

Letter from the committee

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

C.R.L.D.H.T

December 2013



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EDITO

The Committee for the Respect of Freedoms and Human Rights in Tunisia wishes you a very good year, filled with good health and happiness for you and your loved ones.

On 14 January 2014, three years will have passed since the Tunisian Revolution, that inspired the whole world with its popular movements, pacific protests and its requirements, as all the slogans reflected Tunisians' eagerness to freedom, democracy, human rights, as well as, social justice and employment.

We still cherish the hopes related to that date, hopes of a new Tunisia that would be built on the rightful claims of protesters, on what martyrs have sacrificed their lives for and on what thousands of Tunisian militants who had faced repression and abuses had dreamt of. The good news was that the October 2011 elections of the National Constituent Assembly were held in a climate of "peace, independence and transparency," according to national and international observers.

Also, we have gone a long way toward freedom of expression, freedom of associations and formations of political parties despite restrictions and obstacles imposed by the Troika Government. Yet, we believe that this transitional period is becoming long, difficult and often disappointing for many reasons.

In this respect, the year 2014 is going to be decisive not only for the transitional period but also, for the future of democracy in Tunisia.

The beginning will be the wrap up of the constitution, a constitution that would hopefully reflect what Tunisians aspire for. Also, the ground should be prepared for independent and transparent elections and restoration of hope to people by finding serious solutions to urgent economic and social problems such as, unemployment, exorbitant price increases and the precarious security situation.

So, to mark the New Year, we call on to all political forces, civil society activists and democrats in and outside Tunisia to join efforts in order to ensure the success of the transitional period through free elections that would establish the basis for democracy and the rule of law and justice that we have all dreamt of. Best wishes for a happy New Year.

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

Comité pour le respect des libertés et des droits de l'Homme en Tunisie

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International Crisis Group: Tunisia's Borders, Jihadism and Contraband

International **Crisis Group**
WORKING TO PREVENT
CONFLICT WORLDWIDE

The International Crisis Group issued a report titled "Tunisia's Borders; Jihadism and Contraband" (N° 148, 28 November 2013) focusing on Tunisia's embroilment in a political crisis whose security origins are rather conspicuous.

Although in low-intensity now, "jihadist attacks are increasing at an alarming rate," according to the report. That increase has an effect on the political issue as it has fueled rumors, weakened the state and polarized the political scene.

But, instead of addressing this dangerous issue, the Islamist government and the secular opposition trade accusations on their mutual responsibilities.

The roots of the problem? According to the report, the security vacuum that followed the fall of Ben Aly's regime and the Libyan chaotic war have largely contributed to the increase of cross-border trafficking. But if smuggling has always been a source of income to the borders' residents, the introduction of drugs and firearms is a worrying new phenomenon. Nowadays, firearms as well as drugs regularly enter the country from both Algeria and Libya, according to the report.

What is more dangerous is this mix between criminality and radical Islam in the suburbs of major cities and poor villages. In the long term, this "Islamogangsterism" will contribute to the rise of groups blending Jihadism and contraband.

How to address this scourge? Although security measures are necessary, they won't suffice on their own. Residents in the borders-counted among the poorest- are the most capable of enabling or preventing the entrance of people and goods. And as they feel economically and socially frustrated, it is difficult for them to protect the country's territorial integrity and consequently limit contraband.

In these regional and national circumstances, a consensus between political parties on the one hand and the improvement of relations between central authorities and border residents, on the other, are vital. In fact, they are as vital as the tight military and security control over the border.

But so far, there have been no signs of progress on the political crisis as there are still discussions on different political issues such as the formation of the new government, the drafting of the constitution, the election law and the instance that is going to supervise the elections. And, in the absence of a consensus over these issues, the security crisis will deepen.

Egyptian and International Organizations: Egyptian authorities to investigate on mass killing during Muslim Brotherhood sit-ins



On the anniversary of the Universal Declaration of Human Rights, 13 Egyptian and International organizations, among them the Cairo Institute for Human Rights Studies, Amnesty International, The International Federation for Human Rights and Human Rights Watch called on the Egyptian authorities to acknowledge their responsibilities and to investigate on the killing of up to 1,000 people by the security forces while dispersing the Muslim Brotherhood sit-ins on 14th August 2013 (source Center of Cairo for Human Rights Studies).

The organizations asked the Egyptian government to take steps toward accountability and to establish a fact-finding committee that would investigate responsibility.

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That committee should have the authority to summon officials and witnesses, and to issue a public report with public recommendations.

“The killing of seven police officers during the dispersal of the Rabaa sit-ins doesn’t justify the collective punishment of protesters,” said Bahy Eddine Hassan, director of the Cairo Institute.

“It will be impossible for all Egyptians to gain trust in their new government unless they see that those responsible, including those at the highest command levels, are held accountable for the killing of the protesters,” said Joe Stork, Deputy Middle East Director of Human Rights Watch.

Tunisia: A draft law by the government on mosque considered a threat to civil government.



Civil society activists have warned against a draft law the government is about to present to the National Constituent Assembly about the future organization of mosques. They see in it a threat to the civil state of the government.

For instance, article seven of the new law stipulates “the allocation of space to build religious sites in every new urban scheme.” (Assabah news 11-12-2013)

Article 20, on the other hand, focuses on the educational role of the mosque, which should organize “catch-up lessons for boys and girls,” and also provides “moral and religious education for all people,”

Socially, the mosques are asked to have a role in other aspects of life: authentication of marriages, circumcision of boys “during religious holidays”...

Also, a new role has been given to mosques through the draft law in order to target “heresy and non –religious ideas.” Article 28 stipulates the twinning of mosques so as to “face religious, ideological and social deviations.”

M. Sadok Arfaoui, the Minister of Religious Affairs advisor, didn’t deny the existence of that draft law but considered what has been drafted as “simple suggestions.”

That’s not the point of view of M.Fadhel Achour, secretary general of the National Union of Religious officials, who sees it as “an early electoral campaign led by the Islamist Party, Ennahda, to show that it’s the protector of religion. Also, it is meant to mine the incoming government.”

Mrs. Kalthoum Kennou, the previous president of the Tunisian Association of Magistrates, also, warned on her facebook page, public opinion against the draft: “Forget about the National Dialogue and Marzouki’s Black Book and pay attention to this law which is targeting the civil state of the government,” she wrote (African manager, 5 December 2013)



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Human Rights organizations: freedom to blogger Jabeur Mejri and rapper Wild El 15



Amnesty International has published a petition to be sent to President Moncef Marzouki, asking him to free Jabeur Mejri, sentenced for seven years and a half for expressing views deemed “offensive to Islam and Muslims.” The organization reminded Marzouki of the International Covenant on Civil and Political Rights, ratified by Tunisia, and especially article 19, stating that everyone can criticize ideas, beliefs, including religions.

Many organizations, including the International Federation for Human Rights (FIDH), The Association for Democratic Women, The Tunisian Human Rights League and The

Euromediterranean Network for Human Rights organized a march on 13 December 2013. Protesters carried 669, lit candles, a number corresponding to the number of nights sent in prison by both Mejri and Wild El Kenz.

On the other hand, The Committee for the Respect of Liberties and Human Rights in Tunisia considered, in a communiqué published on December 6th, 2013, that the accusation and the sentence of Wild el 15 as an episode of a “campaign targeting freedoms of creativity, thinking and belief, and whose rhythm has accelerated since October 2011 elections.”

The court of appeal ruled to release Wild el 15 on Thursday 19 December 2013

Human Rights organizations condemn the publication of the President’s Black Book

President Moncef Marzouki has recently published, via his Media and Communication Department, a book titled “The Propaganda Apparatus under Ben Ali: the Black Book.”

The book was presented as an analysis of the propaganda system under Ben Ali and lists names of those who are alleged to have collaborated with the old regime to improve the dictator’s image.

However, human rights and professional organizations denounced the content of the book. The Tunisian Human Rights League sees the book as a transgression to the judicial power “the sole authority entitled to examine such matters.”

Also, the Coalition for the Defense of Freedom of Expression, a coalition that covers several professional and human rights organizations condemned the publication of the book, as a step taken “without consulting professional or legal bodies.”

The book is “an attempt to create “an atmosphere of intimidation and blackmailing to undermine any serious efforts towards the regulation of the media landscape on professional and ethical grounds in accordance with the freedom of expression international standards.” (2 December 2013). The Union of Tunisian Journalists believes that “unveiling archives is not” a question of a settlement of accounts” and “it should not be done in a selective way, either.”It should be done under the framework of transitional justice and under the sole authority of the judiciary.”



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National and International Rights Organizations: to guarantee freedom of expression in the constitution



In a joint appeal, more than 50 IFEX organization members, among them Article 19, asked the Tunisian civil society groups to contribute to the constitution building process in order to make of the long-awaited constitution “a model for protecting freedom of expression in the region.”

The organizations that signed the appeal consider that the fourth –and most recent- draft of the constitution fails to conform to international standards in the freedom of expression area.

For instance, article 31 imposes restrictions on acquiring information whenever access “compromises national security or the rights guaranteed by the constitution.”

This restriction is considered reminiscent of obstacles to freedom of expression in the abrogated 1959 constitution, “in the name of national interest or national security.”

The organizations, also, expressed concern about the broad mandate attributed to the “information authority.” Such mandate would not allow other independent bodies to regulate the broadcast media sector.

They, eventually, recommended a clear reference to the freedom of expression in the preamble, a review of the restrictions on articles 30 and 31 and the establishment of two independent bodies, one for “regulating the broadcast media” and one “to ensure respect for access to information.”

The Committee for the Respect of Freedoms and Human Rights in Tunisia: More focus on advocacy

Since it was set up in the mid nineties of the last century, the Committee for the Respect of Liberties and Human Rights hasn't relied only on organizing protests, seminars and on helping the Tunisian society movements to face the repressive machinery of Ben Aly's regime. It has always played an important role in advocacy, trying to contain the huge propaganda machine of the old regime and gather a minimum of support to the Tunisian democratic movement.

Today, the political situation is getting more and more complicated: attempts from the current government to dominate the public life, to limit civil society field of action, ambiguities about the role of political Islam and its relationship with democracy and human rights. That's why, we believe that it is necessary to face the new propaganda machine and to voice the civil society viewpoint, far from propaganda and defamation.

Along with our partners, we took two main steps in advocacy. First, a meeting was organized in Strasbourg on 19 November 2013 between a delegation of deputies from the Tunisian opposition and civil rights activists, and European members of Parliament.

During the meeting, the Tunisian delegation provided a comprehensive picture about the critical situation in Tunisia, emphasizing mainly the absence of any political will on the part of the governing troika, and its main component Ennahda, to end up the transitional period.

The Tunisian delegation, also, asked the European deputies to develop a more comprehensive view and not be satisfied with the image transmitted by the government officials and to see the problem of terrorism beyond its security dimension, i.e. in relation with the political, economic and social situation.

The second advocacy trip headed to Washington. A group of activists belonging to the Committee for the Respect of Liberties and Human Rights in Tunisia stayed there for three days (from 8 to 11 December). The trip was sponsored by the Cairo Institute for Human Rights Studies. The group met members of American civil society, donors and officials at the State Department.



The delegation highlighted to their American counterparts the dangers threatening the Tunisian burgeoning democracy, the failures that accompanied the transition second phase, mainly the economic crisis, the precarious security situation with the smuggling of firearms, the harassment of human rights activists, intellectuals and journalists and the difficulty to organize democratic and transparent elections in such circumstances.

The delegation wished that the coming elections would establish the bases of a true democracy in Tunisia. For that, some practical procedures need to be followed, among them, fixing reasonable dates for these elections (one year minimum), agreeing on a road map that would fix a date for the adoption of the electoral law (six months), ending quickly the draft of the Constitution (no more than two months) and also, adopting the law that will set up the independent election commission.

Likewise, the success of the elections depends on neutrality of public spaces, mosques, administrations schools and also, on the tight control of associations and political parties funding. Again that would not be possible without the independence of the judiciary, without guaranteeing the ruling of the administrative court in the electoral disputes and without monitoring the constitutionality of laws.



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According to a survey conducted by The International Republican Institute



- Most Tunisians aren't happy with the economic situation;
- They would like a democratic government;
- They haven't decided yet whom to vote for.

The International Republican Institute (American Institute close to the Republican Party) published a survey on December 3rd, 2013 conducted on 1236 Tunisians from 1- 12 October, 2013.

Questions were mainly focused on the political, economic and security issues and also, on the choice of political parties and the vote intention.

-First conclusion: Tunisians are aware of the delicate economic situation as 57% among them believe that the economic situation is very bad and 25% believe it is bad.

-The other issue concerns the current political system. Is Tunisia a democracy? The answer is more ambiguous. 36% of Tunisians think that it is not whereas 34% think that it is a flawed democracy. Only 11% believe that it is a true democracy.

-Another important finding in the survey: Tunisians are attached to democracy, 46% among them prefer an elected government and only 29% believe that sometimes a non-democratic government is preferable.

-Also, democracy is a priority even at the expense of security. Most Tunisians (53%) prefer a democratic government, even if it would lead to instability; and only 39% think that stability and prosperity are better.

-Concerning the National Constituent Assembly, an important percentage of Tunisians (46%) see that its primary role is to draft the constitution. Only 6% of them think that it has a role in developing and reforming the economy.

-As for the next election, an important percentage of Tunisians haven't decided whom to vote for (40%), 27% have already made up their mind whom to vote for and 31% don't intend to vote at all.

-As for the level of education of Tunisians surveyed, most of them have either a primary education (25%) or a secondary education (36%). Only 12% have a university level of education.

According to a survey conducted by The International Republican Institute



Inhabitants of Siliana, North West Tunisia, commemorated alongside with civil society activists and democrats, the first anniversary of the painful buckshot attacks, under the slogan: "We won't forget!"

These attacks happened, by end November last year, when Tunisian police faced popular demonstrations protesting against poverty, regional inequities and unemployment with expired tear gas bombs, according to an independent report, and attacks with showers of buckshot, injuring many people, mainly in the eyes, with wounds remaining to this day.

In a communiqué published on 27 November 2013, the Committee for the Respect of Liberties and Human Rights in Tunisia recommended that those who are going to be found guilty – more than a hundred lawyers have complained to the military court on behalf of buckshot victims- of using extreme force against protesters be tried "regardless of their political responsibilities."

Also, the Committee organized with immigrant organization and with the support of French unions a meeting in La Bourse de Travail, Paris, on 5 December 2013, a date that coincides with the assassination of the Tunisian Union leader Farhat Hached (5 December 2013).

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During the meeting, Mr. Nejib Sebti, Secretary General of Siliana Union (UGTT) gave a detailed testimony about the tragic events. Note that the Committee is working in cooperation with the French Unions to organize a visit of solidarity to Siliana.

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Two electoral congresses: Women in leadership

The works of the tenth congress of the Tunisian Association for Democratic Women(known by its French acronym ATFD) ended on Saturday 24 November 2013 after discussing important issues related to gender equality, combating violence against women and facing the scourge of terrorism.

Just a reminder, the Association of Democratic Women, founded in the 1980's, has been one of the genuinely independent organizations. For decades, it has worked for fighting discrimination against women, trying to change the dominant patriarchal mentality and achieving equality within all spheres of society. It was among one of the few organizations that faced Ben Aly's dictatorship. Furthermore, it played an important role during the transitional period –after 23 October 2011 elections- when there were attempts to turn back the clock on women's rights.



Another important congress: that of the Tunisian Association of Magistrates, held on 7 and 8 December under the sign "the independence of the judiciary is one of the objectives of the revolution of freedom and democracy."

Invited organizations to the opening of the congress expressed their solidarity with the association and with all judges who struggle for their independence "and denounced attempts from the government to subject the judiciary." (Maghreb newspaper 10 December 2013). It is Raoudha Grafi who took over from outgoing president Kalthoum Kennou. The latter refused to run for another mandate. "We cannot keep on singing the praises of democracy if there's no alternation," she said, adding that she wants to send a message to those who want to stick to their positions, "despite the harm that may cause to their political parties or associations."

One should recognize that the association was one of the victims of the tyranny of Ben Ali's regime since 2005 because it stood for the independence of the High Council of Magistracy, which was under the iron grip of the executive.



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In a report by Human Rights Watch on pre-charge detainees

HUMAN
RIGHTS
WATCH

- Long period in custody
- Absence of the lawyer in the first days of detention
- Non-adequate material conditions

Human Rights Watch released a report (November 2013) titled "Cracks in the system, conditions of pre-charge detainees in Tunisia." For the organization, detention in custody and

mainly the first hours could "determine the outcome of the judicial process" of the detainee.

First the good news: there has been some change in the way the Tunisian authorities conduct, as they are more open to the investigations of human rights organizations.

However during the visits to the four detention centers, HRW found serious gaps in Tunisian laws "that govern pre-charge detentions", poor physical conditions of detainees and several cases of mistreatment during arrest and investigation.

One of the most obvious lacunas is the prolonged period of custody

(up to six days). That period is "inconsistent with the right under international law."

Another crack in the custody system is the absence of a legal counsel during the first period of detention. The lawyer is only present when the suspect appears before the investigative judge. That's after the suspect has already signed the police statement that "may have been coerced."

Furthermore, although Tunisia is the first country in the Middle East and North Africa to adopt a law creating The National Authority for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the law limits its access "in certain broadly defined conditions."

The report, also, found that detainees are not adequately fed; they live in poor sanitary conditions and are sometimes mistreated during arrest and interrogation.

The report includes important recommendations. For instance, it recommends introducing legislation so that detainees would have the presence of the lawyer "from the moment of arrest." Also, it recommends the revision of the Code of Criminal Procedures to ensure that confessions are not obtained through torture or mistreatment.

Hate speech threatens minorities

Three years ago, on December 17th, 2011, Mohamed Bouazizi, the street vendor burned himself to death. But the flames that engulfed his body sparked waves of protest among the daunted population who claimed their right for employment, regional equity and development in Sidi Bouzid, a province with a total population of 418,000, most of them in the rural areas.

Today, people living there still complain of the same old worries. Today, Sidi Bouzid has the highest rate of unemployment 24.4%, fifty-seven percent (57%) of them are university graduates. (Al Quds Alarabi, 17- December 2013). Despite promises from successive governments to improve the poor infrastructure and encourage investment, most planned projects are either delayed or cancelled.

For instance, the agricultural sector that employs about half of the population suffer several structural impediments, among them the complicated agricultural land property and the excessive exploitation of women's labor force, (the average wage of a woman working in agriculture is 5 dinars/a day

(about 3.5 dollars). See the Maghreb newspaper 18 December 2013.

Like many other poor marginalized provinces, Sidi Bouzid has an alarming illiteracy rate with 34% of the population having just a primary school education or have no education at all. For a population of more than 400 thousand people, there are 316 primary schools and 64 secondary schools (Your Middle East, Eye on North Africa).

The three presidents (of the Republic, the government and the national constituent assembly) did not attend this year's commemoration of the uprising. Last year, protesters had thrown stones and tomatoes at them.

"All they have done is to impoverish more our region; they have no credibility," said Lazhar Gammoudi, secretary general of the regional union, UGTT to El Quds Alarabi.

Mongi Chiibi, an activist, is more pessimistic,

"Three years have passed and nothing has changed except that we plunge deeper into misery." "One thing has really changed: higher walls surround government buildings here," he rectified.

