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CIVIL AND POLITICAL RIGHTS

Joint written statement* submitted by The Europe – Third World Centre (CETIM), a non-governmental organization in general consultative status, and the American Association of Jurists (AAJ), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

THE HUMAN RIGHTS SITUATION IN TUNISIA

1. The Europe – Third World Centre (CETIM) and the American Association of Jurists (AAJ), along with numerous other international organisations for the defence of human rights, is preoccupied by the violations of human rights in Tunisia. President Ben Ali has recently amended the constitution to create a life-time presidency and to accord himself permanent immunity for all acts linked to his professional duties. His reelection in October 2004 with 94.5% of the vote, far from heralding an improvement in this situation, has resulted in an increase in the repression.

Systematic harassment of human rights defenders

2. The Ben Ali regime never misses an opportunity to make known its commitment to republican and democratic values, and it endeavors to cultivate and defend this image throughout the entire world. The reality is the opposite of this image, for the regime continues to muzzle all opposition.

3. In fact, the official party in power, the Democratic Constitutional Rally (Rassemblement constitutionnel démocratique – RCD) maintains a stranglehold on political life, and the government constantly invokes threats from so-called terrorists as well as threats attributed to religious extremism in order to justify repressive measures adopted against any peaceful opposition. Organisations for the defence of human rights regularly denounce the restrictions on freedom of expression imposed by the Tunisian regime, the increase in intimidation and the harassment, indeed the torture, to which opponents and human rights defenders are subjected. They are routinely and closely monitored in all their movements, are often forbidden to leave the country and can suffer physical aggression in the public thoroughfares by police in civilian clothes. Their family members are subjected to similar treatment.

4. The government has systematically rejected requests for official recognition of civil society associations such as the RAID-ATTAC (Rassemblement pour une alternative internationale de développement – Rally for an Alternative International Development), the CNLT (Conseil national pour les libertés en Tunisie – National Council for Freedom in Tunisia), the Tunisian Center for Judicial Independence, the ALTT (Association de lutte contre la torture en Tunisie – Association for the fight against Torture in Tunisia) or the AISPP (Association internationale de soutien aux prisonniers politiques – International Association in Support of Political Prisoners). The LTDH (Ligue tunisienne des droits de l'homme – Tunisian Human Rights League) regularly has its meetings cancelled.

5. On 28 November 2004, the Tunisian authorities prohibited a public debate on the question of the reform of the Tunisian electoral code. As the gathering took place all the same, in the name of freedom of assembly and of opinion, the participants were violently attacked by the Tunisian police. Another example of continuing repression going back several years has been the harassment of, among others, Mr Fathi Chamkhi, spokesperson for RAID-ATTAC. On 16 January 2005, when four police cars surrounded his house, he was forbidden to go a conference in Kairouan, organised by the LTDH. This was not the first time that Mr Chamkhi was arbitrarily

deprived of his freedom of movement.

Obstacles to Freedom of Expression

6. The Tunisian media do no escape from such muzzling for they remain largely controlled by the authorities. The press code mandates heavy fines and prison sentences for any author of an article or of statements considered too critical. Thus, the Tunisian media never criticise the government of President Ben Ali. Self-censorship by journalists has become the only way to practice this profession. The few rare independent publications or reviews in existence are often subjected to confiscation or prevented from going to press. Throughout the entire election campaign, Tunisian voters were deprived of any independent information in the national media, which sang the praises of Mr Ben Ali while according only limited coverage to the other candidates. The electronic media are also subjected to government monitoring, and some of them have been shut down by the authorities, whereas the World Summit on the Information Society is scheduled to take place in Tunisia in 2005. An example of this is the arrest of the Zarzis web-loggers, sentenced to 13 years in prison on 8 December 2004.

7. In December 2003, Tunisia passed an “anti-terror” law¹, which allows the government, the judicial system and the police to use terrorism as an excuse to prosecute opponents of the regime. Besides heavy sentences, the law provides for transferring civil law suspects to military courts.

8. It is within this context that the arrests, and convictions resulting in prison terms, of political opposition members Messrs Jalel and Nejib Zoghlami (brothers of Mr Taoufiq Ben Brick) and Mr. Lumumba Mohseni (in absentia) occurred after a kangaroo court trial denounced by international organisations for the defence of human rights². These persons were arrested in September 2004 and convicted upon appeal on 22 December to ten months in prison for 11 common law charges.

9. In point of fact, for years now, one of the means of restricting political opposition has been to set up a common law trail of carefully targeted members of the opposition, for the regime boasts that it has no political prisoners.

The Case of Mr Jalel Zoghlami

10. Mr Jalel Zoghlami is the political prisoner par excellence of the October 2004 presidential elections. He is known in Tunisia as a defender of human rights, is the co-founder of the CNLT (Conseil national pour les libertés en Tunisie – National Council for Freedom in Tunisia) as well as the editor-in-chief of the prohibited opposition newspaper *Kaws al Karama (The Arc of Dignity)* founded 26 January 2001. His arrest triggered numerous international protests and solidarity day observances and solidarity gatherings in addition to support campaigns. Mr Zoghlami was recently

¹ Cf. Law No 2003-75 of 10 December 2003, on the support of international efforts in the fight against terrorism and against money laundering.

² Cf. Amnesty International Statement of 26 October 2004 and that of the International Federation for Human Rights of 15 October 2004.

adopted by the Observatory for the Protection of Human Rights Defenders.

11. Mr Zoghlami had already been persecuted by the Tunisian authorities. In May 2000, he was imprisoned for supporting his brother Mr Taoufiq Ben Brick, a journalist and writer, who was on a hunger strike to protest violations of freedom of the press in Tunisia. On 3 February 2001, during the launch of the newspaper *Kaws al Karama*, which featured on its front page “Ben Ali: 13 years – Enough is enough!”, Mr Zoghlami was physically attacked twice by individuals wielding crow bars and suspected of belonging to the Tunisian police. Subsequently, he began a hunger strike demanding that his newspaper be legally and officially acknowledged as a legitimate publication and that his attackers be brought to law – all in vain. On 10 August 2004, Mr Zoghlami was brought to law himself before a kangaroo court for having “broken a tail light on the car of a civil servant in the police administration”. He managed to have the charge dismissed.

12. In October 2004, Mr Zoghlami began a hunger strike following his arrest in order to protest his imprisonment and the conditions in which he was being held. He was a victim of harsh treatment, as is the case for most political prisoners in Tunisia. The prison administration uses his imprisonment to steal his personal effects and his letters and to antagonize him. It is worth noting that, in 2004, 40 political prisoners, unacknowledged as such, were arbitrarily being kept in solitary confinement for extended periods, and several of them have even spent most of the past decade in solitary confinement³. This was Mr Zoghlami’s fate, for he was put into solitary confinement even before his trial. Since then, his health has noticeably deteriorated following untreated bronchitis, an abscessed tooth and scabies.

The Zoghlami Ben Brick as hostages

13. Mr Zoghlami’s entire family is also directly affected, as is the case with the families of other political prisoners in Tunisia. All the members of the Zoghlami Ben Brick family – with the exception of the mother, who is 77 – were brought before the courts in December 2004. On 8 December it was Mr Taoufiq Ben Brick, then, on 17 December, his sister, his brother-in-law and another of his brothers, all on common law charges. Jalel’s wife, Dr Ahlem Belhadj, president of the Tunisian Association of Democratic Women (Association tunisienne des femmes démocrates – ATFD), is subjected to harassment and annoyances every time she visits the prison, while her son Youssef has not yet to be able to see his father.

Conclusion

14. In view of the aforementioned, the CETIM and the AAJ exhort the Tunisian authorities to:

- respect their international commitments regarding human rights, in particular the provisions of the International Covenant on Civil and Political Rights;
- release immediately Messrs Jalel and Najib Zoghlami;
- drop all charges, harassment and annoyances against the members of the

³ Human Rights Watch, 2005 World Report.

Zoghlami family and their entourage;

- proclaim a general amnesty for all political prisoners in Tunisia.

15. Moreover, the CETIM and the AAJ request the Commission on Human Rights to intervene with the Tunisian government and to take all adequate measures in order to put an end to the repeated human rights violations in this country.

16. Further, the CETIM the AAJ recommend that those responsible for special procedures, especially the Special Representative of the Secretary General on Human Rights Defenders and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, follow closely the human rights situation in this country.
