legal structure that is hostile to freedom of opinion and expression persists, although it has been deployed to suppress freedom of expression in only a few cases. Officer Samir al-Ghiryani was held in provisional detention for four months for disseminating information liable to undermine public security after he sent a letter to the interior minister accusing several officers of involvement in killing demonstrators during the revolution. Nabil al-Hajlawi spent more than one month in prison after being convicted by a military court in Sfax under the Code of Military Justice on charges of publicly defaming the army. He had published an article online criticizing the armed forces' treatment of protests that followed elections in Sidi Bouzid.

Concerns have also been voiced about the ongoing trial of the director of Nessma TV, who was questioned and charged by the Public Prosecution for showing contempt for religion and insulting Islam. He had aired "Persepolis," an animated film dealing with the life of a young girl in the Islamic Republic of Iran who moved to Europe. The film was considered offensive by some because it includes an animated depiction of God.³²

While the interim government recently adopted a new law on the press and publications that addresses the major problems with the law that was in force until October, further steps must be taken to review numerous statutes that criminalize freedom of expression in the Penal Code.

The new law (Decree 115/2011) was issued on November 2, pursuant to a proposal from the HC, yet the government has hesitated to implement the law in practice. The law relies largely on an understanding of freedom of expression grounded in international norms as expressed in international conventions. Article 1 upholds the right to freedom of expression and guarantees its exercise in accordance with the relevant provisions of the International Covenant on Civil and Political Rights and other international conventions. The law also bars any restrictions impeding access to information, infringing on the right of the various media institutions to equal

³¹ To see the text of the law (Decree 106/2011), see (in Arabic), <<http://mongi-tunisiepolitique.blogspot.com/2011/11/106-2011-22-2011.html>>.

³² Human Rights Watch, "Tunisia: Dismantle Repressive Ben-Ali-Era Laws," Dec. 17, 2011, <<http://www.hrw.org/news/2011/12/17/tunisia-dismantle-repressive-ben-ali-era-laws>>.

access to information, or obstructing citizens' right to a free, pluralistic, and transparent media. It affirms the right of journalists to protect their sources and permits the issuance of newspapers and periodicals without prior licensure, requiring only that notice be given to the head of the competent primary court before any new paper or periodical is issued. The law levies only fines for publication crimes such as libel and slander or infringing on the dignity of others, limiting liberty-depriving punishments for publication crimes to cases involving incitement to racial, religious, or locality-based hatred, incitement to discrimination or violence, dissemination of ideas based on racial discrimination, or incitement to murder or assaults on the physical integrity of persons.³³

The interim government also took a positive step to strengthen media freedoms with the issuance of Decree 116/2011 on audiovisual communications, issued on November 2. Article 1 of the law affirms this freedom as according to international charters and conventions ratified by Tunisia. The law creates a supreme independent commission to regulate the field of audiovisual communications in accordance with principles that support democracy, human rights, and the rule of law, strengthen freedom of expression, guarantee diversity and pluralism in public broadcasting, and support the right of the public to know. Under the law, the commission enjoys legal personhood and has financial and administrative independence, and its operations are to be free from interference by any outside body. The law states that members of the commission shall be selected based on experience, capability, and integrity in the field of media and communications.³⁴

Nevertheless, this progress in protecting freedom of expression and the media is threatened by growing religious pressure on these liberties, which also threaten academic freedoms.

The investigation into the Nessma channel, for example, was preceded by several hundred protestors surrounding its main offices to condemn the broadcast of the film which they considered insulting to Islam.³⁵

On September 26, protestors stormed a cinema to protest the screening of a film discussing atheism, shown as part of a cultural event. Prior to this, in

³³ To read the text of Decree 115/2011, see (in Arabic): <<http://mongi-tunisiepolitique.blogspot.com/2011/11/115-2011-2-2011.html>>.

³⁴ To read the text of Decree 116/2011, see (in Arabic): <<http://mongi-tunisiepolitique.blogspot.com/2011/11/116-2011-2-2011.html>>.

³⁵ Human Rights Watch, "Tunisia: Drop Criminal Investigation of TV Station for Airing Persepolis," Oct. 13, 2011, <<http://www.hrw.org/news/2011/10/13/tunisia-drop-criminal-investigation-tv-station>>.

April, film director Nouri Bouzid was assaulted and hit on the head with an iron bar by an unknown person after he made statements on the radio advocating a secular constitution, discussing a film he was making in defense of civil liberties, and criticizing religious fundamentalism.³⁶

At the same time, fundamentalist groups active on Tunisian university campuses exerted pressures that led to the suspension of classes in six universities from October until early December. The groups demanded the imposition of their views of Islam in academic programs, dress, and campus life. On November 28, some 100 people at the University of Manouba obstructed studies and prevented students from sitting for their exams, demanding an end to the ban on the full-face veil in classrooms and exam halls and the designation of a prayer space inside the university.³⁷

³⁶ Reporters Without Borders, “Violence, Blocked Websites and Prosecutions—Anti-Media Offensive Continues,” Aug. 20, 2011, <<http://en.rsf.org/bahrain-violence-blocked-websites-and-20-08-2011,40811.html>>.

³⁷ Human Rights Watch, “Fundamentalists Disrupting College Campuses,” Dec. 9, 2011, <<http://www.hrw.org/news/2011/12/09/tunisia-fundamentalists-disrupting-college-campuses>>.

