

Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

C.R.L.D.H.T

July 2014



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EDITO

Setting path to next elections: hardships and challenges

One point to be made at the outset: Tunisian citizens are not queuing up to register for the next elections. Out of the roughly four million new eligible voters to cast their vote for the next parliamentary and presidential elections scheduled this fall, only a small number have turned up to register. More than two weeks after the Independent High Electoral Commission (French acronym, ISIE), only some 170,000 people have already registered. (Maghreb Journal, 11-7-2014). Some political leaders have asked to extend the process of registration. Others have asked to postpone the elections due to take place next October and November.

In fact, if we leave “the conspiracy theory” accusing some parties of trying “to jeopardize both the proper outcome of the electoral process and the Tunisian transition” aside and try to get a better understanding of the complexity of the political and social situation, it is easy to guess the disconnect between the political elite, whose sole objective seem to be winning the next elections and normal citizens, disappointed by a three-year wait to see their concerns and worries taken into consideration.

With the motto “I love Tunisia therefore I register” and the participation of 2500 register clerks and 275 travelling registration centers, the Independent High Electoral Commission has started an awareness raising campaign to register new electors. Nevertheless the turnout has remained low. And for good reasons, according to some political analysts. The transitional period has not been so easy. It has lingered an atmosphere of instability, fear, political violence and social unrest. The peaceful transitional process was on the brink of abyss. People believe that partisan politics was much involved in setting up that atmosphere.

Needless to say, the High Commission should be independent and its independence should be recognized by all players involved in the electoral process. The legal framework of its composition, its neutrality, the non-interference of political parties in its management are not only the key determinants of the transparency of the elections, but also decisive incentives for citizens to cast their vote.



EDITO (Part 2)

However, no sooner did the Commission come into being within the National Constituent Assembly than it was met with skepticism and doubt. The selection of its members was considered to be the outcome of partisan politics and allegiance. And the same goes for Regional Election Commissions. The Regional Labor Union of Tataouine, south Tunisia, questioned their independence and accused them of allegiance to Ennahda. Also, the Tunisian Observatory for the Independence of Justice doubted the neutrality of some regional elections commissions and called for placing all the work of the High Elections Commissions under the control of the administrative court.

Similarly, some political parties have pointed accusing fingers at the High Independent Commission, which “hampers the smooth running of the registration process” “and acts in the interests of certain parties.” (Ach-Chourouq newspaper, 17-07- 2013).

Some names at the heads of some regional elections commissions, in and outside the country, are singled out because of their membership in certain political parties. This is beside the fact that many of the old partisan staff in embassies and consulates are retained. “A genuine threat weighs on the transparency and the fairness of the electoral process.” (Previous source)

The atmosphere of distrust is made worse by the very recantations of the High Commission itself. Thus, after defending, tooth and nail the neutrality of all his staff and the regional elections members, Mr. Chafiq Sarsar, President of the High Commission, was forced to admit the non-neutrality of the president of the regional elections commission in France 2, giving reason to those who had denounced his political affiliation to Ennahda, the Islamist party. (Eshaab weekly newspaper 10-07-2014)

We would just like to remind that the above mentioned newspaper declared being in possession of video records where the ousted president of the France 2 regional commission, Kamel Hnihina, was briefing his Ennahda party members on the appropriate attitude to adopt during the elections. (Previous source)

According to some observers, the slow registration procedure reflects a real sense of disaffection with politics. Mr. Kais Said, a leading constitutional professor and a distinguished political analyst, believes that- by not showing up to register- “Tunisians like to demonstrate their rejection of the policy

pursued during the last three years,” adding that “the to-and- fro movement of MPs from one parliamentary group to another and the non-kept electoral promises are fatal political mistakes.”(Nawat,03-07-2014)

The High Commission for Independent Elections did try to smooth ruffled feathers. It organized a meeting with political parties, which noted “with concern, the slow advance process of the registration and asked to extend the deadline beyond 22 July”. According to the commission this would have a profound impact on the future schedule of its activities. (Maghreb, 11-07-2014)

The truth is, the lack of enthusiasm for the electoral process is not only due to the skepticism surrounding the elections commission , nor is it only related to its modest performance in and outside Tunisia. The lack of interest is directly related to the apathy towards public affairs. Having waited too long to see the benefits of the revolution, people start to lose confidence in a transition where they could not see the lights at the end of the tunnel.

Three years after the January 14, 2011, revolution, people’s daily life has not changed for the better. Quite the opposite: it has gone even worse. Unemployment has further increased, food prices have been steadily going up, poverty rate rose to about 25 percent of the total population and the eagerly-awaited investors are slow in coming. Also, the security of the country is constantly at risk: the painful funeral ceremonies of soldiers and security forces have become commonplace. In this context, employment and social issues remain the overriding concerns of Tunisians, according to surveys.(See Al-Quds-al- Arabi, 09-07-2014)

Add to this the fact that for many people the die has been cast and the outcome of the elections is almost known in advance. Surveys have repeatedly insisted that the competition is going to oppose two main parties: the Islamist Ennahda and its liberal rival, Nidaa Tounes, both of which, after winning the elections will, likely, share power. (See: International Crisis Group, June 2014)

It should be pointed out, however, that contrary to pessimistic prognoses, which predicted that terrorism is going to further slow down the registration process, an acceleration in the pace has been noticed since the last terrorist attack, reaching the average of 30,000 new registrants. A slight note of caution: the high

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discrepancy between big cities and less favored regions. While more and more people are registering in cities like Tunis, Sfax and Susa (coastal cities), the rate in Kairouan (center of Tunisia), for instance, is no more than 5.8 percent of the total new registrants.

In short, a range of factors could explain the slow progress of registration, which is going to undermine the necessary democratic alternation of political power: the increasing indifference and apathy of citizens won't be but of benefit to powerful political parties; those which enjoy an important voting base, a large political audience and an efficient and effective logistical coordination. This is, of course, at the expense of other small parties that have modest means and resources.

Also, there is no serious mechanism for effective control over political money, which is of particular importance both in the "pre-election" and election campaigns. The Tunisian Association for the Integrity and Democracy of the Elections (French acronym, ATIDE) noted that the penalties related to the electoral campaigns' infractions are rather ludicrous and have no deterrent effects. (Maghreb, 05-07-2014)

For its part, the observatory Chahed (witness, in Arabic) has repeatedly warned that the uncontrolled flow of money to certain political parties may ruin the "election fairness and transparency". (Previous source)

We believe that while the forthcoming elections are decisive for the democratic transition, the immense hope they inspire is blurred with legitimate causes of concern. To take the safe leap forwards, all parties concerned must contribute: the High Commission for the elections should always observe neutrality and authority, the government should ensure the rule of law and political parties ought to demonstrate a sense of responsibility where ensuring the success of the transition process overrides the thirst for power; but these seem to be tough conditions to reconcile. At least, for now.

Terrorism: The Bloody attack at Shaambi



<http://www.google.com>

On 16 July 2014, terrorism struck hard at Shaambi, an area closely monitored by the military. The heavy and unprecedented toll marked a turning point since terrorism was established in post-revolutionary Tunisia: 15 dead soldiers and 24 injured casualties.



The date was not chosen at random. It was significant to Jihadists as it coincides with the Ghazoua (Invasion) of Bader that opposed the soldiers of the Prophet Mohamed to the “impious” army. The story goes that a small number of disciplined and faithful believers managed to defeat the huge army of Quraysh, thus inaugurating a series of victories of Muslims. The symbolic-religious significance of Jihadism always refers to that inaugural scene as an opposition between a pure and radical Islam at the conquest of an “impious society.”

The terrorist attack was a horrendous shock not only because of the high number of casualties, but also because it was the third hard hit suffered by the army within three months: the attack of the interior minister’s home, where four soldiers were dead and the loss of four other soldiers in a landmine explosion. This has given rise to questions about the capacity of the army to face terrorism, mainly after the declaration of the head of the government, unveiling previous knowledge of the attack.

The June 2014 issue of “Etudes Internationales” was devoted to the proceedings and reports of a seminar organized on “The Maghreb, the European Union, and Transformations in Sub-Saharan Africa.” Three main conclusions were drawn about terrorism and organized crime:

- Religious faith is not the main motivator of terrorism;
- Political, social, environmental and also cultural issues are at the roots of instability in the south of the Mediterranean sea;
- The States in the region are not yet prepared to tackle terrorism while the terrorists have developed important human and logistical means, and also enjoy direct or tacit international support;

The summary report pointed also the finger at the European Union, too lax to measure the scope and gravity of terrorism, a scourge that continues to win ground and could jeopardize peace in the Mediterranean region and Sub-Saharan Africa.

It is true that there has been a popular response in Tunisia: demonstrations denouncing terrorism were organized all over the country, political parties and civil society organizations were unanimous on the urgency to hold a national congress on counter-terrorism.

It is also true that the government took a series of tougher measures in closing some out-of-state-control mosques, in bringing members of extremist groups who were celebrating the Jihadist “victory” to justice, and in closing some radio and TV stations broadcasting Jihadist programs.

However, rooting out terrorism remains highly improbable. And for good reasons:

- How can we eradicate –or even contain- terrorism if the breeding ground upon which it thrives is still there? 149 mosques remain out of control and continue to incite hate and violence, according to Rafik Chelly, former chief of national security and secretary general of global security studies (As-Sabah 16-07-2014)? One can add salafist kindergartens, still active radio and TV stations... Terrorism starts with the rhetoric before handling the weapons.
- How can we get rid of terrorism without holding accountable those who have contributed to its development? Could public opinion believe in the sincerity of those who, not so long ago, had spread the myth of Jihad to alienated young people and who are now in the forefront to denounce terrorism? Among these “repentant souls”, it must be remembered, there are those who had called, inside the National Constituent Assembly, for cutting off the arms and legs of opponents.
- How serious are we about combating terrorism when the adoption of the anti-terrorist law turns into lengthy discussions and “talking shops” at the crucial moment when the country is in great need for a legal framework that would, at the same time, ensure law enforcement and avoid the temptation of excessive zeal? A temptation that is gaining ground not only among security forces but among certain circles of civil society.

Calling for a national strategy to combat terrorism is more pressing than ever before, in order to put in place a clear strategy worked out together: government, political parties, civil society, all in the front line. But with the extremely important proviso: the awareness of the urgent need for national solidarity would take over partisan egocentrism.

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Decree law 115: still much to be done

Reporters without Borders published a report evaluating the situation of written and digital press in Tunisia. (2 July 2014)

First, the Reporters noted positively the intention to implement a Press Council that will have the mission to organize the media profession.

Referring to the mentioned decree law and whilst taking note of the important progress in safeguards put in place to preserve press freedom and access to information, the NGO highlighted some of the ambiguities surrounding its application. To this day, journalists could be subject to legal proceedings in “cases related to press freedom.”

The striking example was that of Olfa Riahi, a blogger, who was prosecuted because she carried out an investigation “challenging the moral integrity” of former minister of foreign affairs.

Therefore, RWB recommends that the penal code be reformed in line with more freedom of expression.



A woman looking for a job - <http://www.google.com>

The Complementary Finance Law brings nothing new:



<http://www.economie.tn>



The Complementary Finance Law (CFL) published in the beginning of July was said to have been based on the qualitative diagnosis of the most pressing economic and social issues. According to the project, the finance law is meant to be consensual and “respectful of the country’s commitments with international financial institutions.”



Yet, it is still too far from a broad consensus: the strong labor union (UGTT), one of the major sponsors of the National Dialogue was quick to express discontent, evaluating that the corrective measures are opposite to the “fundamental constants and principles of the national dialogue,” which assumes “coordination and consultation” with social partners before taking decisions. (UGTT, department of studies)

The characteristic features of the CFL include:

- The growth rate was revised downwards from the 4% elaborated in the initial budget to 2.8%. The reasons given by the government were: the decline in exports, decrease in investments, and deterioration of rate exchange much related to the trade balance deficits. (ach-chourouq 15-07-2014)
- The CFL reproduces the same liberal options that has shaped the Tunisian economy for decades and which led to several social unrests. In fact, no distance was taken from “the neutrality of the State” the renunciation of market regulation to the benefit of the private sector, as has been noticed by expert Abdjelali Bedoui
- The budgetary austerity measures taken by the government have exempted the Presidency of the Republic and the National Constituent Assembly, which continue to enjoy the same high budget “despite the poor performance of these two institutions,” according to Mr. Bedoui
- The poor and middle classes continue to pay the price of the economic crisis as they are expected to pay more taxes: a tax on different types of cars, an ineffable thirty-dinar tax on marriages, a tax for access to justice... new price-rising on tobacco, phone cards..
- The rise in fuel prices dictated, it seems, by the International Monetary Fund (IMF) that considers that the proportion of subsidies here is “heavy on State budget” and the monetary institution to “praise the decision of the Tunisian government to increase fuel prices.” (Le Temps 12-07-2014)
- While welcoming the new measures targeting tax fraud and parallel economy, many observers and union leaders criticized their short-term effects. “Such measures do not reflect a willingness to tackle these two plagues that risk jeopardizing the national economy.” (UGTT ,Studies Department)

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Gaza Strip: the need for inquiring into the violations of International Law

Since the launch of “Operation Protection Edge” on 7 July until the 21st of the same month Israeli attacks killed about 500 Palestinians, including 400 civilians, more than 2500 people were injured and more than 1700 houses were severely damaged. Several hospitals, schools and mosques were, also, destroyed and tens of thousands of people have fled their homes. At the same time, Palestinian militants launched rockets and missiles, killing, at least, two Israeli civilians. (see the Center of Cairo for Human Rights Studies 24 July 2014). These Israeli attacks occur, one must remember, in the context of a seven-year-long blockade on Gaza Strip.



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In the light of what is happening, The Committee for the Respect of Liberties and Human Rights in Tunisia expresses grave concern about the dangerous Israeli military operations that violate the International Laws and are considered as war crimes.

Also, The Committee calls on the International Community to mobilize and put pressure on Israel in order to stop its deadly attacks, to protect civilians and to establish an independent international commission that would investigate on war crimes.

Morocco: Frequent use of torture and ill-treatment



<http://www.google.com>

On the International Day of Solidarity with the Victims of Torture (26 June), the Moroccan League for Citizenship and Human Rights published a damning report on the use of torture in detention centers.

Other than frequent practices such as beatings and waterboarding, there are more “sophisticated” situations: electrical torture on the genital, introduction of different objects in the rectum...



Worse still, the brutalities of police interventions to disperse unarmed caused grave injuries and even death of civilians.

While taking note of the project of the audio-visual registration of police interrogation prepared by the Ministry of Justice, the Human Rights League considers it insufficient to provide protection against police abuse, brutalities and torture.

Egypt: A repressive law threatens the associative life



<http://www.google.com>

Twenty-nine human rights organizations including the Cairo Institute for Human Rights Studies Egyptians Against Religious Discrimination and Egyptian Commission for Rights and Freedoms signed a petition to express their deep concern regarding a draft bill prepared by the Ministry of Social solidarity, declaring it a “flagrant breach of the Constitution and Egypt’s International obligations.”

The bill would subordinate NGOs to the security establishment and shut down the entire public sphere in Egypt.

According to the signatory organizations, the government seeks complete control over civic groups as the passing Protest Law last November, “has already led to the imprisonment of human rights defenders for a period of up to 15 years.” And the same would apply to the new draft bill. The government aims at making the administrative body the real director of civic associations and at putting “civil society under close surveillance,” so that no free activities would be possible.

“If the proposed law is adopted, it will put Egypt in a class with other countries with poor NGO statutes such as Ethiopia, Israel, China and Belorussia,” the signatory organizations added.