

*Report of the
Tunisia Monitoring Group
Following the
2005 World Summit on the Information Society (WSIS)*

Deception and Lies:
Freedom of Expression in Tunisia Remains under Siege
Six Months After the WSIS

May 2006

Executive Summary

The International Freedom of Expression Exchange (IFEX) is a global network of 72 national, regional, and international freedom of expression organisations.

This report is based on a fact-finding mission to Tunisia undertaken from 18 to 22 April 2006 by members of the IFEX Tunisia Monitoring Group (IFEX-TMG) to follow up on progress made on the status of freedom of expression in Tunisia after the World Summit on the Information Society (WSIS) was held in Tunisia in November 2005. The report is also based on information gathered by phone interviews and exchange of email made after the mission's date.

The mission was composed of one representative each from the Arabic Network for Human Rights Information (HRinfo), the World Press Freedom Committee (WPFC), and the World Association of Community Radio Broadcasters (AMARC).

Other members of the IFEX-TMG are: ARTICLE 19, Canadian Journalists for Free Expression (CJFE), Index on Censorship, Journaliste en Danger (JED), Media Institute of Southern Africa (MISA), World Association of Newspapers (WAN), Egyptian Organization for Human Rights (EOHR), International PEN Writers in Prison Committee, International Publishers Association (IPA), Norwegian PEN, International Federation of Journalists (IFJ), International Federation of Library Associations and Institutions (IFLA).

The principal findings of the mission were:

- The continuation of the imprisonment of individuals related to expression of their opinions or media activities.
- Blocking of websites, including news and information websites.
- Restrictions on the freedom of association, including the right of organisations to be legally established, and to hold meetings.
- Restrictions on the freedom of movement of human rights defenders and political dissidents together with political police surveillance, harassment, and intimidation.
- Press self-censorship and lack of diversity of content in the media, especially in the state-owned papers, radio and TV stations.
- Attempts to smear the reputations of activists, which are unlawful actions that are not being investigated.
- Official harassment of attorneys and judges who press for independence of the judiciary.
- Censorship of books through the legal submission procedure.

The IFEX-TMG is concerned that the situation of freedom of expression, freedom of the press, freedom of association and associated human rights issues remain far below international norms and conventions to which Tunisia is a signatory, despite Tunisian government assertions to the contrary.

In particular we urge:

1. The immediate release of prisoner of opinion Mohammed Abbou and many others who remain imprisoned for their religious and political beliefs.
2. The termination of all forms of harassment of the six cyber dissidents known as the Youth of Zarzis and Hamadi Jebali, editor of the weekly *Al Fajr* who have been recently released, as well as other released prisoners of opinion, and political and human rights activists.
3. The Tunisian government to stop censoring books and blocking websites and Internet communication.
4. International organisations not to collude with the Tunisian government's attempts to cover up violations taking place in Tunisia, and to hold the Tunisian state responsible and pressure it to abide by its international obligations.

A. INTRODUCTION:

This is the third report of the Tunisian Monitoring Group (TMG), which follows the fifth fact-finding mission to Tunisia by members of the group from 18 to 22 April 2006, followed by phone interviews, five months after the World Summit on the Information Society (WSIS) was held in Tunisia in November 2005.

In the report we have noted our concern with the deteriorating conditions of freedom of expression and related human rights issues in Tunisia, particularly regarding independent organisations¹, and the imprisonment of the human rights lawyer, Mohammed Abbou, for voicing his opinion in articles posted on the Internet.

Five months after the WSIS, violations of freedom of expression, freedom of the press, freedom of association and other basic human rights are still rampant. We thus urge the Tunisian government to take very seriously the recommendations we are making in this report to demonstrate its real and immediate intent to remove any obstacles confronting Tunisian citizens from enjoying their inherent human rights, as stipulated in international agreements to which Tunisia is a signatory.

During the latest mission, members of the TMG met with public officials and members of the opposition, government supported organisations, independent civil society organisations, the bar association, lawyers, judges, human rights defenders, and journalists. A member of the IFEX-TMG mission held a phone interview with a representative of the Tunisian Association for Journalists (AJT). TMG members welcome the dialogue with government representatives, in which we can engage—and will continue to engage—in an open exchange of views.

The TMG mission met with the Minister of Justice and Human Rights, Bechir Tekkari, and the Director General of the Tunisian External Communication Agency (ATCE), Oussama Romdhani. Despite the fact that the IFEX-TMG welcomed the minor improvements that have been made since WSIS II, such as the release of scores of political prisoners in February, serious concerns remain with regards to other unfulfilled obligations incumbent upon the Tunisian government.

The IFEX-TMG voiced its deep concern about holding the second phase of WSIS in Tunis in November 2005. But many, including high-ranking UN officials, thought that the decision to hold WSIS II in Tunis would prompt the Tunisian government to improve its poor human rights record and to loosen its grip on the media and the Internet. Unfortunately such expectations were not met.

We call on the international community to recognise the serious nature of violations taking place in Tunisia and pressure the Tunisian government to cease 'unlawful' practices perpetrated against virtually all independent voices. The international community must hold Tunisian authorities accountable to their international obligations.

In the following sections we set out the principal developments observed by the IFEX-TMG mission on 18 to 22 April 2006.

¹ We report, in particular, on the cases of the Tunisian League of Human Rights (LTDH), the Tunisian Association of Magistrates (ATM), the 18th of October Movement, and the Tunisian Journalists Union (SJT)

B. FACTS ON THE GROUND

1. Prisoners of opinion

The IFEX-TMG welcomed the release of scores of prisoners of opinion during President Ben Ali's latest pardon in February. In previous reports of the IFEX-TMG we recommended the release of prisoners jailed for expressing their opinions. We, in particular, recommended the release of Hamadi Jebali, editor of the weekly publication *Al Fajr* and hundreds of prisoners like him held for their religious and political beliefs and who never advocated or used violence.

We also recommended the release of the six cyber dissidents known as the Youth of Zarzis who, following unfair trials, had been sentenced to heavy prison terms allegedly for using the Internet to prepare to commit terrorist acts.

We hereby acknowledge the release of Hamadi Jebali and the Youth of Zarzis, but we are seriously concerned with the continual harassment they face.

In a phone interview with Hamadi Jebali, he confirmed that he still faces serious harassments. Plain clothes political police are constantly monitoring him and his family and systematically harassing anyone he contacts.

"I often feel that I was safer in prison where I spent 15 years and a half than now with all this harassment, intimidation and attempts to deny me and my family the right to a quiet and decent life", he said. On 7 June, Jebali and his wife are due to appear before a magistrate allegedly for attempting to bribe a prison guard before the end of his lengthy and unfair imprisonment.

The IFEX-TMG mission is also concerned with the imprisonment of Mohammed Abbou and many other prisoners of opinion.

During a meeting with the Minister of Justice and Human Rights, Bechir Tekkari, IFEX-TMG mission members were told that there are no prisoners in jail whose *only* crimes are political, a statement which seemed to confirm allegations of fabrication of criminal charges against political dissidents and human rights activists.

Mohammed Abbou:

The case of Mohammed Abbou is one of a central issue relating to freedom of expression in Tunisia. The manner by which Abbou was arrested, tried and imprisoned only reveals the extent to which independent voices across different Tunisian sectors are under attack.

During Abbou's trial the investigative judge ordered the removal of the leader of the defence team - who approached the court as the head of the Bar Association to organise the defence. When the lawyer refused to leave he was physically assaulted by police. Lawyers and Abbou's wife, Samia Abbou, were attacked by plain-clothed policemen, who had been accused of "taking over the palace of justice"², while attempting to enter the court. Expressing their profound fear regarding the integrity of justice in Tunisia and the independence of judges, the Tunisian Magistrate Association published a statement condemning such behaviour, an action they continue to pay a high price for.

On 28 April 2005, Abbou was found guilty of publishing statements "likely to disturb public order" and for "defaming the judicial process." He was also found guilty of a separate alleged offence of "violence" in 2002 against a female lawyer apparently close to the government. However, his arrest on 1 March 2005 came less than 24 hours after a blocked Tunisian news website³ ran an opinion piece in which Abbou criticised President Ben Ali for inviting Israeli Prime Minister Sharon to attend the WSIS in Tunis.

² As stated by one of the judges interviewed

³ www.tunisnews.com

He was sentenced to three and a half years of imprisonment. The Minister of Justice and Human Rights, Bechir Tekkari, explained that the alleged violence against a female attorney was the main reason for his imprisonment. The appeals court confirmed his prison sentence on 10 June 2005 following another trial, described as unfair by local and international human rights groups and Tunisian-based Western diplomats.

Despite the fact that the Minister of Justice and Human Rights has insisted that Tunisian laws allow criticism in the presence of evidence, when lawyers submitted official documents proving the practice of torture in Tunisian prisons, they were not registered or recognised by the Judge⁴.

Mohammed Abbou's physical assault of the female lawyer in 2002 is highly questionable. Members of the mission were told by witnesses that she was sent to provoke him during a meeting of young lawyers. She reportedly grabbed his shirt tearing the buttons off. Understandably, he pushed her away. In addition, members of the mission find highly disputable the fact that it took the authorities, according to Minister Tekkari, three years to build a case of physical assault.

Abbou is currently imprisoned in the city of Le Kef, 170 km southwest of the capital, Tunis, near the Tunisian-Algerian border.

Abbou's family has submitted several requests for transferring him to another prison closer to his family. Such requests have fallen on deaf ears⁵.

Every Thursday, Samia Abbou, is accompanied by at least one lawyer to visit her husband in Le Kef. The drive is three hours long and in winter the roads can be very risky. Abbou's children do not visit their father except on school holidays as the trip to Le Kef consumes most of the day.

There have been several reports of Samia Abbou being harassed by traffic police on her travels to Le Kef. According to witnesses they are usually stopped more than once, and one time they were stopped 12 times. At one instance, it took the police over 40 minutes to check car registration papers. It is strongly believed that these harassments are attempts to delay Samia Abbou from her visitation hours.

During an interview with the Minister of Justice and Human Rights, the IFEX-TMG mission requested to visit Mohammed Abbou in prison. However visitation was denied on the basis that Tunisian laws allow only close members of the family and lawyers to visit a prisoner. Members of the mission later found that the law allows, under special circumstances, visitation of friends⁶ if the prison director deems it helpful to the morale of a prisoner whose family does not live close by. When mission members attempted to meet with the prison director, the members' passports were taken but the mission was told 10 minutes later that the prison director was not on the premise and that no one else could authorise the visit with Mohammed Abbou.

Members of the IFEX-TMG mission accompanied Samia Abbou on her weekly trip to Le Kef and were surprised that she was allowed only a 15-minute visitation. Lawyers and activists joining the three-hour trip, in addition to Samia Abbou herself, confirmed that during previous visits she was allowed a mere 2 minutes per visit. This is harassment when a 6-hour trip is required and 2 minutes are allotted to a visiting spouse.

Members of the mission strongly believe that the 15-minute visit was exceptional due to the presence of monitors. Upon the departure of the mission's members from Tunisia, it was reported that Samia Abbou was only allowed 2 minutes in her following visit.

Mohammed Abbou stopped the hunger strike he began on 11 March 2006 to protest his prison conditions. However, he still complains of maltreatment. He does not have access to medical care. To protest his dire prison conditions, Abbou refuses to sleep on a mattress until prison conditions improve.

⁴ "In Tunisia, it is unlawful to insult the magistrate and say there is corruption unless it is proved," said Minister of Justice and Human Rights.

⁵ Copies of such requests can be found in Annex I, page 16 - 19

⁶ Please check Annex II, page 20, for a translation of related clauses that regulate visitation.

We find statements made by officials at the Ministry of Justice and Human Rights to be contradictory that Abbou is kept in the distant Le Kef prison because conditions there are much better than the prison in the capital, Tunis.

Youth of Zarzis:

The IFEX-TMG welcomed the release in February of Aberrazak Bourguiba, Hamza Mahroug, Abdel Ghafar Guiza, Ridha Belhaj Ibrahim, Omar Chelendi, and Aymen Mcharek, known as the Youth of Zarzis. They were all imprisoned in 2004 for the following charges:

- Constitution of a gang for purposes of preparing and committing attempts on person and goods;
- Preparation, transport and possession of explosives, devices and materials intended for making of such explosives;
- Theft;
- Attempted theft; and
- Holding unauthorised meetings.

It is reported to members of the mission that the evidence alleged to have been seized has never been exhibited to the defendants, whose files their lawyers have never been able to consult.⁷

The members of the IFEX-TMG mission were able to meet with only one of the Youth of Zarzis who travelled to Tunis for the meeting. Others were prevented from leaving Zarzis. It was noted that approximately 15 plain-clothed policemen were surrounding the headquarters of the National Council for Liberties in Tunisia (CNLT) where the mission members were meeting with the dissidents⁸.

Omar Chelendi, now 24 years old, was arrested when he was 20 years and 3 months old. He was released during the latest pardon made by the President on 27 February 2006. During the interview he spoke of dire prison conditions. There are serious claims that the Youth of Zarzis were exposed to harsh torture, including beating and electric shocks.

According to Chelendi, during interrogation he was beaten with a board that had nails protruding from it. One of the nails entered his left knee and broke off. When he requested in prison that the nail be removed, he was given pain medication. Yet the mission members were advised by the Minister of Justice and Human Rights that medical care within Tunisian prisons is exemplary, and that if a released prisoner requires medical attention but can not afford it, the government will provide it free of charge. No government official has offered to provide Chelendi with the necessary medical care to remove the nail.⁹ He added that he and the others were hanged by their hands behind their back. Omar Rached, another member of the Youth of Zarzis, was reportedly tortured, and was prevented from leaving Zarzis to meet with the mission. One of the Youth of Zarzis had his penis slammed in a drawer, and Chelendi says his friend urinated blood for 3 days.

In a phone interview, Omar Rached, who was not allowed to leave Zarzis, he complained of the continual harassment that he has to face on a daily basis. He also said that he is not allowed to return to school. Every time he enters an Internet café he is harassed. Rached spoke also of torture in prison. He said that he still suffers from cigarette burns and electric shock marks on his body.¹⁰

The Youth of Zarzis have been denied matriculation for higher education. Every day they are required to go to the police station at Zarzis to sign in and must salute the police officers. They are thus prevented from leaving Zarzis. When Chelendi went to Tunis seeking medical attention for his knee (his mother is Portuguese and so Chelendi thus is allowed to leave Zarzis) he was harassed and has received several threatening calls on his mobile telephone and in the hotel.

⁷ For more information on circumstances surrounding their arrest and trial please read the IFEX-TMG report published in February 2005 at: http://campaigns.ifex.org/tmg/tmg_free_expression_under_siege.doc

⁸ Photographs of political police ducking to prevent their being photographed are in possession of mission participants.

⁹ The mission possesses photographs of Chelendi's damaged knee. Pictures were also sent to government authorities for comment however no response has been received.

¹⁰ For more information on IFEX-TMG findings on Torture in Tunisian prisons please read the September 2005 report at: http://www.wan-press.org/IMG/doc/TMG_Sept_2005_-_final-en.doc

For six of Tunisia's youth, life has become hell. Now they cannot continue their education or move around Tunisia freely. They live in a constant state of fear. A good example of such fear is the fact that Chelendi is afraid to enter any Internet café. "I don't mind his going if he wants to go to prison again," said his father.

Chelendi's family has applied for a Portuguese passport for him, and he plans to travel there next month. He still considers Tunisia his home and does not plan to abandon it.

Ali Ramzi Bettibi

Ali Ramzi Bettibi was arrested on 15 March 2005 while he was in an Internet café and sentenced to four years imprisonment for re-posting on a website an article written by an Islamic Jihad movement promising bloodshed if Sharon attended the WSIS in Tunisia. Despite the fact that members of IFEX stand strongly against hate speech and abject calls to violence, they are strong advocates of freedom of expression.

While Oussama Romdhani, Director General of the Tunisian External Communication Agency claimed that Bettibi was in prison for posting a "threat saying that Tunisian streets would be awash in blood if Sharon comes to Tunisia", Bettibi's brother insisted that these words were not his brother's. According to Bettibi's brother, the article was taken off the website of an Islamic Jihad movement and re-posted to shed light on the extent of opposition to Sharon's visit to Tunisia.

On the other hand, there are serious concerns regarding the manner by which Bettibi was arrested and sentenced.¹¹ "He was kidnapped rather than arrested. There was no court order for his arrest. Police entered our home with no search warrant and confiscated many of his books and CDs," said Bettibi's brother.

There are claims that Bettibi was ruthlessly tortured during interrogations. "They put him on an electric chair and threatened to use it," Bettibi's brother said.

Bettibi has been on hunger strike since 23 March 2006. He went on strike for not being released after being told that he was among prisoners pardoned by President Ben Ali. He is also protesting maltreatment and verbal abuse in prison. Bettibi is currently in voluntary solitary confinement where he does not have a mattress to sleep on.

"His health is deteriorating drastically. During my last visit he vomited blood," Bettibi's brother told members of the IFEX-TMG mission.

Despite his deteriorating health, he is not provided with the necessary medical care.

2. Internet Blocking

Members of the IFEX-TMG mission discussed Internet blocking with Tunisian government representatives, particularly with the Director General of the ATCE, Oussama Romdhani. The January 2005 TMG mission undertook technical tests¹² on selected Tunisian Internet Service Providers. They identified systematic Internet blocking which the IFEX-TMG believes to be operated using Smartfilter software.¹³ Internet blocking was applied to wide categories of sites, but also including specific Tunisian government-defined URLs. At least two of the websites affiliated to the three members of the IFEX-TMG mission were blocked within Tunisia (www.hrinfo.net and www.amisnet.org).¹⁴

¹¹ For more information on circumstances surrounding the arrest of Ali Ramzi Bettibi please read the open letter sent by Human Rights Watch to President Ben Ali <http://hrw.org/english/docs/2006/03/16/tunisi13006.htm>

¹² Technical support was provided by the OpenNet Initiative, a partnership between the Citizen Lab at the Munk Centre for International Studies, University of Toronto, the Berkman Centre for Internet & Society at Harvard Law School, and the Advanced Network Research Group at the Cambridge Security Programme at Cambridge University.

¹³ Smartfilter is manufactured by Secure Computing Inc. a NASDAQ quoted company based in San Jose, California. www.securecomputing.com

¹⁴ For more information on correspondence with Oussama Romdhani, please check Annex IV on page 23

Romdhani insisted that blocked websites are mostly anonymous websites, "used as venue to slander and smear the reputation of private individuals, and include threats from terrorist organisations".

Justification for blocking websites were that the "government wants to protect the people from incitement of evil."

However, the IFEX-TMG mission is concerned with the blocking of several websites that do not carry any calls to violence. Hate speech is often in the eye of the beholder. Websites of local, even registered, so-called legal associations and political parties are blocked.

Neila Charchour Hachicha, founder of the Liberal Mediterranean party, which is still not registered, complains that the party's website¹⁵ was blocked after posting a statement issued by the 18th of October Movement.¹⁶ Only after a statement was issued by the US Department of State was the censorship on her website lifted.¹⁷ Recently the party's website has been blocked again.

In addition to blocking websites, most of the visited activists complained of not having Internet access. Even though several organisations and activists have a DSL line, they cannot access any website from their computers.

Some members of the mission attempted to access the Internet from the CNLT's headquarters but failed to open any website. Similar complaints were made by Rached Kachana, editor-in-Chief of *Al-Maoukif* newspaper, and Neila Charchour Hachicha.

3. Independent organisations

The Tunisian Human Rights League (LTDH)

In the previous IFEX-TMG report it was noted that the LTDH was prevented from holding its Sixth Congress, scheduled for 9-11 September 2005. During this mission, IFEX-TMG members were informed that the LTDH was banned from holding a solidarity meeting with the Tunisian Association of Magistrates (ATM) on 2 December 2005. The office was surrounded by political police. "They did not allow us to enter here at LTDH headquarters," said Mokhtar Trifi, LTDH president.

The origin of LTDH's problem goes back to divisions among its members and heads of its branches. Currently, there are 32 court cases against the elected LTDH board. Even though the schisms taking place within LTDH might seem an internal affair, the manner by which plain-clothed political policemen have interfered to forcefully prevent any meetings from convening raises questions about the extent to which Tunisian authorities are involved in this matter.

LTDH's board has tried endlessly to solve the problem peacefully. Directly after the WSIS was convened, President Ben Ali asked the head of the Supreme Authority for Human Rights and Liberty (a government appointed council) to submit recommendations in a report on what is needed to improve the political and human rights conditions in Tunisia. According to Mokhtar Trifi, LTDH was among the first organisations to submit their recommendations. To date, no report has been submitted to the Tunisian President.

A committee of former ministers and heads of LTDH was formed in December 2005 and met until March 2006. The committee looked into the matter in dispute and made proposals for both parties. The government-affiliated group refused these proposals.

Whenever the case of LTDH is raised before government officials, it is claimed that the matter is of an internal dispute. "If that is the case then why do plain-clothed political police interfere in our LTDH affairs?" questioned Trifi.

¹⁵ <http://www.plmonline.info/>

¹⁶ A movement that was established before the WSIS when they protested the human rights situation in Tunisia by holding a group hunger strike that started on 18 October 2005.

¹⁷ For a copy of the statement please go to: <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2006&m=April&x=20060404112727ndyblehs0.629162&t=dhr/hr-latest.html>

LTDH has decided to hold a meeting on 27-28 May 2006. As soon as the decision was made a court case was filed against them and a court order was issued to stop the meeting. The IFEX-TMG mission hopes that this meeting will be convened without any police intervention.

The mission met also with a member of the LTDH opposing group. According to Raouf Jemal, President of the LTDH Sejoumi (neighbourhood south of Tunis) Section, the reason behind the internal conflict is that the LTDH board took the decision to dissolve 18 sections in 2002, reducing LTDH's sections from 41 to 23 sections. Seven of the 18 sections have taken the matter to court.

Jemal claims that the 7 sections agree that there are external pressures exerted on LTDH's steering committee to make such a decision.

"We can't specify who and what, and there is nothing concrete to blame, but it's a common opinion among us," he told the IFEX-TMG mission.

The IFEX-TMG urges all conflict parties to work hard to find solutions to their problem without allowing Tunisian authorities to interfere in the affairs of LTDH.

The Tunisian Association of Magistrates (AMT):

Without an independent judiciary, Tunisian citizens have no guarantees for their rights.

In the September 2005 report, the IFEX-TMG noted that numerous attempts have been made to destabilise the AMT and to encourage a minority group of judges close to the government to take control of the AMT. This happened after the AMT's democratically-elected board spoke out against attacks on lawyers following the arrest of their colleague Mohammed Abbou in March 2005. Subsequently, the elected members of the AMT Board have been denied their right to freedom of assembly and expression.

The April 2006 IFEX-TMG mission met with:

- Ahmed Rahmouni, AMT President;
- Kelthoum Kennou, AMT Secretary General;
- Wassila Kaabi, member of AMT Executive Bureau;
- Leila Bahria, member of the AMT Administrative Committee; and
- Raoudha Karafi, member of the AMT Executive Bureau.

According to Ahmed Rahmouni, the conflict between the AMT and the Tunisian government started when the current board was elected in 2004 through direct elections, banning the use of proxies to vote.

AMT's statement condemning the unfortunate incidents that took place in the Palace of Justice during Mohammed Abbou's trial was evidently the trigger that led to government attempts to destabilise the association.

All of the active judges in the association are harassed on nearly a daily basis. Many of the judges were transferred to court districts far from their place of residence, some as far as 300 km away from Tunis. Work plans are imposed upon them that occasionally require their constant supervision, "day and night." They are hounded about the number of hours they work, when it is well known that the majority of judges' work is done off the bench.

Members of the AMT board that we have met have complained of constant political police surveillance. According to one of the judges, she was called in by the prosecutor who told her exactly who went into her office and left, who she spoke to and who she did not. "This breaches the immunity and independence of judges," she said.

Active judges have been repeatedly questioned on issues they find to be very trivial. They believe that the aim of the questioning is to create fear among other judges and to compile files against these judges to be used when necessary. While it is an unwritten rule among Tunisian judges to have the privilege of going to work whenever they see it necessary, the "activist" judges were questioned about their attendance while others were not. Four judges, two of whom are members of the AMT's Administrative Committee, had their salaries reduced for absences.

"I am afraid that the constant intimidation will lead to disciplinary procedures that will threaten our continuation within the judicial system by either being fired or forced to retire early," Rahmouni said.

18th of October Movement

Members of the IFEX-TMG mission met with 7 members of the board of the 18th of October Movement.

As the mission was on its way to meet members of the board of the 18th of October Movement, it received a phone call saying that the board members had been prevented from entering the headquarters of one of the opposition political parties. Upon the arrival of the IFEX-TMG mission, a large number of political policemen dispersed at the sight of the mission representatives. During the interview, the seventh member phoned to say that he was being forcefully banned from entering the building. Immediately, both Francesco Diasio of the World Association of Community Radio Broadcasters and Sally Sami of the Arabic Network for Human Rights Information rushed downstairs to see what was happening. A plain-clothed policeman released his firm grip on the arm of the interviewee as soon as he saw the two IFEX-TMG representatives approach him.

The board of the Movement was established on 4 December 2005, two weeks after the WSIS was convened, with the main demands of freedom of expression, freedom of press, and freedom of association.

Since the group's establishment, the government has reportedly intentionally influenced media not to cover their activities. The only exception is the small-circulation opposition weekly *Al-Maoukif* newspaper whose editor is a member of this group.

Members of the Movement believe that there are two main reasons why the government does not want any media coverage of them. First, the movement includes members of the Islamic movement in Tunisia. Second, the general sentiment is that this movement is the first real attempt of a group composed of different inclinations and trends.

Besides attempts to prevent any meeting, every time the Movement tries to hold a popular event, police surround the venue of the event and prevent popular participation.

4. Journalists and Dissidents:

Journalists still suffer from massive restrictions on their work. According to Lotfi Hajji, an independent journalist and chair of the Tunisian Journalists Syndicate (SJT), after the WSIS, there has been a total crackdown on journalists. "It became impossible for us to meet and we were forced to work in clandestine conditions," said Hajji.

Those journalists supporting the SJT, which the government still refuses to recognise, face daily harassment in an attempt to lower their morale. So far 160 journalists have signed the petition for the establishment of the Syndicate. The Tunisian government sees SJT as a political party rather than a legitimate journalists' union, commenting that AJT (the government-approved journalists' union) has approximately four times as many members.

Lotfi Hajji is under close surveillance. The members of the mission noted that a car was following Hajji to his meeting with the group.

On 11 May, Hajji was interrogated by the police about an alleged secret meeting he held on 27 April at his home in Bizerte. The police held him for four hours before releasing him. According to Hajji, this latest episode of police harassment has something to do with his activities as head of the SJT and its new report on attacks on the press, in addition to his active membership in the LTDH.

The case of Slim Boukhdeir, who ended on 9 May a five-week hunger strike which he started to protest being fired from *Al-Shorouq* Newspaper, remains unclear for the IFEX-TMG mission members.

Despite the fact that *Al-Shorouq* is free to choose not to renew employment, many activists in Tunisia believe that the decision to fire Boukhdeir was influenced by the government. Boukhdeir is known for his critical articles published in *Al-Arabiya.net*.

Besides noting multiple cases of Tunisian government harassment of independent journalists, members of the IFEX-TMG mission are extremely concerned with the return of the use of tactics which fabricate moral scandals against political activists in an attempt to smear their reputation.

Mohammed Mokhtar Jelali

Mokhtar Al-Jelali is the husband of Naziha Rajiba (also known as Om Zied), a human rights activist and a journalist who herself suffers from persecution.

Jelali, a respected lawyer and former Member of Parliament, has fallen victim to attempts to smear his reputation starting in March 2006.

Jelali recently resigned from a minor opposition political party loyal to President Ben Ali. His resignation came after he attempted in vain to encourage his party, the Democratic Unionist Union, to act as a true opposition party.

Early last March both Rajiba and Jelali received anonymous phone calls threatening that Jelali's reputation would be smeared if he did not pay 100,000 Tunisian Dinars. Callers claimed that they had pornographic video cassettes and photographs of Jelali.

"The government has the necessary equipment to fabricate pornographic material. They did that in the early 1990s," Rajiba said.

According to activists interviewed, such methods were used in the early 1990s against former Prime Minister Mohamed Mzali and Islamist figures by a high-ranking official at the Ministry of Interior by the name of Mohamed Ali Ganzoui. It has been reported to the IFEX-TMG mission that this official has recently been installed as secretary of state for security.¹⁸ Now these severe harassment measures appear again, applied against those who stand for freedoms enshrined in the Tunisian Constitution but are suppressed by political police. The tapes are being distributed again. Both Rajiba and Jelali have received cassettes and photographs mailed to them from France.

A complaint was filed with the Public Prosecutor as soon as the threats were made; however, to date, no investigation has begun. Officials have denied in the press that this issue might have any political basis.

During the IFEX-TMG's meeting with ATCE's Director General Romdhani, he insisted that the Tunisian government is against assailing the privacy of anyone. "It's in our constitution," he said.

Naziha Rajiba also confirmed that in 2004 a law was ratified by President Ben Ali prohibiting the exploitation of a private aspect of one's life for any goal whatsoever.

Members of the IFEX-TMG mission find it surprising that at the same time as government officials and Tunisian legislations uphold the sanctity of one's personal life, that no action has been taken by the prosecutor to investigate the attempts to smear Jelali's reputation.

Neila Charchour Hachicha

Neila Charchour Hachicha's father was involved in politics. When she told him that she will eventually follow his path, he advised her not to go to prison for anything but holding on to her principles and opinions. When she asked him whether imprisonment will definitely be her fate if she enters into politics, he told her yes.

"He was right," she said.

¹⁸ For more information on fabrication of cases and immoral scandals against Tunisian activists, read "Nor Rules, No Limits: Sexual assault and fabrication of cases against journalists and activists in Tunisia, Egypt, and Bahrain", <http://www.hrinfo.net/en/reports/re2006/>

Four years ago Hachicha applied to register a political party. She cannot officially establish her party because government authorities have refused to hand her the receipt that proves that she has applied for registration. In the meanwhile she set up a website.

When she posted a statement made by the 18th of October Movement, her website was blocked. Her major crime was that she spoke of the situation in Tunisia when she took the platform during a conference held by the American Enterprise Institute in Washington, in the United States. Three weeks after she returned to Tunisia, charges were made against her husband in a real estate case. Her husband is now facing a possibility of 10-months imprisonment.

Political police, according to eye witnesses, stole her car. When she filed a complaint, she was accused of defaming the police.

On her daughter's engagement night, she received phone calls from guests telling her that they were told not to attend the party. According to her, plain-clothed political policemen surrounded her house. A few days after the engagement party, fabricated immoral pictures of her daughter were distributed among a wide sector of people.

5. Broadcast Pluralism

The IFEX-TMG has consistently requested during all of its missions to receive the written criteria for applying for a license to operate an independent, private radio or television station. The IFEX-TMG has been told that since private broadcasting is in the early stages, such criteria are in development. The IFEX-TMG requested during prior missions and requests again to know the criteria for selecting the applicants for the two private radio stations and one television station that have been authorised.

It is incumbent upon the Tunisian government – that claims to be pluralistic – to assure that all radio and television station applications will be treated fairly and that the process will be widely distributed in advance, completely transparent, pluralistic and apolitical. Truly independent bodies should be selected to handle frequency allocation matters as well as the license renewal process. Licenses should not be granted solely on the basis of the prospective owner's close relationships within the government. Radio and television stations should be encouraged to cover local, regional and international news without fear of censorship or self-censorship.

6. Press Freedom

At the same time as members of the IFEX-TMG mission welcome the decision to completely abolish the *depot legal*,¹⁹ there are still concerns of continuous restrictions imposed on the free press.

According to Rachid Khechana, editor in chief of the weekly opposition *Al-Maoukif* newspaper, opposition and independent newspapers are still confronting many challenges imposed by the government.

"Yes, we don't have to submit our newspapers to be reviewed before they are distributed, but they are collected again from the market," he said.

On a random basis both Mark Bench, of the World Press Freedom Committee, and Sally Sami, of the Arabic Network for Human Rights Information, asked several news-stands if they have *Al-Maoukif* newspaper. Sellers did not know the newspaper.

According to Khechana, only major book stores would have the newspaper but will only sell it to known customers as they fear getting into trouble.

In an interview with Romdhani of ATCE, he claimed that there have been advances and measures taken since the last IFEX-TMG mission in September 2005.

¹⁹ Legal submission procedure

"There has been an increase in subsidy given to opposition newspapers, and opposition members have been introduced into membership of the Higher Communication Council (CSC), an advisory body on media and communication," he said.

He also said that a fund to aid journalists and other media professionals, a project demanded by the government-controlled Tunisian Journalist Association (AJT), is being considered. The IFEX-TMG mission members say that the best action the Tunisian government can do is to cease forever the political police's intimidation of journalists and allow them to write what they wish, as journalists do in any democratic country.

Members of the IFEX-TMG mission also noted more balanced local news coverage in very small circulation newspapers – incidentally, unavailable in and unknown to kiosks around Tunis. However, such progress was not noticed in the larger circulation government-controlled newspapers.

Independent journalists and activists, on the other hand, report that the government is still maintaining its grip on newspapers.

"Our press has just one rule and function: to glorify our president, to give him the illusion of a superman, of a genius politician, a man who is full of wisdom, and that everything in our country is going very well because he is there," said Mohamed Talbi, President of the Observatory for Freedom of Press, Publishing and Creation (OLPEC), an IFEX member based in Tunisia. "A journalist is free to glorify our leader without restrictions. Freedom of the press is freedom of glorification in Tunisia," he added.

It has been noted from documents presented to members of the mission that the General Media Administration authorises what press releases are to be printed in newspapers.²⁰

While Romdhani insisted that independent newspapers should seek private advertisements rather than to continue demanding public advertisement and subsidy, Khechana says that private advertisements are influenced by the government. Private companies are punished, he said, if they purchase ads in opposition newspapers, usually in the form of following up on unpaid taxes.

There are also serious concerns about government intervention in the publishing of statements made by activists and opposition political parties. These claims were made by the AMT, Khechana, and several other members of the Tunisian civil society.

Journalists' Press Credentials

The issue of press cards for professional journalists remains a matter of concern for the IFEX-TMG mission members. The committee in charge of granting professional press cards is state-controlled and constitutes one of the serious obstacles of true press freedom in Tunisia.

According to Romdhani, based on a Tunisian law dated 15 November 1975, "professional journalist identification cards" are granted by a committee chaired by a senior official from the secretariat of state for information, and including three representatives of all national media and three representatives of professional journalists from among representative media associations.

The three representatives of 'all national media' within this committee are appointed by the government. They are often members of the state-run Tunisian Association of Newspapers Editors, which was expelled in 1997 from the World Association of Newspapers (WAN) for its lack of action while press freedom was under constant attack. The three representatives of professional journalists are members of the board of the state-run Association of Tunisian Journalists (AJT), which ironically awarded President Ben Ali in 2004 its Gold Quill for Press Freedom. As a result, the International Federation of Journalists (IFJ) suspended AJT's membership.

It is strongly believed that journalists critical of the government or who oppose receiving government instructions on what and how to write, like Sihem Ben Sedrine, Naziha Rajiba, Lotfi Hajji, Slah Jourchi, Mohammed Fourati, Lotfi Hidouri, and others are arbitrarily denied their press cards.

²⁰ Please see Annex III on page 21.

Ironically, according to reliable sources in Tunisia, many who have nothing to do with journalism, including plain clothes political policemen, are often granted press cards.

It is ironic that the findings of the IFEX-TMG mission, with regards to press freedom, are in total contradiction with President Ben Ali's statement on World Press Freedom Day on 3 May.

He said that freedom of expression and that of the press are "fundamental rights of the individual." He added that "the diversification of the media landscape will be pursued and that the spaces of expressions will be enriched by the opening up of the media scene to the private sector."

With no free press, Tunisia cannot guarantee democracy. Despite government claims that the government guarantees the right to freedom of expression, including freedom of the press, documents provided demonstrate otherwise. Until freedom of press is guaranteed and practiced, it will remain difficult to describe the Tunisian government as a government that upholds international human rights standards, in particular with regards to freedom of expression.

7. Book Censorship

While the *dépôt légal* system was abolished for periodicals in May 2005 (a measure which the IFEX-TMG welcomed in its September 2005 report), it is still used as a form of censorship of books in Tunisia. In a country that prides itself in producing 1,400 titles a year for a population of just over 10 million, there are actually only 200-300 new titles produced per year; the rest are mainly reprints and children's books. Publishers which dare to publish books the authorities disapprove of not only see these books being blocked at the printer's, but also have to face other forms of harassment, including forms of fiscal harassment.

We therefore continue to recommend the Tunisian government to release banned books, stop using the legal submission procedure as a censorship tool, and conform to international standards for freedom of expression. Amending Article 8 of the Press Code by lifting the obligation for the printer to deposit copies of a printed book with the local prosecutor's office, the Ministry of the Interior and the chamber of deputies would be seen as a step in the right direction.

C. CONCLUSIONS AND RECOMMENDATIONS

Six months after the WSIS, freedom of expression and all related rights remain continually under intense siege.

Those targeted by state attacks are not only the uncompromising group of activists but also include officially registered groups and parties.

Contrary to what many Western and UN high-ranking officials expected, the WSIS did not provide the impetus for the Tunisian government to make major inroads in its improvement of its records of freedom of expression, freedom of the press, freedom of association and all associated human rights.

The minor progress made appears mostly to have been cosmetic. Ironically, this was confirmed after Tunisia has been elected a member of the newly established UN Human Rights Council. Tunisia increasingly has continued to violate the rights related to freedom of expression.

It should be made clear that internationally recognised human rights standards are not principles open to bargaining.

As in previous reports, the IFEX-TMG must reassert that it would be extremely difficult to achieve freedom of expression in light of a judiciary system that lacks independence and where there is significant official disrespect of the rule of law. With virtually no independent media to hold government and public servants accountable and with no freedom of association, there can be no guarantees for Tunisian citizens to actually enjoy their inherent right to freedom of expression.

Based on incidents witnessed by members of the IFEX-TMG mission and according to statements made by the wide variety of civil society with which we met, we strongly recommend that the international community play a larger role in influencing Tunisia to establish a true democracy.

D. ANNEXES

Annex I

The three following documents were submitted to concerned authorities at different intervals since the arrest and imprisonment of Mohammed Abbou.

Document 1: Request to transfer Mohammed Abbou from Le Kef to the prison in Tunis. According to Abbou's lawyers and wife several requests have been submitted but none was taken into consideration.

Document 2: Complaint submitted to the Minister of Justice and Human Rights by Samia Abbou on 8 April 2006. In it Samia Abbou complains of the maltreatment of Abbou in prison and the fact that he is denied access to medical care and check-ups. In the complaint she also mentions the fact that Abbou was physically assaulted, not to mention the verbal harassment that both Samia Abbou and Mohammed Abbou face during visits.

Document 3: Complaint against the director of Le Kef for the maltreatment of Mohammed Abbou.

Document 1:

تونس في 2005/06/29

رقم الوصل : № 012120

وصل تسليم مطلب : ...

الادارة العامة ...

مكتب ...

ورد في ...

ضمن تحت ...

نس

٢

٠٠

2005/06/29

٠٠٠٠

بوجمعة عيو المسجون بالسجن المدني بالكاف على ذمة القضايتين الابتدائيتين بتونس.

إلى السيد المدير العام للسجون

ما يلي:

الموضوع: - مطلب نقل من السجن المدني بالكاف إلى السجن المدني بتونس

حيث صدر في شأن المنوب حكمن جزائين بتاريخ 2005/06/10 قضت بسجنه لمدة 3 سنوات ونصف من أجل:

- الاعتداء بالعنف الشديد بالسجن مدة سنتين.
- نشر أخبار زائفة من شأنها تعكير صفو النظام العام و الاعتداء بالتلب على هيئات قضائية بالسجن مدة سنة ونصف.

وحيث أصبح الحكمين الأخيرين في الذكر باتين.

وحيث أودع المنوب بسجن الكاف لقضاء العقوبة المحكوم بها.

وحيث ونظرا للظروف الاجتماعية لعائلة المنوب فإنه يتجه النظر في إعادة نقله المنوب من السجن المدني بالكاف للسجن المدني بتونس حتى تتم زيارته من قبل أهله وذويه دون عناء خصوصا وأن مقر المنوب بتونس العاصمة.

لذا: الرجاء الإذن بنقل المنوب من السجن المدني بالكاف إلى السجن المدني بتونس.

ولكم سديد النظر

الإستاد عماد المنصوري
المحامي
18 مكرر نهج مالطة الصغيرة تونس
الهاتف: 71.33.35.38

العدل والحرية
تونس في 04/08/2006



العارضة: سامية حمودة، قاطنة 3 نهج 10240 الوردية I تونس.
الموضوع: شكوى.

جناب السيد وزير العدل وحقوق الإنسان

إني الممضية أسفله سامية حمودة حرم الأستاذ محمد المحرز بن بن جماعة عيو
ألفت انتباهكم إلى أن زوجي الذي تم اعتقاله بصورة غير قانونية وقد تأكد ذلك
بالقرار الصادر عن لجنة حقوق الإنسان بالأمم المتحدة والذي أهدفت له قضيتان
حرم من تقديم دفاعه فيهما طبق شهادة المنظمات الحقوقية التي توضح ملاحضتها
أطوار المحاكمات والتي تضمنت بتقارير ما يزال مغل اعتمادا وتتم من طرف
إدارة السجن الكاف الذي يوجد به والذي نقل إليه نذ الأيام الأولى من اعتقاله فقد
تشكى زوجي من ظروف إقامته إلى جانب بعض مساجين السجن العام الذين أوكلت
مهمة مضايقته، وكذلك من تأثير بعض الدوا الذي قد تكون حسيت له من بيئات السجن،
ورغم مطالبته المتكررة بإجراء الفحوصات والتحليل المطارية لتبين حقيقة ما حصل
لأنه فإن الإدارة رفضت ذلك.

ويتواصل مسلسل المضايقات والتنكيل عبر الاعتداء عليه بالعنف الشديد من طرف
أعوان السجن منذ أسابيع وكذلك حرمانه من الزيارة ثم وعند توقيفه منها تعمد
تنظيمها بالحضور المكثف للأعوان وباستعمال القوة الممنعة للأعوان وتؤثر
الحاضرين بما يشكل خرفا واضحا لحقوق إنديا للسجين، هذا إضافة إلى ما أقامه في
كل مرة أتحوّل إليها إلى مدينة الكاف من مضايقات ومرسلة من طرف أعوان
الحرس الوطني والشرطة.

إن من يتعرض له زوجي منذ إيقافه يعتبر من قبيل الإضطهاد غير إنساني وإني
أطالب بإيقاف هذه المعاملة الإبتذالية التي انتهت حق زوجي بغير أي قانون
وفي المعاهدات الدولية المصادق عليها من طرف الحكومة التونسية.

والله أعلم

مكتب الأستاذ
عبد الجواد الحرازي
المحامي المتمرن
العنوان : 11 نهج العراق ، 1002 تونس
الهاتف : 71.802.152 / الفاكس : 71.800.508

تونس في 24 / 11 / 2005

المنوب: السيد محمد المحرزي عبو والمعين محل مخابراته
بمكتب محاميه الأستاذ عبد الجواد الحرازي والكاين مقره بنهج
العراق عدد 11 الطابق الثاني لافيات - تونس 1002.

المشتكى به: السيد مدير السجن المدني بالكاف مقره السجن
المدني بالكاف

شكايه

جناب السيد قاضي تنفيذ العقوبات بالمحكمة الابتدائية بتونس

- دامت عدالته -

حيث وبتاريخ 2005/06/10 صدر حكمين استئنافيين بسجن المنوب مدة ثلاثة سنوات ونصف.
وحيث اودع المنوب لتضاء العقوبة بالسجن المدني بالكاف.
وحيث أن المشتكى به ومنذ ذلك التاريخ عمد ولا يزال إلى مضايقة وإفلاق والقيام بكل الأفعال التي تسبب ضررا للمنوب وتمس بوضعيته كسجين رأي ومنها منع الدواء عنه ورفض تمكنه من الفحص الطبي كتسليط السجناء عليه ومضايقته لهم.
وحيث عمد المشتكى به أيضا إلى محاولة تسريب نوع من الدواء المغلوط للمنوب بغية الأضرار بصحته.
وحيث أن المنوب الذي يخشى من سوء معاملة المشتكى به علي نفسه وعلي صحته وهو قلق بشأن وضعيته وكذلك المعاملة التي يتلقاها في السجن والمخالفة لكل المواثيق والمعاهدات الدولية والقوانين التي تنظم معاملة سجناء الرأي.

لـ

فإن المنوب يطلب من عدالة الجناب التفضل بتسجيل شكايه ضد السيد مدير السجن المدني بالكاف كفتح بحث للتحقيق في الغرض ومواخذته وتتبعه من أجل ما قام به في حق المنوب.

وللجناب سديد النظر والسلام

أستاذ عبد الجواد الحرازي

المحامي المتمرن

11 نهج العراق - تونس

الهاتف : 71.802.152 / الفاكس : 71.800.508

Annex II

**National Legislations
In the field of criminal justice and prison reforms
1993**

Article 48: Individuals licensed to visit a prisoner:

1. The spouse
2. Parents and grandparents
3. The prisoner's children
4. Paternal uncles and aunts
5. Maternal uncles and aunts
6. Legal guardian
7. In-laws
8. An individual with relation to the prisoner of which the general administration of prisons and rehabilitation agrees on for cases when the prisoner does not have relatives living in the area.

...

Article 49: On an exceptional basis individuals other than relatives can be licensed to visit the prisoner or individuals that have moral influence on the individual. License for visitation can be given either by the General Administration for Prisons and Rehabilitation with regards to sentenced prisoners or by the Judicial Authority with regards to those provisionally detained.

Annex III

A Sample of how the General Media Administration intervenes in what to publish or not publish in Tunisian newspapers.

The Attached copy is a press release issued by the Green Party for Progress. On the release is the stamp of the General Media Administration and the signature of its director, Mohammed Zein Omara. On top of the signature "to be used" is written.

The last paragraph of the press release says:

"The Green Party for Progress hopes that the coming period will witness the upholding of supreme state interests, a bringing of side disputes to an end, and parties who have chosen to serve foreign bodies and agendas to stop political biddings and stand in support of state efforts to solve major issues and find solutions to all the challenges that face the country ..."

الحمد لله

تونس في 2006/03/08

مع احترام الاستقلال
المدير الجهوي للإعلام والتوثيق
محمد الزين حمارة

حزب الحضر للتقدم

بلاغ



تعيش بلادنا هذه الأيام بكل فخر واعتزاز بالذكرى الخمسين لعيد الإستقلال الخييد. وهي مناسبة يهنيئ فيها حزب الحضر للتقدم كافة الشعب التونسي بقيادة رئيسه زين العابدين بن علي ويؤكد على المعاني السامية لهذه الذكرى الخالدة التي يحيي فيها أبناء وطننا العزيز وشهداءه الذين قدوة بأرواحهم، تصبى تونس حررة شامخة أبد الدهر رافضة لكل أشكال الاستعمار والتبعية والتدليل للخارج وكل مظاهر الفقر والخصاصة.

إن الشعب التونسي الأبي والمكافح والمثقف لم يتوقف نضاله ومسيرته عند الحصول على الإستقلال، بل يواصل نضاله لرفع كل التحديات المطروحة على تونس في الحاضر وفي المستقبل ويدفع بمجلة التنمية إلى الأمام في ظل مقومات دولة القانون والمؤسسات تثبيت أركان النظام الجمهوري.

ويذكر حزب الحضر للتقدم أن المكاسب التي تحققت طيلة 5 عقود من الإستقلال الوطني وطالت جميع القطاعات واليادين من صحة وتعليم وسكن وبنية تحتية وبيئة وسن تشريعات رائدة وحقوق المرأة وحقوق الطفل والحراك السياسي وتعدّد الأحزاب وصحافة الرأي وتعزيز دور المعارضة في المجالس البرلمانية والبلدية والجهوية وتدعيم المؤسسات الدستورية تقتضي متأخمايتها والحرص على دعمها وتطويرها ضمن منظومة خيارات إستراتيجية تنموية وطنية لا دخل فيه للقوى الخارجية التي لم تتخلى عن نظرتها الاستعمارية.

لذا يدعو الحزب الحضر للتقدم إلى ضرورة التكاتف والتآزر وتوحيد الجهود لإبحاح المسيرة الوطنية التي تضمن مستقبل الأجيال القادمة وحققها في العيش الكريم في وطن حر ومستقل.

وبأمل حزب الحضر للتقدم أن تغلب في الفترة المقبلة مصلحة البلاد العليا وأن يقع القطع مع المهاترات الهامشية وأن تكف بعض الأطراف التي خيبت أن تضع نفسها في خدمة جهات وأجندات أجنبية عن المزايدات السياسية وتنكب إلى جانب مجهودات الدولة على معالجة الملفات الكبرى وإيجاد حلول لكل التحديات التي تواجه البلاد على المستويات

Annex IV

Correspondence with Oussama Romdhani Director General of the Tunisian External Communication Agency (ATCE)

1. Email sent by Romdhani on 26 April 2006:

Dear Mr Bench, Mr Diasio and Ms Sami:

Hello.

Thank you for a very useful meeting last Friday.

Following on our last meeting, I would like as agreed to add the following remarks.

1. The makeup of the higher communication council was widened, since December 31, 2005, in order to include members of the opposition: Mr Hichem Hajji (from the People's Unity Party) and Mr Laroussi Nalouti (from the Movement of Social Democrats). Other members of the council include since then Mr Abderrahmane Kraiem, (former member of the executive committee of the Human Rights League), Mr Faouzi Bouzaïene (president of the Tunisian Journalists' Association) and Mr Mohamed Hamdane (Dean of the school of journalism). The council is chaired by Dr Youssef Alouane (an academic).
2. Based on Tunisian law dated November 15, 1975, "professional journalist identification cards" are granted by a committee chaired by a senior official from the secretariat of state for information, and including three representatives of all national media and three representatives of professional journalists from among representative media associations. The committee meets every year before January 20th. An applicant must provide: a birth certificate, a nationality certificate, a copy of his or her judicial record, and a declaration stating that journalism is his or her principal occupation and that the majority of his or her income emanates from such an occupation. He or she should include a work certificate from his or her employer. He or she should also specify other activities if it is the case. Academic requirements for those applying for the first time are: either a bachelor's degree, or a high school diploma and a five-year experience, or a one-year university studies and a 4 year-professional experience, or two-year-university studies and a three-year-professional experience, or three year university studies and a two-year-professional experience. (The 1975 law and the bylaws of the special committee go into further detail. An accurate idea about eligibility to the journalism card conditions would obviously require studying such texts more closely).
3. The labour code (1963) also defines the exercise of the journalistic profession.
4. The launch of three private broadcasting stations (2 radio and one TV), in the last few years, demonstrates the effective commitment by the authorities to the process of introduction of the private sector into radio and television broadcasting.
5. Regarding the general scope of your contacts in Tunisia: I appreciate your readiness for dialogue, but I do have to express my concern over your unavailability to meet with the Tunisian Association of Journalists or with the Association for the Protection of Arab and African Journalists (Ms Houda Ben Othmane). I understand you are free to choose with whom you want to meet, but I think you would agree with me that getting a balanced and accurate picture hinges upon hearing differing points of views.

More from me later. Please let me know if I can be of any further help.

Best regards,

Oussama Romdhani

2. Email sent by Romdhani on 27 April 2006:

Dear Mr Bench and friends:

I hope you have received my first message of yesterday.

I saw today the preliminary remarks of your mission. I regret that it contains more of the same and that even the sense of nuance is, in my opinion, lacking.

Not listening to a representative variety of NGO's can obviously lead to such a lopsided view of Tunisian civil society and its relationship with the authorities.

You mention that you have told a "government official" that Mr Abbou should be freed and that "opologies" should be extended. I hope you have noted that it has been explained to you by this official and others that Mr Abbou was found guilty of serious physical assault against a colleague and that he was tried and convicted according to due process of law, and that he has enjoyed as a detainee all the rights guaranteed by the law of the land.

Generally speaking, all individuals (should and do) receive the same treatment and enjoy the same guarantees. The rule of law obviously requires from all the respect of the law.

As another preliminary reaction to your preliminary findings, I would like to reject once again any notion of "harrasment" by the authorities of civil society. Political parties, organizations and associations are able to organize their activities and express their views freely. Furthermore, associations enjoy the support of the state for the conduct of their activities.

Thank you for the opportunity of sharing these thoughts with you.

Best regards,

Oussama Romdhani

3. Reply sent to Romdhani on 28 April 2006

Dear Mr. Romdhani,

We very much appreciate this opportunity to dialogue with you. Our mission was limited in time, and because of that, we felt that the best use of our time would be to interview those who would provide information and opinions different from those we generally can find in Tunisian newspapers.

During our meeting, you had committed to provide us an explanation for the specific reasons the websites Mr. Difasio and Ms. Sami brought to your attention. These websites are www.hrinfo.org and www.amisnet.org.

While we were unable to fit into our schedule meetings with the AJT and our friend Houda, we interviewed from early morning until late into the night those persons we felt it most important to interview. Some were much more important than others. Though we did not meet with all the groups you suggested, we are certain of our findings, based on lengthy, searching interviews. We wish to make absolutely clear that we witnessed plain-clothed (political) police harrasment of activists, and there was one experience of our being followed in an automobile to one meeting which we find intimidating pressure by the Tunisian authorities.

The aim of our mission is not to condemn the Tunisian government. We are desirous of being unbiased and neutral. However, the Tunisian government's behavior (which we experienced personally and heard numerous examples of) makes it nearly impossible for us to believe government claims of progress in the fields of press freedom, freedom of expression, freedom of association, independence of the judiciary, and human rights situation in Tunisia. No amount of "balanced" interviews can change our minds about what we saw, heard and experienced.

We did note in our news release--and will do so in more detail in our final report--that there is more balanced local news reporting in at least one very small circulation opposition newspaper. This is progress, an improvement over past practices. When Ms. Sami and I endeavored, however, to find copies of this newspaper at a random kiosk in Tunis, the attendant had never heard of the newspaper.

Further, you will be pleased to know that Francesco Diasio will be conducting a telephone interview with a member of the steering committee of AJT so that we can include his, and the positions of his organization, in our final report.

We still have not received concrete or complete answers on the requirements for establishing a private TV or radio station. What is the transparent program the Tunisian government is implementing to assure that all broadcast applicants will be treated equally and fairly? If they will be treated the same way that applicants for newspapers have been treated (as you know we have personally experienced), we express our concerns if there will ever be, under current circumstances, any *independent* private broadcast stations established in Tunisia. We will have some comments regarding this issue below.

We have done some serious in-depth research and investigation and have the following additional comments regarding your messages to us:

It is our opinion that the establishment of the Higher Communication Council (HCC) in 1989 coincided with the beginning of the deterioration of the freedom of expression situation and the muzzling of the press in Tunisia. This advisory body has fewer prerogatives than the Higher Information Council (HIC) which was, before President Ben Ali came to power, a kind of forum where officials, editors and journalists used to publicly discuss ways to improve the media situation. Long before it totally lost its independence in the early 1990s, the Tunisian Journalists Association used the defunct Higher Information Council to call upon the government to loosen its grip over the media and to campaign for independent journalism.

Independent-minded journalists, editors and journalism professors maintain that President Ben Ali's HCC is a secretive body which, unlike his predecessor's HIC, is not open to referrals from professionals and the general public. They unanimously called it a step backward in comparison to the HIC that was active under former President Habib Bourguiba.

Regarding the widening of the makeup of HCC in 2005, to include members of the "opposition": the president of the state-run Tunisian Journalists Association; the director of the Press Institute (school of journalism), who is appointed by President Ben Ali upon recommendation from the minister of higher education we feel is purely cosmetic. Mr. Mohamed Hamdane's official position is director of the Press Institute. He has never held the position of dean. Moreover, deans, such as of the Faculty of Arts or the Faculty of Law and economics, are elected by professors. However, directors of higher education institutes, like Mr. Hemdane, are political appointees. Our sources report that the appointment of directors of higher education institutes, as well as directors of secondary schools, is based on their allegiance to President Ben Ali and the ruling party.

The former member of the executive committee of LTDH, Abderrahmane Kraiem, has been included in the makeup of the HCC after he distanced himself from the harassed leadership of LTDH. He is currently one of its critics. His articles critical of LTDH are run by the state-controlled media, which we are advised have firm instructions to ignore LTDH letters, statements and activities.

The two members of the "opposition" belong to two minor political parties which have been supporting President Ben Ali since he became president in 1987. Like the word independent, the word opposition has a different meaning from the one agreed upon in dictionaries when used by Tunisian government officials. You can understand our deep concern when we feel that the Tunisian government establishes groups to promote the government's agenda and call them NGOs and blatantly blocks the formation and legalization of truly independent organizations as NGOs. In truth, the few "legal" NGOs since 1989 have been harassed by political police as much as have the "illegal" Tunisian NGOs.

We find that the committee in charge of granting "professional journalist identification cards" is totally controlled by the government and constitutes one of the serious obstacles of true press freedom in the country. Many journalists are denied facilities and the right to do their job if their articles are not to the taste of those in power.

The three representatives of the so-called "all national media" are appointed by the government. They are often members of the state-run Tunisian Association of Newspapers Editors, which was expelled in 1997 from the World Association of Newspapers for its lack of action while press freedom was under constant attack. The three representatives of professional journalists are members of the board of the

state-run (our opinion) Association of Tunisian Journalists, which ironically awarded President Ben Ali in 2004 its Golden Quill for Press Freedom.

Journalists critical of the government or simply opposed to the idea of receiving government instructions on what and how to write, like Sihem Ben Sedrine, Neziha Rejiba, Lotfi Hajji, Slah Jourchi, Mohamed Fourati, Lotfi Hidouri and others are arbitrarily denied the "professional journalist identification cards." Ironically, according to reliable sources in Tunis, many who have nothing to do with journalism, including plain clothes political policemen, are often granted the "professional journalist identification cards."

IFEX TMG noted and welcomed the fact that a second private radio station has been licensed and a private television station has also been authorized, despite the fact that their owners, like the owner of the first radio station, appear (because of lack of clear and transparent licensing criteria) to have been handpicked among the loyal supporters of President Ben Ali.

We reiterate the need for fair and transparent licensing procedures and recommend the establishment of a truly independent regulatory body to oversee licensing of independent broadcast media.

We appreciate your readiness to dialogue and would like to thank you once again for your assistance and suggestions regarding groups or persons you deem likely to help IFEX TMG receive a "balanced and accurate picture" of the freedom of press, freedom of expression, freedom of association and related human rights situation in Tunisia.

However, due to professional commitments of IFEX TMG members, our missions are often brief and we must necessarily prioritize whom we should meet during our missions. We tend to put on top of our list of planned meetings groups and individuals widely acknowledged by IFEX's 72 members as independent or subject to gross attacks on their basic right to press freedom, free expression and association and movement. During our last mission, we were blocked from meeting groups that fall under this category. Obviously, this does not speak well of the freedoms we hear so much about from the Tunisian government, those guaranteed by your constitution.

While agreeing with you that "getting a balanced and accurate picture hinges upon hearing different points of view" is important, we find it more important to give priority, in addition to meeting government officials, to those groups and persons widely believed to be independent or under attack, rather than to groups whose agendas seem to be in harmony with the government's restrictive policies and strategies.

Sincerely,

Mark Bench, Executive Director
World Press Freedom Committee
On behalf of the Members of the IFEX TMG Mission of April 2006

4. Response of Romdhani on 28 April 2006:

Dear Mr Bench:

Thank you very much for your questions and comments.

I have a few observations to make obviously in response.

For practical reasons (having to do with travel commitments till Monday), please let me know what kind of deadline you are on before your final report.

Best regards and have a good Labor Day,

Oussama Romdhani