

Tunisia

The success of the Tunisian revolution in overthrowing the regime of former president Zine El Abidine Ben Ali in January, 2011, was accompanied by high hopes regarding the prospects for transition to democracy in the country. These hopes were buoyed by the return of prominent rights activists and members of the political opposition to the country, the end of the siege which had effectively been imposed by the police on human rights and civil society organizations, and the release of hundreds of prisoners of conscience, including union and rights activists. In addition, a number of organizations which had been banned during the Ben Ali era were legally recognized. The most important development, however, was the progress made by the most prominent civil society and political actors to fill the power vacuum by setting up a “High Commission for the Realization of the Goals of the Revolution” (HC), which played a significant role in enacting a number of important laws to reinforce the course of the transition to democracy, including a law to govern the election of the National Constituent Assembly. The HC also formed an independent elections committee headed by a prominent rights figure. It further passed a new law regulating the work of civil society associations which complies with international standards and represents the most commendable of such laws in the entire Arab region. Similarly, the HC passed other legislation related to eliminating torture, to guaranteeing press and publication freedoms, and to regulating the field of audiovisual communications, as well as establishing an independent high commission to set the regulations for these fields. Moreover, the election of the Constituent Assembly set an example unique in the Arab world for free

and fair elections and for the peaceful transfer of power to a civilian elected authority, after which the Ennahda Party formed a government.¹

However, the year 2012 witnessed a waning of the hopes that had been held regarding the transition to democracy in the country, especially following the dissolution of the HC and the transfer of legislative powers to the National Constituent Assembly. The implementation of laws previously passed by the HC to protect press and media freedoms was obstructed, and the government arbitrarily interfered in the appointment of directors of state-owned press and media institutions. Journalists, media professionals, and artists became increasingly pressured by the government, while attacks and pressures from Salafist groups on freedoms of expression and creativity as well as personal and academic freedoms increased. Simultaneously, the Ennahda Party introduced a draft law making crimes against “the sacred” punishable by prison, and it is clear that pressures exerted by Salafist groups converged with similar tendencies within the Ennahda movement. This is visible in the first draft of the constitution, which included restrictions on freedom of expression, failed to guarantee full equality between women and men, and neglected to explicitly establish the status of international human rights treaties in Tunisian law, which could allow lawmakers and judges to disregard the obligations that are placed on the state by such treaties.

In light of the continued renewal of the state of emergency – which was imposed on January 14, 2011 and renewed most recently in October 2012 – practices of the security forces have increased fears that police forces will continue to enjoy impunity for gross violations, particularly those related to excessive use of force to break up peaceful gatherings and practices of physical and psychological abuse and torture exercised against detainees. Moreover, serious efforts to adopt a holistic process of transitional justice have been greatly lacking.

Constitutional and Legislative Developments

The process of drafting a new constitution for the country continues in the National Constituent Assembly, whose members were chosen through the first free and fair elections ever held in Tunisia. A first draft was prepared and presented for public review in August 2012, yet the failure of the Assembly to complete a final draft of the constitution within one year from

¹For details regarding the accomplishments of the first year following the revolution, see the chapter dedicated to Tunisia in “Fractured Walls, New Horizons: Human Rights in the Arab Region,” Annual Report 2011, Cairo Institute for Human Rights Studies, <<http://www.cihrs.org/wp-content/uploads/2012/06/the-report-e.pdf>>.

its formation on October 23, 2011 has resulted in the deadline being extended until February 2013.² The text of the first draft reveals that the Assembly has yet to settle on a final version for several of the provisions related to the system of governance and the relationship between the executive, legislative, and judicial branches.³

Despite the fact that the text of the draft tended in general to affirm respect and guarantees for rights and public freedoms, including the right to form political parties, unions, and associations and the right to peaceful gatherings, protests, and strikes, the wording used is basic and does not define the specific obligations of the state to protect these rights. Positively, the draft also recognized the right to human dignity and completely banned any form of assault on the physical or psychological integrity of any person, including all forms of torture, considering it a crime not subject to a statute of limitations.

The most significant causes for concern over the status of human rights in the new constitution relate to the freedoms of expression and creativity, religious freedoms, and women's rights. There are also fears related to the status of international human rights treaties in the constitution, as Chapter 20 of Part 5 grants the Constitutional Court the power to examine the extent of the constitutionality of international treaties prior to signature. Chapter 17 affirms that international treaties shall be respected as long as no contradiction with the Constitution exists. This approach would limit the effective value of the Constitutional texts which guarantee human rights and public freedoms, as it would allow the legislative authorities and the courts to disregard the provisions of international human rights treaties under the pretext that they contradict the Constitution.

The wording of provisions regarding women's rights is ambiguous, as it fails to clearly recognize full equality between men and women. The only reference to equality comes in Chapter 21 of Part 2, which discusses the care for and stability of the family as well as enabling the family to play its role in "supporting equality between the two spouses." The protections for women's rights in Chapter 28 of Part 2 also appear to be applicable only in the framework of the woman's role as wife complementing the man in family life.

²Amnesty International, "Tunisia: One Step Forward, Two Steps Back? One Year Since Tunisia's Landmark Elections," Oct. 23, 2012,

<<http://www.amnesty.org/en/library/info/MDE30/010/2012/en>>.

³Text of the Draft Constitution of the Tunisian Republic available (in Arabic) here:

<http://www.marsad.tn/uploads/documents/Projet_Brouillon_Constit.pdf>.

Even though the draft constitution does establish that citizens are equal before the law in terms of rights and obligations without discrimination, it at the same time reserves the right to run for the office of president to Muslims only.

The restrictions that the draft constitution imposes on freedom of expression are closely related to religious pressures in the country. In more than one article, the draft bans and criminalizes any infringement on “the religious sanctities,” and it is feared that expression of diverse opinions and ideas, literary and artistic works, and academic studies may fall under this provision if they are considered to compromise religion or offend religious figures. The draft constitution has also been criticized by constitutional law experts and human rights defenders for leaving the door open to the establishment of authoritarian rule in the name of religion and for upholding elements of a theocratic state, even as it was expected to establish the values of a civil state.⁴

In this context, the Ennahda Party presented a draft law to the Constituent Assembly which would have criminalized “desecration of sacred values,” whether through speech, images, or actions and made such acts punishable by prison sentences of up to two years.⁵

A second draft of the constitution was presented by the Constituent Assembly on December 14 which avoided some of the same problems regarding lack of protection for women’s rights that had been criticized in the first draft. Chapter 5 affirms that all citizens, male and female, are equal before the law without discrimination and hold equal rights and duties. However, Chapter 7 includes extremely broad language where it states that the state shall guarantee protection of the rights of women and support women’s gains without providing any definition for these rights or the basis for them. Chapter 37 also establishes that the state shall guarantee equal

⁴Human Rights Watch, “Tunisia: Fix Serious Flaws in Draft Constitution,” Sep. 13, 2012, <<http://www.hrw.org/news/2012/09/13/tunisia-fix-serious-flaws-draft-constitution>>; Amnesty International, “Tunisia: One Step Forward, Two Steps Back? One Year Since Tunisia’s Landmark Elections”; Article 19, “Tunisian Draft Constitution Needs More Work to Protect Freedom of Expression,” Nov. 9, 2012, <<http://www.article19.org/resources.php/resource/3512/en/Tunisian%20draft%20constitution%20needs%20more%20work%20to%20protect%20freedom%20of%20expression>>; Anadolu Agency, “Khubara’ dustoreyyon yentaqidon maswadet ad-dostor at-tunissey,” Aug. 22, 2012, <<http://www.aa.com.tr/ar/world/75003>>.

⁵Amnesty International, “Tunisian Journalist Faces ‘Public Morals’ Charge After Criticizing Government,” Aug. 8, 2012, <<http://www.amnesty.org/en/news/tunisian-journalist-faces-public-morals-charge-after-criticizing-government-2012-08-07>>; Human Rights Watch, “Tunisia’s Setback in Freedom of Expression,” June 24, 2012, <<http://www.hrw.org/news/2012/06/24/tunisia-s-setback-freedom-expression>>.

opportunities for men and women, yet this provision is limited to matters related to “bearing responsibilities,” whereas it should provide for equal enjoyment of rights as well.

Even though the second draft does not include final versions of the sections regarding the structure of governance and the relationships between the state authorities, some of the provisions agreed upon within the committees of the Constituent Assembly are cause for concern. For instance, Chapter 95 would potentially allow for the establishment of armed organizations or militias that do not belong to the state’s armed forces or the security establishment, as it provides for the possibility that such armed groups might be formed under another law. Civil society organizations and political activists have expressed fears that this article could allow for the party which currently holds a plurality, the Ennahda party, to replicate what was done in Iran through the establishment of militias - mimicking the Iranian Revolutionary Guard - which would serve to deter those who reject the establishment of a theocratic system of government in Tunisia.⁶

Furthermore, Chapter 68 of the second draft of the constitution provides for immunity from prosecution for the president while in office and extends this immunity beyond his/her term for acts committed while serving in the post of president. Such a provision could preclude accountability for misuse of the powers constitutionally granted to the president.

The year 2012 did not see any progress towards reform to ensure the independence of the judiciary. Rather, the work of the High Judiciary Council was suspended and replaced with a temporary judicial commission, even though the adoption of the law to establish this commission faced strong opposition due to several political parties - including the Ennahda Party, which held a plurality in the Constituent Assembly - objecting to granting the commission financial and administrative independence. This legislative and institutional vacuum allowed for the executive branch, represented by the minister of justice, to interfere in the administration of justice. On May 28 the minister issued arbitrary decrees to dismiss 82 judges under the pretext of stopping the spread of corruption; nine of the judges were subsequently returned to their posts. Furthermore, the minister restored the High Judiciary Council with the same members that had been present before the fall of the Ben Ali regime.⁷

⁶ Middle East Online, “Dostor ennahda yuteeh tashkeel haras ‘al-basdaran’ fe tunis,” Jan. 7, 2013, <<http://www.middle-east-online.com/?id=146764>>.

⁷ Human Rights Watch, “Tunisia: Mass Firings a Blow to Judicial Independence,” Oct. 29, 2012, <<http://www.hrw.org/news/2012/10/29/tunisia-mass-firings-blow-judicial->

The Congress for the Republic Party presented a draft law on political isolation, yet at the time of the writing of this report this law had remained under discussion. This draft law called for the removal of high-ranking members of the ruling Constitutional Democratic Rally Party and ministers from the successive governments which served under Ben Ali from the political scene and banned them from joining any other political parties for five years. This would have prohibited a number of citizens from exercising some of their political rights simply for having adopted specific views.

Deterioration of Freedoms of Expression and the Media

During the first year following the revolution, prior censorship of newspapers was ended and the use of provisions of the penal code to criminalize expression of opinion and to punish those who work in journalism and the media greatly decreased. Legislative steps were also taken to protect the rights of journalists and to govern the field of audiovisual media in a way that ensures its independence.⁸

However, throughout the year 2012, those who expressed their opinions, including artists and those who work in the fields of journalism and media, were subjected to severe violations by the government as well as to growing pressures from Salafist groups, which have promoted an environment of religious extremism hostile to press freedoms and the freedoms of thought and creativity.⁹ In this context, at least 130 cases of violations to press freedoms have been documented, and while some cases include prosecution before the judiciary, most of these violations have come in the form of acts of violence and physical attacks on journalists and other media professionals.¹⁰

It is important to note that some of the leaders of the Ennahda movement have displayed their annoyance with and have perpetuated restrictions on press freedoms, even inciting attacks on media professionals. For example,

independence>; Human Rights Watch, "Tunisia: Revise Judiciary Bill," Aug. 6, 2012, <<http://www.hrw.org/news/2012/08/06/tunisia-revise-judiciary-bill>>.

⁸See the chapter dedicated to Tunisia in "Fractured Walls, New Horizons: Human Rights in the Arab Region," Annual Report 2011, Cairo Institute for Human Rights Studies, <<http://www.cihrs.org/wp-content/uploads/2012/06/the-report-e.pdf>>; Carnegie Endowment for International Peace, "Tunisia's Pressing Issues," Nov. 6, 2012,

<http://carnegieendowment.org/sada/index.cfm?fa=show&article=49914&solr_hilite=Tunisi.

⁹Cairo Institute for Human Rights Studies, "The Tunisian Government Must Uphold Its Commitments to Protect Freedom of Opinion and Expression," Oral Intervention Delivered by Kamal Labidi before UN Human Rights Council, Sep. 19, 2012, <<http://www.cihrs.org/?p=4126&lang=en>>.

¹⁰Carnegie Endowment for International Peace, "Tunisia's Pressing Issues."

Habib Ellouz, one of the leaders of the Ennahda movement and a member of the Constituent Assembly, made a statement on September 7 in which he described media professionals as being enemies of the revolution and called for them to be “hit”.¹¹

The government obstructed decrees 115 and 116 of 2011, which had been issued by the High Commission for the Realization of the Goals of the Revolution; Decree 115 related to protecting the rights of journalists and their sources as well as to prohibiting the blocking of access to information, while Decree 116 had dealt with restructuring the field of audiovisual media and to creating an Independent High Body for Audiovisual Communication which would be responsible for issuing radio and television broadcasting licenses and for appointing the directors of state-owned media institutions.¹² Furthermore, the government imposed its control on the state-owned media sector by appointing new officials to the official media outlets and revived the use of provisions of the Penal Code – as had been done under the Ben Ali regime – to curb the freedoms of expression and opinion and media freedoms as well as to refer media professionals to trial for charges such as undermining public order, “defaming sacred values,” and “compromising public morality.” At the same time, the silence of the government regarding pressures exerted by Salafist groups allowed artists and media professionals to be blatantly targeted and attacked by religious fanatics.

On October 17, Tunisia witnessed an unprecedented general strike by various media outlets which was called for by the National Union of Tunisian Journalists¹³ with the demands of establishing constitutional protections for freedom of expression, reviewing the government appointments of directors of media outlets, and effectively implementing Decrees 115 and 116. The government was forced to promise to enforce the two decrees, although it included the condition that Decree 116 would be implemented only temporarily until a new independent body to regulate the media could be established under the new constitution.¹⁴

¹¹National Syndicate of Tunisian Journalists, “Bayan an-naqaba al-wataneyya l-as-sahafeyyen at-tuniseyyen b-tarekh 08 setember 2012,” Sep. 8, 2012, <<http://bit.ly/VfMFhq>>.

¹²See page 122 of “Fractured Walls, New Horizons: Human Rights in the Arab Region,” Annual Report 2011, Cairo Institute for Human Rights Studies, <<http://www.cihrs.org/wp-content/uploads/2012/06/the-report-e.pdf>>.

¹³Article 19, “Al-mada 19 tuhyee shuga’a as-sahafiyen at-tunisiyyen wa tuthemmen qrar al-hukuma tafa’el al-mirasim al-muta’liqa b-al-i’alam,” Oct. 19, 2012, <<http://bit.ly/YGMpyA>>.

¹⁴Reporters Without Borders, “Government Urged to Clarify Announcement About Impending Media Laws,” Oct. 23, 2012, <<http://en.rsf.org/tunisia-government-urged-to-clarify-23-10-2012,43569.html>>.

The call for the general strike was met with criminal procedures taken against a number of journalists and other media professionals. On September 25, the authorities summoned six journalists from Dar al-Saba⁷ for questioning based on allegations that they had “disrupted the functioning of the workplace.” Similarly, cartoonist Hamdi al-Mazhoudi was arbitrarily dismissed from his post as punishment for his role in the strike.¹⁵

This deterioration led the National Committee for Reforming the Media and Communication to announce its resignation and to dissolve itself out of protest of actions taken by the government to hinder the Committee’s activities. On July 4, the president of the Committee, Kamel Labidi, who is also a prominent rights defender, explained that the committee saw no purpose in continuing its work under such circumstances.¹⁶

With regards to the various prosecutions of media professionals, on March 28 one of the courts issued a sentence of seven years in prison against two internet activists - Ghazi al-Baji and Jaber al-Majry – on charges of publishing defamatory depictions of the prophet Mohammed and other writings which the court considered insulting to Islam, Muslims, and religious morality.¹⁷ On April 11, a court in Medenine in southern Tunisia issued a sentence of four years in prison against Ramzi Abasha on charges of “attacking mosques” and “insulting religious rites” after he was accused of desecrating the Qur’an in a number of mosques in the city of Ben Guedrane.¹⁸ On March 8, Nasreddine Ben Sa’ida, the director of the newspaper “Attuniseyya,” was convicted of “publishing information liable to disturb public order” and sentenced to a fine of one thousand Tunisian dinars. The paper had published a picture of the German soccer star of Tunisian ancestry, Samy Khedira, embracing his semi-naked girlfriend.¹⁹ On May 3, Nabil Karoui, director of the “Nessma” television channel, was sentenced to pay a fine of 2,400 Tunisian dinars for charges of “violating sacred values and undermining public order and religious morality” for

¹⁵ International Freedom of Expression Exchange, “IFEX-TMG Calls on Tunisia to Guarantee Media Independence,” Oct. 17, 2012, <http://www.ifex.org/tunisia/2012/10/18/journalists_strike/>.

¹⁶ Alwasat, “Hey’at islah al-i’alam at-tuniseya: Nerfud ‘an nekon deikoran l-al-hukuma,” July 5, 2012, <<http://www.alwasatnews.com/3589/news/read/685703/1.html>>.

¹⁷ Amnesty International, “Tunisia: Persepolis Trial Spotlights Attacks on Freedom of Expression,” Apr. 18, 2012, <<http://www.amnesty.org/en/news/tunisia-2012-04-18>>.

¹⁸ Ibid.

¹⁹ Amnesty International, “Tunisian Journalist Faces ‘Public Morals’ Charge After Criticizing Government”; As-sabah, “‘Ihalet mudeer Jaredet ‘at-tuniseyya’ ‘ala ad-da’ira al-jinaheyya,” Feb. 21, 2012, <<http://www.assabah.com.tn/article-64828.html>>.

having aired the cartoon film *Persepolis*, which includes a scene depicting God.²⁰

On August 25, the Investigations Department of the Court of Appeals in Tunis issued an arrest warrant for Sami al-Fahri, the director of the television channel “Attuniseyya,” based on charges of financial irregularities in a production company of which he shared ownership with the son-in-law of former president Ben Ali. The warrant was issued only two days after the government informed him of its displeasure at his satirical program “al-Mantiq as-Siyasi,” in which he criticized the government and leaders of the Ennahda movement, including Rached al-Ghannouchi. Before the issuance of the warrant, Al-Fahri announced that Lotfi Zitoun, the media advisor to the prime minister, had called him and requested that he stop broadcasting the program. If convicted, al-Fahri could face up to ten years in prison.²¹

On September 21, a military tribunal issued a suspended sentence of four months imprisonment against Ayoub Massoudi, the former advisor to President Moncef Marzouki, on charges of “disparaging the reputation of the army” and “defaming a government employee.” This followed a statement he had made to “Attuniseyya” channel on July 15 in which he criticized of the role of the army in handing over the former Libyan prime minister, al-Baghdadi al-Mahmoudi, to Libya, claiming that the Chief of Staff of the armed forces and the minister of defense did not consult with the Tunisian president in advance.²²

On November 22, the Court of First Instance ordered that the channel *Attuniseyya* not broadcast a conversation with one of the in-laws of the ousted president. The judiciary justified this ban because the controversial content was liable to undermine public security and instigate unrest among citizens.²³

²⁰International Freedom of Expression Exchange, “Spring into Winter? Fragile Achievements and Exceptional Challenges for Tunisian Free Expression Defenders,” Report issued July 2012, <http://ifex.org/tunisia/2012/07/10/springintowinter_ifex-tmgreport_july2012final.pdf>.

²¹International Freedom of Expression Exchange, “Old-Style Repression Threatens Free Expression in New Tunisia, Says IFEX-TMG,” Aug. 29, 2012, <http://www.ifex.org/tunisia/2012/08/29/oldstyle_repression/>; Reuters Arabi, “Hibs malek qanah telefizyoneyya khasa fe tunis,” Aug. 30, 2012, <<http://ara.reuters.com/article/topNews/idARACAE87T0D320120830>>.

²²Amnesty International, “Tunisia, Former Presidential Adviser Convicted for Criticizing the Army,” Sep. 24, 2012, <<http://www.amnesty.org/en/news/tunisia-former-presidential-adviser-convicted-criticizing-army-2012-09-24>>.

²³Tunis Center for Press Freedom, “Report on Violations against Tunisian Media in November 2012,” Dec. 3, 2012, <<http://ctlj.org/index.php/en/reports/58--2012>>.

In December, a number of journalists were referred to court following their publication of articles dealing with issues of corruption. Among them was Ramzi al-Jabari, the director of the newspaper *al-Safir*, who was brought before the Court of First Instance based on charges of defamation after he published articles about suspected corruption in the Collective for School and University Events. Journalists Mohamed al-Hamrouni and Nadia al-Zair, from the weekly paper *al-Dameer*, were also referred to trial on charges of defamation and slander, after the former head of the Federation of Industry and Commerce accused the two of defaming him in an article published in *al-Dameer* dealing with suspected corruption. The court refused to hear the case against the journalists due to procedural problems. Yasmin al-Nabli, a journalist with the weekly paper *Sawt a-Sha'b*, was also brought before the Court on charges of defamation after the general director of an agricultural company filed a complaint following al-Nabli's publication of a journalistic report which included issues of suspected corruption in land investments.²⁴

On January 17, unknown men, some wearing shirts of the Ennahda movement, attacked Sofiene Ben Hamida, a reporter with the channel "Nessma," beating and insulting him and accusing him of being an unbeliever, as he was covering a protest organized by government supporters in downtown Tunis.²⁵ Similarly, a number of other Tunisian and foreign journalists were subjected to physical and verbal attacks by the police, both in the capital and in other cities, during the celebration of Martyrs' Day on April 9. Their equipment was confiscated; some of it was destroyed. The National Union of Tunisian Journalists stated that 14 reporters had been attacked during this demonstration.²⁶

On August 6, journalist Siham al-Mohamadi and photographer Abdel Hamid al-'Amri of the television channel "al-Hiwar at-Tunissey," reporter Na'ima al-Chermiti of the television channel "Arabesque," and reporter Saif Eddine al-A'miri of the news site "Akher Khabar" were beaten by police while covering the violent dispersal of protestors during an anti-government demonstration in Bourguiba Street. The previous day, on August 5, Tunisian

²⁴ Tunis Center for Press Freedom, "Report: Violations against Tunisian Media during December 2012," Jan. 3, 2013, <<http://ctlj.org/index.php/en/reports/74--2012>>.

²⁵ Human Rights Watch, "Tunisia: 'Persepolis' Trial a Setback for Free Expression," Jan. 25, 2012, <<http://www.hrw.org/news/2012/01/25/tunisia-persepolis-trial-setback-free-expression>>.

²⁶ International Federation for Human Rights, "Tunis: 'Idanet qanat nisma lawwathet al-yom al-a'alemy li-horreyyet as-sahafa,'" May 7, 2012, <<http://www.fidh.org/%D8%AA%D9%88%D9%86%D8%B3-%D8%A5%D8%AF%D8%A7%D9%86%D8%A9-%D9%82%D9%86%D8%A7%D8%A9>>.

blogger Lina Ben Mhenni had also been beaten by the police.²⁷ On September 14, journalists were again subjected to beatings during their coverage of a protest which took place in the area surrounding the American embassy because of the film which insulted the Prophet Mohammed. Among the reporters who were attacked were Mohamed Ali al-Suwaissi and Hashem Lamari, correspondents with Radio Mosaique FM; Na'ima al-Chermiti, a correspondent with Arabesque TV; Ramzi Hafiz, a correspondent and photographer with Dubai Channel and correspondent with the French newspaper Libération. In addition, a vehicle belonging to the national television was destroyed.²⁸

Reporters were also intimidated for their work. On July 6, Nadia al-Hadawi, a reporter with national radio, was prevented from entering the building where she works, as she was scheduled to host writer Naziha Rajiba, who is known for her criticism of the government, on her morning program. On August 21, Bathina Qawiya'a, who hosts the program "al-Akhbar wa al-Sha'i'at" on National Radio, was informed that she was being transferred from her position in the news department following an episode during which representatives of the National Union for Tunisian Journalists discussed the government's appointments of editors-in-chief of some of the government-owned newspapers and the director of national television and criticized the manner in which the government was dealing with the media.²⁹

On August 22, the government dismissed reporter Kamal Samari, Director of Dar al-Sabah, and appointed in his stead Latfi al-Towati, a former security officer. This step was severely denounced by reporters and public figures, who protested in front of the building for several days. In addition, the front pages of the newspapers "al-Sabah" and "Le Temps" were left blank as a further form of protest.³⁰ Several days after al-Towati assumed his position, he banned the publication of an article criticizing his appointment, dismissed one of the editors, and issued a list of people allowed to write editorials in the paper.³¹ Reporters with Dar al-Sabah continued their protests and

²⁷ International Freedom of Expression Exchange, "Old-Style Repression Threatens Free Expression in New Tunisia, Says IFEX-TMG."

²⁸ Kalima Tunis, "Al-I'atida' 'ala 'adid min as-sahafiyyen athna' al-ihitijajat," Sep. 14, 2012, <<http://www.kalima-tunisie.info/kr/News-file-article-sid-13461.html>>.

²⁹ International Freedom of Expression Exchange, "Old-Style Repression Threatens Free Expression in New Tunisia, Says IFEX-TMG"; Reporters Without Borders, "State Media Appointments Discussed at Meeting with Government," Aug. 29, 2012, <http://en.rsf.org/tunisia-state-media-appointments-discussed-29-08-2012_43282.html>.

³⁰ International Freedom of Expression Exchange, "Old-Style Repression Threatens Free Expression in New Tunisia, Says IFEX-TMG."

³¹ Committee to Protect Journalists, "Receding Hopes for Press Freedom in Tunisia," Sep. 26, 2012, <<http://cpj.org/mideast/tunisia/>>.

periodic hunger strikes until Latfi al-Towati was dismissed and the judiciary appointed a replacement to head the newspaper.³²

On May 27, unknown persons broke into the headquarters of the privately owned channel “Al-Hiwar at-Tunissey” and destroyed or stole an estimated 200,000-dinars’ worth of equipment. This came in the wake of a series of threats to reporters and other workers at the channel from groups affiliated with extremists and other individuals claiming to support the government.³³

On November 28, security forces used excessive force in dealing with journalists who had been covering the general strike in the city of Siliana, southwest of Tunis. Abdelsalam al-Samrani, the director of the office of *Dar al-Anwar* in Siliana, sustained bruises and a fractured bone, and a team from the channels *Hannibal* and *Attuniseyya* was also attacked with clubs and flaming projectiles as the sit-in was being dispersed. Members of the security forces also attempted to prevent nine other journalists from covering the events and threatened and insulted them. David Thompson, a correspondent with the channel *France 24*, was shot by a firearm in his leg. On November 30, security forces used tear gas to prevent a group of journalists from filming a march in the same city, causing them to choke.³⁴

Threats to Public and Personal Freedoms

Salafist groups were successful in applying increasing pressure on public freedoms as well as personal freedoms, particularly in light of the failure of the authorities to carry out their responsibility to protect citizens and their apparent inclination to allow for such pressures to be exerted on various occasions. Indeed, in some cases, supporters of the ruling Ennahda Party – which enjoys a plurality in the Constituent Assembly – appeared to be implicated in attacks on their political opponents as well as in providing legal backing for the suppression of public freedoms.

On June 12, the Ministry of Culture closed the exhibition “Spring of the Arts” and confiscated six paintings following protests by Salafist groups in a number of cities which claimed that some of the works of art were – according to the Minister of Culture Mohdi Mabruk – provocative and violated “the principles of Islam and the sanctities of the Tunisian people.”

³² Ibid; As-sabah, “Ta’een mutasarif qada’y ‘ala ra’s ‘dar as-sabah’,” Nov. 7, 2012, <<http://www.assabah.com.tn/article-78805-07112012.html>>.

³³ National Syndicate of Tunisian Journalists, “Bayan an-naqaba athr i’atida’ ‘ala maqr qanat al-hiwar at-tunisey,” May 28, 2012, <<http://bit.ly/WDAmfW>>.

³⁴ Tunis Center for Press Freedom, “Report on Violations against Tunisian Media in November 2012.”

On June 14, ministers from the Ennahda movement announced their intention to prosecute the artists whose works had been exhibited. On August 28, visual artists Nadia al-Jelassi and Mohamed Ben Salama were interrogated based on charges of “exhibiting what is liable to disturb public order” and “insults Islam.”³⁵

Statements made before the Constituent Assembly by al-Sadiq Shuru, one of the leaders of the Ennahda movement, called for putting an end to the efforts of protestors and strikers, whom he considered to be breaking the law and damaging the national economy, citing a Quranic verse to support these claims.³⁶

On August 5, reporter Sofiene al-Chourabi was arrested along with two of his friends based on claims that they had been drinking alcohol on a beach while camping in Kelibia in northeastern Tunisia. They were charged with “intoxication in a public place” and “assaulting public ethics.” One day before his arrest, al-Chourabi had called for the organization of a demonstration in front of the Interior Ministry to protest the imposition of increased restrictions by the Ennahda movement on public freedoms.³⁷

On January 23, three journalists were attacked while coming out of the trial of the director of Nessma TV by a group of extremists who cursed them, spat in their faces, and kicked them. The police did not intervene to stop the assault or to apprehend the attackers.³⁸

On March 24, Lotfi al-Hajji, the director of the al-Jazeera channel’s office and member of the executive board of the Tunisian League for the Defense of Human Rights, was attacked while covering a political meeting in the city of Monastir. The Tunisian League for the Defense of Human Rights condemned this attack, considering it “one of the recurring episodes in which press freedoms and protections of journalists have come under attack.”³⁹

³⁵ International Freedom of Expression Exchange, “IFEX-TMG Alarmed by Recent Attacks on Artistic Expression,” June 25, 2012, <http://www.ifex.org/tunisia/2012/06/25/art_attack/>.

³⁶ Ibid.

³⁷ Amnesty International, “Tunisian Journalist Faces ‘Public Morals’ Charge After Criticizing Government.”

³⁸ National Institute for Information and Communication Reform, “Fe risala ‘ila ar-ru’asa’ al-thalatha: al-hey’a teda’u ‘ila muhasabet al-mu’ataden ‘ala as-sahafiyen,” Jan. 26, 2012, <http://www.inric.tn/index.php?option=com_content&view=article&id=148%3A2012-01-26-14-27-26&catid=46%3Ainric-communiqués-presse&Itemid=154&lang=ar>; Human Rights Watch, “Tunisia: ‘Persepolis’ Trial a Setback for Free Expression.”

³⁹ Statement by the Tunisian League for the Defense of Human Rights, Mar. 24, 2012; Al-mashhad at-tunisey, “Al-rabita at-tuniseyya li-haqq al-insan wa niqabet as-sahafiyen tudenan al-i’atida’ ‘ala sahafeye qanat al-jazeera bil-mansteer,” Mar. 25, 2012,

On April 8, a group of extremists verbally and physically attacked Ayman Ma'touq, Amin al-Ayashi, and Fathi al-Amiri, reporters with the Nessma satellite channel, while they were covering a demonstration organized by the Tunisian Nationalist Party in front of the Municipal Theater in the city of Sfax.⁴⁰

On April 22, activists with the "Our Constitution" network were subjected to a violent attack in the city of Douz in the governorate of Medenine when extremist groups attacked the venue of their meeting, wielding clubs, glass bottles, and knives. In particular, the attackers targeted the president of the network, Johar Ben Mubarak. In a statement issued on the same day, the Tunisian League for the Defense of Human Rights expressed its shock at the lack of a security response during the incident, which contributed to "the spread of the influence of extremist groups through violence and intimidation."⁴¹

On May 24, extremist groups attacked the playwright Ragab al-Mokri in the city of Le Kaf, beating him severely on his head and chest. After the incident, he was taken to the hospital in critical condition.⁴²

On May 27, Tatiana Massad, a reporter with the channel France 24, was attacked by extremists while covering a fire in one of the markets in the capital.⁴³

On August 14, comedian Lotfi al-Abdli was assaulted by an extremist group, which prevented him from performing in the town of Menzel Bourguiba, close to Binzerte, after they claimed that he had insulted Islam. On August 15, Salafists prevented an Iranian band from performing at the International Festival of Sufi and Spiritual Music in the governorate of Kairouan, claiming that the band was "Shiite." On August 16, 200 extremists armed with swords, clubs, and rocks attacked the "Nasrat al-Aqsa" festival

<<http://www.machhad.com/9671>>; Director of Al-Jazeera office in Tunis, "Mudeer maktab al-jazeera bi-tunis ithr al-i'atida' 'aleh, yesarreh!!" Mar. 25, 2012

<http://www.youtube.com/watch?feature=player_embedded&v=ygXiXVJHF8M>.

⁴⁰ The Arabic Network for Human Rights Information, "Tunisia, Suppression of a Peaceful Demonstration and Attacks on Journalists," Apr. 9, 2012,

<<http://www.anhri.net/en/?p=7817>>; International Federation of Journalists, "IFJ Backs Red-Armband Campaign after Tunisian Journalists Attacked," Apr. 11, 2012,

<<http://mena.ifj.org/en/articles/ifj-backs-red-armband-campaign-after-tunisian-journalists-attacked>>.

⁴¹ Tunisian League for the Defense of Human Rights, Apr. 22, 2012, <<http://goo.gl/wnHxm>>.

⁴² Human Rights Watch, "Tunisia: Investigate Attacks by Religious Extremists," Oct. 15, 2012, <<http://www.hrw.org/news/2012/10/15/tunisia-investigate-attacks-religious-extremists-0>>.

⁴³ France 24, "Salafiyun ya'tedon 'ala sahafiyya fe frans 24 turafiq fariq qanat 'al-hiwar' at-tuniseyya li-taghteyyet hariq," May 27, 2012, <<http://f24.my/VLcvjt>>.

in the city of Binzerte, protesting the participation of Samir Kuntar, a Lebanese man who had been previously held prisoner in Israel and whom they claimed supported the regime of Syrian President Bashar al-Assad.⁴⁴ The president of the Freedom and Equity Organization's branch in Binzerte, Khaled Boujemaa, was also attacked and sustained injuries in this mouth and leg as well as a broken nose. The attack also included a group of rights activists, among them Manji al-Tayashi, Shukri al-Gharbi, and Emad al-Sfaxi.⁴⁵

On November 17, a team from the channel *al-Hiwar at-Tuniseyya* was attacked during their coverage of the funeral of a Salafist youth in the town of Grado in the state of Zaghwan in north eastern Tunisia by a group affiliated with the Salafist movement. The team was beaten, kicked, and called "the media of shame," "atheists," "infidels," and "secularists."⁴⁶ On December 31, two journalists from the same channel were attacked and threatened with death by another group affiliated with the Salafist movement while they were reporting in the Heshar area in the state of Manouba; they were similarly called "infidels" and "atheists."⁴⁷

Such attacks also targeted a number of Islamic thinkers. On April 22, extremists prevented thinker Yussef al-Sadiq, an expert in anthropology of the Qur'an, and writer Olfa Yussef from presenting a lecture on intellectual intolerance in the city of Kelibia in the governorate of Nabeul. The extremists threatened them with beatings if they approached the cultural center, then lowered the Tunisian flag and replaced it with a black flag symbolizing the Islamic caliphate.⁴⁸ On August 5, Sheikh Abdel Fattah Muru was attacked during a religious seminar in the city of Kairouan; one of the extremists beat him with a glass on his head, resulting in him needing to be taken to the hospital.⁴⁹

On August 23, a group of extremists physically attacked the well-known poet Saghir Awlad Ahmed after he had criticized the Ennahda movement on

⁴⁴ Al-mashhad at-tunissey, "Wazaret a-thaqafa at-tuniseyya tudin i'atada' salafeyen 'ala a-sha'ir awlad ahmed," Aug. 28, 2012, <<http://www.machhad.com/18098>>.

⁴⁵ Human Rights Watch, "Tunisia: Investigate Attacks by Religious Extremists."

⁴⁶ Tunis Center for Press Freedom, "Report on Violations against Tunisian Media in November 2012."

⁴⁷ Tunis Center for Press Freedom, "Report on Violations against Tunisian Media in November 2012."

⁴⁸ Testimony of Tunisian rights activist; African Manager, "Salafiyon yemna'on yussef as-sadiq min hudur laqa' hadir feh al-ghanoushi wa muru," Apr. 27, 2012, <http://www.africanmanager.com/site_ar/detail_article.php?art_id=7691>.

⁴⁹ ALECSO, "Alecso tunadid b-al-i'atida' 'ala a-sheikh 'abd al-fattah muru," Aug. 8, 2012, <http://www.alecso.org.tn/index.php?option=com_content&task=view&id=1917&Itemid=325&lang=ar>.

a television program on “Attuniseyya.” On August 24, the poet Mohamed al-Hadi al-Waslati was also assaulted by a group of extremists in the capital, resulting in him being taken to the hospital in critical condition.⁵⁰ Some cities saw attacks on hotels and bars by extremist groups wielding swords and sticks because they sell alcohol.⁵¹

Some fundamentalists belonging to the Salafist trend attempted to force the Faculty of Arts at the University of Manouba, close to the capital, to allow the entrance of female students wearing the niqab to exam rooms without revealing their faces for identification. They then held a sit-in inside the university for several days before they were dispersed by security.⁵² Habib Kazdaghli, the Dean of the Faculty of Arts, was referred to trial on charges of slapping a female student wearing a niqab, the penalty for which may reach up to five years in prison.⁵³ The Higher Education Syndicates decided to strike for a period of two hours in solidarity with Kazdaghli, and the Tunisian League for the Defense of Human Rights – represented by its president – participated in the defense team of the dean.

On October 18, Lotfi Naqd was killed and nine others wounded following a raid carried out by demonstrators belonging to the “People’s Association for the Protection of the Revolution” – which is closely linked to the Ennahda movement – on the headquarters of the Regional Farmers’ Federation in the city of Tataouine. It is important to note that Naqd was the coordinator of the l’Appel Tunisie Party, headed by the former prime minister Beji Kaid Essebsi, who accused the Ennahda movement of being responsible for Naqd’s assassination and called it the first political assassination after the revolution, saying that the planning for the assassination had taken place under the cover of the so-called committees for the protection of the revolution.⁵⁴ The Tunisian League for the Defense of Human Rights also

⁵⁰ International Freedom of Expression Exchange, “Old-Style Repression Threatens Free Expression in New Tunisia, Says IFEX-TMG.”

⁵¹ Menara, “Salafiyun mutashadidun yuhajimun funduqan seyaheyan bi-madinat sidi bou zaid,” Sep. 3, 2012, <<http://www.menara.ma/ar/2012/09/03/248724.html>>; France 24, “Salafiyun yuhajimun hanat b-as-seyuf wa al-asliha an-nareyya fe sidi bou zaid,” May 21, 2012, <<http://www.france24.com/ar/20120521-tunisia-salafist-attack-bars-sidi-bouzid-city>>; Al-Jazeera, “Muwajihat beyn a-shorta wa salafiyen bi-tunis,” May 26, 2012, <<http://www.aljazeera.net/news/pages/b94f7939-c812-41a0-b8c9-fe30609c0492>>.

⁵² An-nada’ Network, “Thawrat jadida bi-tunis takhroj did at-tataruf,” Jan. 30, 2012, <http://happeal.net/index.php?option=com_content&view=article&id=11118:2012-01-30-13-18-35&catid=56:2010-10-20-15-14-15&Itemid=94>.

⁵³ Testimony of Tunisian rights activist; France 24, “Muhakima ‘siyasiyya’ fe tunis li-‘amid koleyyet manouba,” Oct. 26, 2012, <<http://f24.my/TGddxa>>.

⁵⁴ African Manager, “Nada’ tunis tasaf wafat latfi naqd b-al-ightiyal as-siyasey wa tuhammel an-nahda mas’oleyeteh,” Oct. 19, 2012, <http://www.africanmanager.com/site_ar/detail_article.php?art_id=12124>; Tunisian General

accused the committees for the protection of the revolution of having “called for violence against persons and property and practiced violence in a number of cases, thus threatening the peace and harmony of society” in a statement issued on October 18.

Repression of Peaceful Assemblies

Acts of violence against peaceful protest movements increased throughout the year 2012. On January 14, the police used tear gas canisters and rubber bullets to disperse a demonstration of unemployed youth who were demanding a “new revolution” in the city of Tozeur in southern Tunisia, as their demands had not been met, including employment and an end to corruption.⁵⁵

On April 3, the police broke up a demonstration that was being held in solidarity with those injured during the revolution and which took place in front of the Ministry of Human Rights and Transitional Justice in Tunis. This dispersal led to injuries of varying severity among the protestors and their families, requiring a number of them to be taken to the hospital. In addition, three members of the Tunisian Party who had been arrested were subjected to insults and threats while being interrogated at the police station in Bardot.⁵⁶

On April 9, Tunis saw acts of police repression against thousands of protestors who had gathered to commemorate Martyrs’ Day, considered a national holiday, and to denounce a previous decision by the Interior Minister to ban demonstrations in Habib Bourguiba Street. Police forces used clubs and large quantities of tear gas in a small area to disperse the protestors, and a large number was arrested. “Thugs” armed with clubs and tear gas also aided police in dispersing the crowds.⁵⁷

Labor Union, “Al-maktab at-tanfizhy yunadid bahdath al-‘onf bi-tataween wa yutalib bi-fatah tahqiq jady,” Oct. 19, 2012, <<http://www.ugtt.org.tn/?p=3074>>.

⁵⁵ An-nada’ Network, “A-sha’b at-tunisey yekhroj li-shuware’ mutaliban bi-thawra jadida,” Jan. 15, 2012,

<http://happeal.net/index.php?option=com_content&view=article&id=10875:2012-01-15-14-01-46&catid=56:2010-10-20-15-14-15&Itemid=94>.

⁵⁶ International Federation for Human Rights, “Tu’adid intihakat haq at-tagamu’ as-silmy,” Apr. 24, 2012, <<http://goo.gl/FQIBWU>>.

⁴⁹ Tunisian League for the Defense of Human Rights, “Bayan ar-rabita at-tuniseyya l-ad-difa’a ‘an haquq al-insan ithr ahdath 9 avril,” Apr. 9, 2012, <<http://goo.gl/miomaS>>; Al-khabar, “Qama’ muthahera khilal ihtifal bi-yom a-shahid fe share’ burqeiba bi-tunis,” Apr. 10, 2012, <<http://www.elkhabar.com/ar/monde/286232.html>>.

On April 14, the police dispersed a sit-in held by a group of unemployed youth in the poor district of al-Malahi in Rades, situated 10 kilometers from the capital. The protestors were demonstrating against the results of a competition to obtain employment organized by the Tunisian Shipping and Wharfage Company. Police scoured the area violently, including by launching tear gas canisters into homes - which led women, children, and the elderly persons to choke – and by raiding homes after breaking down their doors, destroying furniture and attacking and beating residents inside, especially women. 22 individuals were arrested of whom five were released, and their bodies bore the marks of torture and other ill-treatment.⁵⁸

On July 18, the police attacked a demonstration of workers at the University Hospital Hadi Shaker in Sfax; they were protesting the appointment of a new director who belonged to the Ennahda movement. The police response resulted in the injury of several people, who were taken to the hospital for treatment. The police also arrested two unionists. The hospital was again stormed on the night of July 20 in order to enforce the appointment of the director and to arrest five additional employees.⁵⁹

On August 9, the police used rubber bullets and tear gas to disperse a peaceful demonstration which had been called for by several political parties, unions, and civil society activists in the city of Sidi Bouzid, demanding the resignation of the government and the dismissal of the mayor of the city and denouncing that social problems were being dealt with through security responses. Among those who were injured were two reporters, and a number of others were detained. That same afternoon, the police dispersed another protest denouncing the repressive policies used to deal with demonstrators. More demonstrators were thus injured and arrested. The Tunisian League for the Defense of Human Rights condemned this repression of demonstrators and said that the security responses resembled those followed by the Ben Ali regime in dealing with protests in the Mining Basin in 2008.⁶⁰

⁵⁸International Federation for Human Rights, “Tu’adid intihakak haq at-tagamu’ as-silmy”; Tunisian League for the Defense of Human Rights, “‘Itilaf al-mujtema’ al-madani: bayan mushtarak,” Apr. 16, 2012, <<http://www.fidh.org/Multiplication-des-atteintes-au>>.

⁵⁹ Tunisian General Labor Union, “Al-ithad yutalib bi-fatah tahqiq fawri li-muhasabet kol man a’atada ‘ala a’awan wa muwathafee al-mustashfa al-jama’i al-hadi shaker bi-sfax,” July 21, 2012, <<http://www.ugtt.org.tn/?p=2819>>; Jaridet a-cha’ab at-tunisiyya, “Qawat at-tadakhul mada’uma bi-milishiyat al-mudeer al-a’am ta’tady ‘ala a’awan al-hadi shaker,” July 21, 2012, <<http://www.echaab.info.tn/detailarticle.asp?IDX=17907>>.

⁶⁰ Tunisian League for the Defense of Human Rights, Statement of Aug. 10, 2012; Arabic Network for Human Rights Information, “Tunisia: Suppress to a Peaceful Demonstration and Two Journalists are Injured,” Aug. 11, 2012, <<http://www.anhri.net/en/?p=9116>>; Al-seyassah, “Tunis: tathahira fe mahd a-thawra tutalib b-isqat hukumet al-islamiyyen,” Aug. 18,

On August 22-23, events in the delegation of al-Hanasha in the governorate of Sfax (southeast of the capital) turned bloody following a protest by residents against the domination of the Ennahda movement of the local development association – which provides short-term loans – and calling for citizen representation in the administration of the local institutions of governance instead allowing such roles be monopolized by members of one political party. The police chased citizens through the streets with clubs and tear gas, broke into a number of homes, where they harassed the residents, and arrested a number of protestors. The International Association for the Support of Political Prisoners expressed solidarity with those who were detained and stated that it was “deeply concerned at the return of the use of the old security and judicial mechanisms to resolve political differences and to put a stop to peaceful social movements.”⁶¹

On the evening of September 10, a group of residents from the city of Jerish in the governorate of Le Kef gathered for the funeral of Abdel Ra’uf al-Khamasi, who had died as the result of a concussion sustained while being detained in a security center in Tunis.⁶² Those gathered carried signs against torture and protested practices of the Interior Ministry. The police attacked the protestors, injuring some of them and indiscriminately arresting others. Police forces also fired tear gas in several residential areas, including the Hached al-Ganubi and Ali Ben Khalifa neighborhoods, leading to several cases of choking among women and children.⁶³

From November 27-29, the city of Siliana witnessed violent confrontations between the police and protestors after protests were held calling for the mayor of the city to be dismissed, for real economic development to be undertaken in the city, and for the release of 13 protestors who remained in detention awaiting trial since their arrest during demonstrations in April 2011. The police used excessive force, including pellet guns and other

2012, <<http://www.al-seyassah.com/AtricleView/tabid/59/smid/438/ArticleID/204168/reftab/59/Default.aspx>>.

⁶¹ Al-jama’iyya ad-dawleyya li-musanadet as-sujana’ as-siyasiyyen, Sep. 3, 2012; Rusiya al-yom, “A-shorta at-tunisiyya tufarriq muthahira bi-muhafazhet sfax ihtijajan ‘ala siyasset an-nahda,” Aug. 24, 2012, <http://arabic.rt.com/news_all_news/news/593060/>; A-sharq, “Al-amn at-tunisey yufarriq muhtajin b-al-ghaz bi-madinet sfax,” Aug. 24, 2012, <<http://bit.ly/122uYZf>>.

⁶² Al-mashhad at-tunisey, “Muwajihat leyleya fe al-jarisa ithr janazet ‘abd al-ru’uf al-khamasi,” Sep. 11, 2012, <<http://www.machhad.com/18828>>.

⁶³ Attounissia, “Shahid al-jarisa yefdah tuwasul mumarisat al-qama’ wa at-tazhib,” Sep. 12, 2012, <http://www.attounissia.com.tn/details_article.php?t=41&a=69082>; Almasdar, “Ba’d maqta shakhs taht at-tazhib...ahali al-jarisa yethoron wa al-amn yesta’ mel al-qowa didhom,” Sep. 11, 2012, <<http://www.almasdar.tn/management/article-11781>>; France 24, “A-shorta tustakhdem al-ghaz al-museel l-ad-damu’ li-tafreq muhtajin ‘ala wafa’ shakhs taht at-tazhib,” Sep. 11, 2012, <<http://f24.my/UPIRYT>>.

firearms, to disperse the protestors, leading to the injury of over 300 people; over 20 of those injured had to be transported to the capital for medical treatment. Some sustained injuries to their eyes, leading to blindness in some cases, while others sustained broken bones.⁶⁴

Torture and Ill-Treatment

Despite the revolution, the practice of torture continued, even resulting in death in some cases. The Minister of Human Rights and Transitional Justice stated, “The former regime fell, yet torture remains ongoing; practices of torture continue even after the revolution.” According to the spokesperson for the Ministry of Interior, “Despite our confidence in the efforts of the ministry towards ending practices of torture, we do not deny that some violations have occurred,” justifying the situation by saying, “We are going through a period of transition from one reality to another.” However, the Federation of Security Unions attributed the continuation of such violations to the absence of political direction to reform the security apparatus, holding the National Constituent Assembly responsible for such violations due to its marginalization of the security apparatus and its failure to undertake any initiatives for security reform.⁶⁵ The Tunisian President, Moncef Marzouqi, asserted, “Torture remains ongoing” under the tripartite coalition government led by the Islamist Ennahda movement and of which his party, the “Conference for the Republic” party, takes part. He continued, “I have information regarding the occurrence of violations to human rights in prisons and police stations, including the torture of citizens who took part in the demonstrations which swept the country in protest of the government’s failure to meet Tunisians’ demands for employment and a life of dignity.” In contrast, the leader of the Ennahda movement, Rached al-Ghanouchi, downplayed the issue of physical violations to which Tunisian citizens have been subjected at the hands of security officers, stating that the security

⁶⁴ Amnesty International, “Tunisia: End Excessive Force against Protesters in Siliana, Open Immediate Investigation,” Nov. 20, 2012, <<http://www.amnesty.org/ar/library/asset/MDE30/012/2012/ar/0fb86350-c779-45ea-a9c2-2ceb489dfa0b/mde300122012en.html>>; Human Rights Watch, “Tunisia: Riot Police Fire Birdshot at Protesters,” Dec. 1, 2012, <<http://www.hrw.org/news/2012/12/01/tunisia-riot-police-fire-birdshot-protesters>>.

⁶⁵ Assabah, “‘Itihad naqabat al-amn yuhammel at-ta’sisi al-mas’uleyya.. wa ad-dakhleyya tuwaddeh: limatha tuwasel at-tazhib fe tunis,” July 30, 2012, <<http://www.assabah.com.tn/article-73312.html>>.

apparatus “does not pursue art and literature; it confronts numerous criminal acts!”⁶⁶

On September 8, Abdel Ra’uf al-Khamasi died in the Charles Nicole Hospital after being subjected to torture in the headquarters of the judicial police; he had been arrested on August 28 after being accused of stealing.⁶⁷ His lawyer states that al-Khamasi died due to severe torture, including with a sharp device on his head during his interrogation.⁶⁸ The forensic report also reveals that al-Khamasi was subjected to severe torture leading to his death. However, the Ministry of Interior claims that al-Khamasi was hospitalized after he had fainted, at which time his concussion caused him to enter a coma which resembled clinical death and lasted eight days until he finally passed away.⁶⁹ The Tunisian League for the Defense of Human Rights expressed its “strong condemnation” of the continuation of acts of torture in police stations and denounced the slowness of the public prosecutor in arresting the security officers responsible and in opening a serious investigation into the crime.⁷⁰

On September 3, a young woman was raped by two policemen, while a third financially extorted her fiancé, who was with her at the time. After the two policemen were arrested and charged with rape and extortion, they claimed that they had found the woman and the man in an “unethical situation” in a car; these claims were repeated in the statement issued by the Ministry of Interior, despite the fact that the woman and her fiancé denied the truth of the claims.⁷¹

Rights sources pointed to evidence available in the forensic report to prove that the crime of rape had indeed been committed as well as to a video recorded by the camera of an ATM at the site of the incident which clearly

⁶⁶ African Manager, “Rashid al-ghanoushi yuqallil min sha’n al-intihakak al-haquqeyya fe tunis,” Sep. 13, 2012,

<http://www.africanmanager.com/site_ar/detail_article.php?art_id=11239>.

⁶⁷ Sky News, “Wafat tunisey fe makhfar shorta,” Sep. 10, 2012, <<http://bit.ly/P52hnj>>; Al-wasat at-tuniseyya, “Wafat tunisey taht at-tazhib fe makhfar l-a-shorta wa qady at-tahqiq y’amor b-I’atikal 4 shorteyen mutahamen fe al-qadeyya,” Sep. 10, 2012,

<http://www.tunisiealwasat.com/article-3716#.UJ_je2d6lWE>; Nessma TV, “Wazaret ad-dakhleyya tu’alin ‘an wafat al-mawqof ‘abd al-ru’uf al-khamasi,” Sep. 10, 2012, <<http://www.youtube.com/watch?v=GbzW8ON0M4>>.

⁶⁸ Nawaa, “Mohami daheyat at-tazhib ‘abd ar-ru’uf al-khamasi,” Sep. 8, 2012,

<<http://www.youtube.com/watch?v=c5wofLFXxho>>.

⁶⁹ Alchourouk, “At-teb a-shera’i yu’akkid wafat ‘abd ar-ru’uf al-khamasi bisabab at-tazhib,” Sep. 14, 2012, <<http://www.alchourouk.com/Ar/A576496>>.

⁷⁰ Tunisian League for the Defense of Human Rights, Statement of Sep. 12, 2012.

⁷¹ Amnesty International, “Tunisia: Woman Allegedly Raped by Police Faces Prosecution,” Sep. 27, 2012, <<http://www.amnesty.org/en/news/tunisia-woman-allegedly-raped-police-may-face-jail-time-2012-09-27>>.

showed one of the accused police officers accompanying the woman's fiancé to obtain a bribe to keep the policemen from fabricating an ethics case against him and his fiancée.⁷² The woman and her fiancé were charged with "intentional public indecency," punishable by up to six months in prison.⁷³ The Presidency of the Republic officially acknowledged the incident on October 4, and President Marzouqi offered a state apology to the woman who had been raped and affirmed that "there is no place in Tunisia whatsoever for tolerating rapists, nor for those who protect them."⁷⁴

The unionists who were detained during the events at the Hadi Shaker Hospital in Sfax were also subjected to torture. According to Ahmed Ben Ayad and Essam al-Mashi, they remained handcuffed for a period of 48 hours, which kept them from eating or relieving themselves during that whole period. Additionally, while being interrogated, the two were bound "with their hands behind their backs, then they were attacked: kicked, punched, slapped and cursed with the most offensive of insults." The lawyer of Ben Ayad states that he witnessed the marks of torture on Ben Ayad's body.⁷⁵ Zabir al-Wahishi, a member of the Sfax branch of the Tunisian League for the Defense of Human Rights, visited the detained unionists and documented their testimonies regarding what they had been subjected to in terms of humiliation and torture. The same day, he submitted a written request to the judiciary to have the detainees undergo a medical examination; the court did not reply.⁷⁶

On August 13, rights activist Zubair al-Gharbi was subjected to torture and attempted rape by security agents; he had been arrested while participating in a peaceful protest in the city of Sfax.⁷⁷ Two youth from the region of al-Hanasha, who had been suspected of participating in a popular protest against the Ennahda movement, were also subjected to similar treatment, as

⁷²A-shabaka ad-dowleyya l-al-haqq wa at-tanmeyya, "Al-intihakat al-akhera fe tunis mu'ashir khater nahu al-inzilaq li-siyasset al-mady," Oct. 2, 2012,

<<http://www.anhri.net/?p=59940>>.

⁷³Amnesty International, "Tunisia: Woman Allegedly Raped by Police Faces Prosecution."

⁷⁴Presidency of the Republic of Tunisia, "Liqa' ma' al-fitah ilaty ta'radet li-'amaleyyet al-ighisab min qibl thalathat a'awan amn," Oct. 4, 2012, <<http://bit.ly/PcZE6Y>>.

⁷⁵Assabah, "Itihad naqabat al-amn yuhammel at-ta'sisi al-mas'uleyya.. wa ad-dakhleyya tuwaddeh: limatha tuwasel at-tazhib fe tunis"; General Tunisian Labor Union, "Al-maktab at-tanfizhi l-al-itihad yutalib b-is-srah al-fawri li-kafet al-mowqufin wa hifth kol al-qadayya al-muta'liqa bi-hom wa fatah tahqiq fawri fe kol al-i'atida'at," July 31, 2012,

<<http://www.ugtt.org.tn/?p=2838>>.

⁷⁶Testimony from Tunisian rights activist; Tunisian League for the Defense of Human Rights, Sfax branch, Statement of Aug. 9, 2012.

⁷⁷Assabah, "Tu'adadet fe thil hukumet 'at-troika,' 'amaleyyat at-tazhib tuwasalet..fma al-'aml?" Sep. 17, 2012, <<http://www.assabah.com.tn/article-76214.html>>; African Manager, "Rashid al-ghanoushi yuqallil min sha'n al-intihakat al-haqqeyya fe tunis."

well as curses and obscene insults. Those detained in what became known as the “al-Hanasha events”⁷⁸ were also subjected to physical and psychological torture by the police within sight and earshot of Tunisia’s deputy public prosecutor in Sfax, who did nothing to intervene to stop the violations taking place or to protect 20 citizens who were “rebuked” in his presence, despite the fact that the violence deteriorated into “threats of rape and death,” according to victims and Zubair al-Gharbi.⁷⁹

⁷⁸Babnet Tunisie, “Ahdath ‘onf bi-madenat al-hansha wa tadakhul qowat al-amn l-as-saytara ‘ala al-wada’,” Aug. 24, 2012, <<http://www.babnet.net/cadredetail-53395.asp>>.

⁷⁹Jadal, “At-tazhib wa sou’ al-mu’amala fe tunis ma ba’d a-thawra,” Sep. 13, 2012, <<http://jadal.tn/5443>>.

