

TRANSITIONS
FORUM



CASE STUDY | NOVEMBER 2015

Tunisia at Risk:

Will Counterterrorism Undermine the Revolution?

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EXECUTIVE SUMMARY

From the outside, the story of Tunisia is one of an Arab Spring success. Four Tunisian organisations won the Nobel Prize for conducting what was, particularly by regional standards, a remarkably inclusive political process. Civil society groups are active and vocal. Many Tunisians are fighting to make sure the revolution stays on the right path. The past four years have been tumultuous, but rebuilding a country after a revolution is never easy.

Tunisia's progress has been made even more complex by genuine security threats. Libya, its immediate neighbour, is awash with weapons. Thousands of Tunisians have left the country to fight alongside Islamic State in Syria and Iraq—more than from any other country. At home, jihadists have assassinated civilians, politicians, and security forces, carrying out some spectacular terrorist attacks and operating a grinding, low-intensity insurgency. The Tunisian government has appealed to the international community for military equipment and training, which it cannot afford without support. Its allies are sympathetic, not least because they do not want to see yet another North African country succumb to lawlessness and terrorism.

But although Tunisia has made progress towards building a more democratic system, the old security sector is fiercely resisting reform. For those who want to preserve the status quo, the fight against terrorism has turned out to be a very convenient tool. In a classic vicious circle, terrorism serves as an excuse to crack down on freedom of speech and association. This crackdown, in turn, helps keep a corrupt, mismanaged, and incompetent security force in place, possibly even increasing the risk of terrorism.

This paper argues that a shift is taking place in Tunisia's politics, from a narrative of reform to a narrative of counterterrorism. Not only is this change anti-democratic, it is counterproductive. Paradoxically, Western aid provided to help Tunisia fight the war on terrorism may be helping to achieve the opposite of what is intended.

Summary of Recommendations

For Tunisian politicians:

- » bring the Ministry of the Interior fully under civilian control and implement real reforms;
- » publicly communicate and explain the strategy for combatting terrorism;
- » stop linking "terrorism" to political opposition, trade unions, or civil society;
- » strengthen the independence of the judiciary.

For Tunisia's allies:

- » make all security assistance programmes that benefit Tunisia's police and national guards forces conditional on security sector reform;
- » make security sector reform a priority in discussions with Tunisian partners;
- » on defence issues, engage with Tunisian politicians first, bureaucrats second;
- » increase assistance to democratisation programmes.

INTRODUCTION

A month after vegetable seller Mohammad Bouazizi set himself on fire on December 17, 2010, popular protests spread across Tunisia and forced out President Zine El Abidine Ben Ali. Free elections in the autumn of 2011 resulted in a constitutional assembly and an interim coalition government, led by the moderate Islamist party Ennahdha. It was a victory for the Arab Spring. Many hoped for a new, democratic page in the country's history and the reform of state institutions.

But one powerful ministry was determined not to lose its status. The Interior Ministry, in charge of domestic security, had its own ideas about the future of the country, and of itself. One civil society activist remembered the moment when he realised how difficult security sector reform was going to be:

One week after Ennahdha took power, there was a leak of the video of [Ennahdha's interior minister Ali] Laarayedh having homosexual intercourse. This of course comes from the police to say: "Guys watch out. We have something on every single one of you." Not every single one of Ennahdha, but every single one of us [reformers]. I probably include myself in this; everyone. ¹

In the years since, the Interior Ministry has helped shift the focus of the country's politics from reform to security, using the excuse of counterterrorism to carry out, in effect, a counter-revolution, and at times trying to recast members of the human rights and pro-democracy movements as terrorists. This paper looks at how this has been achieved, how the reaction to very real terrorist atrocities in 2015 might actually be strengthening terrorism, and how Western donors and governments can help stop the revolution from being undermined.

THE MINISTRY OF POWER

Though it is rarely described as such, the regime that the Tunisian people so despised had become, in the years leading up to the 2011 revolution, increasingly totalitarian. Ordinary citizens' professional, educational, and political lives were entirely dependent on the state or co-opted by the state.

The central institution co-ordinating much of this system was the Ministry of the Interior. The Ministry not only controlled the political police, who carefully gathered information about dissenters and potential dissenters; it also appointed local politicians and was able to intercede in decisions related to hiring, grants, permissions, and numerous other bureaucratic processes in Tunisia's bloated public sector. The Ministry's central role in the functioning of the Tunisian state goes back decades. Tunisia's first president, Habib Bourguiba, relied on the Ministry at moments of crisis to jail opposition forces; President Ben Ali was a top official in the Ministry, then briefly interior minister before his palace coup in 1987. In her study of Tunisian politics, the French scholar Béatrice Hibou, whose work was previously banned in Tunisia, concluded that "the ubiquity of the Ministry of the Interior is not merely physical. It is also moral, administrative and political." ²



Key to the Ministry's grip on power was a cynically cultivated "culture of danger".³ Sometimes the danger was real. The Tunisian state really was a target for jihadists, veterans of the wars in Afghanistan and Iraq. But the "terrorist" label was applied to others too. In 2003, in the wake of an al-Qaeda attack on a synagogue, Tunisia passed an anti-terrorism law that a UN special rapporteur said "did not provide the Tunisian people with more security, but was widely abused as a tool of oppression against any form of political dissent".⁴ Ennahdha, the moderate Islamist Tunisian political movement that developed in the 1980s, had broad popular support, advocated democracy, and offered a genuine alternative to the regime—and so its members, too, were accused of terrorism. During the 2011 uprising Ben Ali also called protesters terrorists.⁵

This is a familiar tactic across the Middle East: exaggerate the scope of extremist networks in order to present the public with a stark choice between the government on the one hand and the chaos of violent Islamists on the other. In some countries, among them Assad's Syria, the government has even developed relationships with extremist networks, cultivating informers within them and promoting them in order to underline the divide.⁶

Above: Torn poster of ousted President Zine El Abidine Ben Ali. Sousse, June 15, 2011.

In Algeria, one former intelligence chief has alleged that the military cultivated extremist forces to act as agents provocateurs in order to justify their suppression of dissent.⁷

After the 2011 uprising, many Tunisians wanted to change this pattern and to release those who had been unjustly jailed by the regime, including those charged with terrorism.⁸ In those early days, the dreaded political police were “very quiet, very fearful of the wave of reform”.⁹ There was still a lot of public anger at security forces for having shot over 300 protesters, now “martyrs of the revolution”. People had reclaimed public space, and the police were too scared to return to some areas.¹⁰ In this atmosphere, the government did release a large number of prisoners. According to one special forces officer, these included “1,200 Salafis, including 300 who fought in Afghanistan, Iraq, Yemen and Somalia”.¹¹

Among those released was Seifallah Ben Hassine, otherwise known as Abu Ayadh al-Tounsi. Al-Tounsi was a veteran jihadist who had been captured in Turkey in 2003 and sent back to Tunisia. Once a prison informer, he and others quickly regrouped upon release and set about forming Ansar al-Sharia, a radical group that does not believe in democracy and shares al-Qaeda’s worldview.¹² As one analyst notes, the environment following the uprising in Tunisia “opened up a new operational setting ... a permissive environment where they [Jihadi-Salafis] would be allowed to foment the early stages of insurgency against the ‘near enemy’”.¹³

THE MINISTRY REACTS TO CHANGE

Soon after the revolution, some Interior Ministry bureaucrats, fearing Ennahdha and the threat of civilian control, began building links with the private sector, reaching out to businessmen in order to avoid dependence on the civilian authorities. One former secretary of state for security affairs explained:

Under the old regime, the [security] corps was steered by an iron fist by Ben Ali, even if his family interfered in its activities. The revolution freed the Ministry from this control. It decided not to submit to political power, in any form. It succeeded in finding external intermediaries to avoid bending to authorities.¹⁴

Another source with intimate knowledge of the Ministry witnessed a prominent businessman directing top Interior Ministry officials on what he would like them to accomplish.¹⁵ Though there is debate as to how deep such corruption goes, it is indicative of how the new government failed to gain control over the Ministry after the revolution.

Meanwhile, economic stagnation created an opening for al-Tounsi and Ansar al-Sharia, the radicals released in the post-revolutionary amnesty, to build support. As analyst Habib Sayah notes:

Jihadi-Salafis were able to transform Jihadi-Salafism from a minority marginalised by years of repression and by a culturally hostile society into a relatively large social movement. They did so by engaging with the disenfranchised segments of the population and their socio-economic grievances ... in the form of the provision of social services and security, they responded to the needs of this population and, at the same time, entered in a highly symbolic competition with a weakened state which was not able to perform its most basic functions. Thus, Ansar al-Sharia convinced a young generation of followers of the Jihadi-Salafi movement’s ability to attend to the needs of the population should the Republic fall and be replaced by a caliphate.¹⁶

This created a dilemma for Ennahdha, who were squeezed between these radicals and an increasingly vocal secular opposition disappointed with their post-revolutionary governance, some of whom accused Ennahdha of creating a parallel security apparatus. Around some issues, the supporters of Ansar al-Sharia and those of the governing Ennahdha party coalesced. Ansar al-Sharia supporters began intimidating alleged “blasphemers”, against whom the Ennahdha-led government launched legal cases as well. To some Tunisians, this created an “ideologically driven climate of restricted freedoms that heralded an Islamist illiberalism”.¹⁷

Unease deepened after a 2012 attack on the US embassy in Tunis, as well as two assassinations in 2013 which nearly derailed Tunisia’s peaceful transition. The assassination of legislator Mohamed Brahmi on July 25, 2013 prompted prolonged protests and a boycott by dozens of legislators. This crisis, which occurred at the same time as Egypt’s coup, was eventually resolved through a “consensus” political process that dislodged the governing coalition.

Although the unrest died down, neither assassination was properly investigated or explained by the security forces. In fact the assassination of Brahmi revealed the lack of civilian control over the Ministry of the Interior: it later transpired that the government-appointed minister had no idea that his own officials had been made aware by the CIA of the danger of an assassination attempt.¹⁸ If there had ever been a chance the Ministry would come under civilian control, it had passed in the power struggles after the revolution.

Instead, the Ministry sought to strengthen its position by spinning the new policy towards Ansar al-Sharia to its advantage.¹⁹ In the spring of 2013, Ennahdha banned Ansar al-Sharia from holding its third annual meeting. At the end of August 2013, the government declared Ansar al-Sharia a terrorist organisation. Perhaps as a result, a low-level insurgency against Tunisian forces began to operate in the Chaambi Mountains close to the western border with Algeria. The Interior Ministry tightly controlled the information flow from the region, giving emotional dispatches about young Tunisian soldiers and policemen murdered by terrorists (while remaining silent on their own tactical disasters).

According to two separate sources, the strength of the insurgency centred in the Chaambi Mountains has been exaggerated in popular media accounts. One analyst is on record putting the number of fighters at only 50 to 60 men.²⁰ But the Interior Ministry managed to make its own headlines about the terrorists, returning to what Hibou has called a “culture of danger, constantly reactivated”. The Ministry’s official Facebook announcements, as well much of the popular press, called the insurgents “terrorists” and the victims “martyrs”, with little context and no suggestion that state forces were gathering, processing, or analysing information from its operational successes.²¹ This change of discourse helped change the meaning of the word “martyr”, which had been primarily used to describe those killed by security forces during the uprising.

This change in the definition of “martyr” was deliberate. At a politically charged trial of a police union chief accused of defaming the military, a human rights advocate in Tunis reported that one security official had shouted: “There are no martyrs of the revolution. Do not say anymore that there are martyrs. They are all burglars, thieves. The only martyrs of this country are the security services and the army.”²² The narrative of “counterterrorism”, in other words, was designed to replace the narrative of revolution.

COUNTERTERRORISM: A RETURN TO OLD POLITICS?

While genuine acts of terrorism, combined with the new media narrative of counterterrorism, had a powerful and immediate impact on post-2011 Tunisian politics, the situation took a turn for the worse in 2014. After 14 soldiers were murdered by gunmen in July—the deadliest attack on Tunisian soldiers to date—the government responded by shutting down civil society associations it claimed were propagating hate speech. It also suspended some mosques, in violation of the law.²³

This was the beginning of what would become, after the 2014 elections, a familiar pattern of attempting to link spectacular acts of terrorism to political opponents. This ran parallel with vigorous but ultimately incompetent counterterrorism tactics and an even more rapid escape of security forces from civilian control. The consensus politics that had navigated Tunisia out of crisis in late 2013 did continue with the formation of a grand coalition government in parliament after the 2014 elections. But with 85 percent of legislators in government and only 15 percent in opposition, those outside the coalition were increasingly tarred with the “terrorist” label, while those inside have been kept in line with the threat of being accused of terrorism too.

This change began during the last presidential elections in November and December 2014. Then-presidential candidate and founder of the secularist Nidaa Tounes party, Beji Caid Essebsi, channelled some of the language of counterterrorism into his election campaign, calling his opponent’s supporters “salafist jihadists”.²⁴ Since then, opposition parties have often found themselves at the sharp end of the counterterrorism debate. After the government rushed a parliamentary vote on a new counterterrorism bill on July 24, 2015, for example, ten MPs abstained from voting. The law, which made minor updates to the severe 2003 anti-terrorism law, had been condemned by eight NGOs as one that “imperils human rights and lacks the necessary safeguards against abuse”, citing in particular the increased length of the incommunicado detention period for detainees.²⁵ Those MPs who abstained from voting on the law, many of whom had publicly pointed out the flaws in the bill, were attacked by media outlets. An article in *La Presse*, the government-funded French-language newspaper, called for them to be stripped of their parliamentary immunity and tried for supporting terrorism.²⁶ “It hurts, it affects me when I see ten deputies who remain silent. They don’t want to agree with this law for police. It affects me,” said security forces union spokesperson Imed Bel Haj Khelifa.

Khelifa and other members of the security forces may take it personally because they pushed for the law. But one of the ten MPs who abstained, Ghazi Chaouachi, defended his actions, saying that pressure from the police union should not dictate government policy:

The anti-terrorism law is proof of the weakness of this government, because it was passed thanks to pressure from the police. After every terrorist attack, they would go on media and say “Of course this is because we don’t have an anti-terrorist law, this is why terrorism is gaining ground.” But terrorism has nothing to do with the absence of law ... We have the 2003 [counterterrorism] law, which is very strict, too strict. We need time to adopt a law that deserves to be adopted.²⁷

The “terrorist” label has also been used to keep discipline within the governing coalition. One MP from Ennahdha, which is within the coalition, explained that colleagues in other parties blamed her party for terrorism and she had felt pressured by them to support ever stricter legal provisions – in order to avoid being linked to terrorism: “you have to be always more royalist than the king himself because basically you will have this label.” ²⁸

This attempt to link all opponents to terrorism has benefited those who were in power prior to the uprising, especially the elements of the old ruling party and security chiefs who are now prominent in politics once more. On August 20, 2015, over a dozen legislators filed a lawsuit against a human rights activist and the head of the state’s new Truth and Dignity Commission for alleged breaches of the new anti-terrorism law. ²⁹ This commission is a post-uprising state institution tasked with investigating and documenting the abuses of past regimes. This invocation of terrorism against the commission’s chief came at a time when the commission and activists were mobilising support against the government’s proposed “reconciliation” law that grants amnesty to corrupt officials from the old regime. One civil society activist and academic explains this cynical attempt to profit from terrorist atrocities:

It’s a gift from God for some of those resistant to change to have this terror threat to the point ... that we should question the reality of this terror threat. It’s so profitable to the remnants of the past. I’m not saying they are triggering it, but they are using it to the maximum. ³⁰

STRONGER THAN EVER?

Just as before the revolution, the tradition of elder statesmen having a past in the Interior Ministry continues. The current president, Beji Caid Essebsi, was interior minister under Bourguiba in the 1960s. The current prime minister, Habib Essid, was chef de cabinet in the Ministry in the past too. Even now, some within the Ministry see themselves as above the elected politicians. Many frequently refer to the idea of a “republican police”. ³¹ Khelifa, spokesperson for security forces unions, recently reiterated this in an interview:

What does a “republican police” mean? It is at the service of the country and citizens. It is not at the services of politicians and those who are in political positions. They don’t care—right, left—I don’t care. I do my job. I am a republican policeman, I’m supposed to apply the law and I must be far from politicians to not have anything to do with them.

As for those who oppose this idea, he declared that “with our will, and the will of the union, we have insulated our police institution from these politicians. That’s what is necessary.” ³²

To increase its independence, the Ministry has also developed its own media strategy. Previously shrouded in silence, the Ministry has taken the lead in publishing frequent, often daily, communiqués through its Facebook page. It also creates media packages and shoots footage of its counterterror operations, and there are plans to create a TV studio in order to co-ordinate this footage and distribute it to the media. ³³ The Ministry hopes to co-opt journalism, to absorb it into the Ministry itself, and to maintain a monopoly on information about violence. ³⁴



Above: Activists organise a candlelight protest in Tunis on July 3, 2014, to denounce terrorism and insecurity.

(Source: Magharebia, available at: <https://www.flickr.com/photos/magharebia/14531669778/#>)

As a result, even some of the most critical media voices have been lured into reproducing information selectively distributed by Interior Ministry officials. The co-founder of the investigative blogging website *Nawaat*, Sami Ben Gharbia, explained:

We relied on leaks coming from security people, [but] whistleblowers giving info from within the security apparatus are manipulating the media for a certain agenda. I think we were in a way manipulated by them.³⁵

The Interior Ministry itself denies that it manipulates the media, and a spokesperson insists that since the summer of 2015 he and his colleagues have taken care to name terrorism suspects as “suspects” rather than merely as “terrorists”.³⁶ This is partly verified by usage on the Ministry’s official Facebook page, but the terminology is not used consistently. The only constant theme in the Ministry’s announcements is that there are a lot of “terrorists” in Tunisia and the Ministry is working hard to arrest and kill them.

Now the Ministry even seeks outright impunity. A security bill proposed with Ministry support in the spring of 2015 called for criminal penalties to be applied to anyone found guilty of “denigration” of the security forces. The bill was roundly criticised by rights groups and so lost political support.³⁷ But the fact that such a measure was even proposed does help to explain why it has become so difficult to hold the police accountable.

This lack of accountability is not just a theoretical problem. During a recent official parliamentary trip to the Libyan border, one MP discovered that it had a real impact on Tunisia’s security: “We spoke to the military. They told us with tears in their eyes that Tunisia in the south has been sold ... by the police and the customs to the smugglers and the terrorists.”³⁸ In other words, the military had no qualms about telling MPs and the president of the parliament that smugglers and others pay the police so that they are allowed to take “merchandise” out of the country, which can of course include weapons. This was confirmed by a Transparency International report which agreed that “in Tunisia, state security actors are helping to smuggle weapons over the border, fuelling the insecurity that another part of the military is contending with”.³⁹

But for all its renewed pre-eminence, the Interior Ministry is increasingly fractured within. As a recent International Crisis Group report explains, the internal security sector “is both fragmenting and asserting its authority vis-à-vis the executive and legislative branches of government”.⁴⁰ The more independent it is, the more clans and syndicates within the Ministry pursue their own interests. This internal division contributed to the fact that, when security disaster did strike in 2015, the Interior Ministry was unprepared.

TERROR STRIKES TUNIS: THE GOVERNMENT STRIKES HUMAN RIGHTS

Despite the prominence of the word “terrorism” in Tunisian debates since 2011, terrorism in the country, defined in the classic sense as the targeting of innocent civilians by someone with a political agenda, only became a global story in 2015, when two attacks massacring Westerners and locals in tourist hotspots were carried out and claimed by self-proclaimed affiliates of Islamic State. While the Tunisian media had interpreted earlier assassinations, a low-level insurgency, and street fighting as acts of terrorism, these two attacks were markedly different. The Bardo National Museum attack that took place on March 18, 2015 claimed the lives of over 20 people, most of whom were tourists. The Sousse attack, on June 26, 2015, killed 38 tourists, mostly British.

Immediately, these two tragedies exposed the weakness of the Interior Ministry and its structural gaps in particular. One French report, quoting sources from within the Ministry, pointed to a breakdown in the chain of command due to the earlier dismissal of an entire co-ordination post. This dismissal was itself politically motivated, the report argued, because the previous co-ordinator had been affiliated with Ennahdha.⁴¹ A BBC Panorama documentary also detailed serious failures of discipline in the security forces, failures of internal communication, as well as the inadequate response time.⁴² A widely shared video on Facebook showed the civilian interior minister Najem Gharsalli visiting a police posting where extra deployments were expected after the attack but had not arrived. The video shows Gharsalli asking if they have gone out for a coffee.⁴³

The government tried to distract attention from these structural problems, instead seeking to suggest a link between the Bardo and the Sousse attacks and peaceful opposition to the government. The immediate response to the Bardo attack was an outpouring of criticism directed at human rights. On the day of the

attack, at least one demonstrator in Tunis held a sign condemning “human rights”.⁴⁴ A parliamentarian for the governing Nidaa Tounes party tweeted about the draft counterterrorism bill: “Don’t talk to us anymore about human rights; with these types of individuals, no leniency! The law should be voted upon with all urgency!”⁴⁵

Despite reports indicating that the use of torture is still widespread in Tunisia, Lazhar Akremi, a founder of the Nidaa Tounes party—the secular party that leads the current coalition and includes politicians from Ben Ali’s old party—has insisted that torture does not exist.⁴⁶ Instead, following a well-publicised case of alleged torture by police forces in August 2015, he said it was merely the kind of rough treatment necessary to get confessions, a normal procedure. Akremi saw the debate over torture as a political tool in the hands of the opposition. “The question of torture, it’s an alibi to talk about the incapacity of the government ... to say that the elections of last October 26 [2014] were not the end of this process of democratic transition. No more no less,” he said.⁴⁷

In other words, Akremi conflated complaints about human rights abuse with a challenge to the current government’s legitimacy. This neatly put government critics and human rights advocates on the side of the terrorists who want to tear down democracy.⁴⁸ The result is a system of fear and discipline that can constrain all opposition political actors.

The government has also linked labour strikes and grassroots anti-corruption movements to the terrorist attacks. Ten days before the Sousse attack, Prime Minister Essid suggested in a televised interview that terrorists were behind some labour strikes, arguing that “terrorists ... take advantage of the situation and create these disorders”.⁴⁹ Arriving in Sousse after the attack, President Beji Caïd Essebsi singled out the *Winou el Pétrole?* campaign for criticism. Literally meaning “Where is the Oil?”, this grassroots campaign had for months demanded transparency in the Tunisian state’s management of its natural resources. President Essebsi accused opposition politicians of being behind the campaign, declaring that “they aren’t targeting the government but the security and sustainability of the Tunisian state”.⁵⁰ This comment echoed statements made by the former Interior Ministry spokesman Mohamed Laroui, who had said that “extremists” were instrumentalising the campaign and that it could create dangerous conditions.⁵¹

Eight days after the Sousse attack, the president declared a state of emergency. Controversy followed immediately. According to the parliamentarian Chaouachi, the state of emergency decree involved “no anti-terrorist procedure” and had “nothing to do with terrorism”; instead, it seemed to be designed to restrain the trade unions.⁵²

During the first few minutes of his televised address to the nation, during which he declared the state of emergency, President Essebsi spoke not about the gunmen but about unemployment, as well as the strikes which he said were preventing production at phosphate mines in underdeveloped regions of Tunisia.⁵³ During his speech, President Essebsi also put “freedom of expression and freedom of journalism” on notice, warning journalists “not to create circumstances that perhaps do not help the battle against the plague we are fighting”.⁵⁴ Finally, and perhaps predictably, the government also used the Sousse attacks to introduce new restrictions on freedom of association.⁵⁵ In the wake of the attacks, Prime Minister Habib Essid announced new measures constraining civic organisations and closing about 80 mosques. Shortly afterwards, the government banned some associations from working at all.

These moves violated laws passed after the revolution, in particular Decree Law 88, 2011. Under this law, promulgated in reaction to the stifling controls imposed by the previous regime, a three-step process is supposed to be enacted before a registered association can be shut down.⁵⁶ But in response to Sousse, the government instead invoked a law dating back to the 1970s, which had remained on the books.⁵⁷ “They keep [old laws] on purpose because they might use them anytime,” Amine Ghali, programme director of the Al-Kawakibi Democracy Transition Centre, explained:

... it’s a slippery slope. Now if we accept it for terror groups, given the urgency of the thing, maybe ... next time, I don’t know, [for] a labour union they stop things, the governor stops them ... we hope it will not be used again.⁵⁸

Proof that the banned organisations posed a genuine threat was not provided. The only justification for the new restrictions came from Interior Ministry statements. Mouheb Garoui, executive director of the transparency NGO iWatch, explained why this concerned him:

The Ministry of the Interior has proven that its intelligence system is defunct—it’s not effective, it’s not efficient. How can I believe that these 140 or 200 NGOs are related to corruption—what is the proof?⁵⁹

While many have acclaimed Tunisia’s newly invigorated parliamentary system and its new constitution, the Ministry’s institutional monopoly of information may well be able to derail both.⁶⁰ Garoui expressed this fear explicitly: “They can just come and confiscate our property and say we are financing terrorism for example.”⁶¹ Elements within the Ministry stockpile information and use it to their advantage, as one source with intimate knowledge of the Ministry explained: “Every official has his own archive and this archive moves with them. So structures don’t have a memory and individuals leverage their personal stock of information.”⁶² Clearly, the threat of “terrorism” could lead, once again, to the open suppression of civic organisations by the state.

DANGEROUS TACTICS

Separate from the government’s measures, the security forces themselves also began to change their behaviour, sweeping thousands of Tunisians into jail. In the first half of 2015, almost 100,000 Tunisians, or nearly one percent of the entire population, were arrested.⁶³ Activists and lawyers tell the story of a tactical counterterrorism policy that has worked like a dragnet, picking up poor Tunisians who seem suspicious because of their “salafist” dress and beards. Human rights activists have documented the arbitrary nature of these mass arrests. Amna Guellali, the lead researcher for Human Rights Watch in Tunisia, explained that the police do not target people against whom they have evidence:

Instead, they are targeting people who look like Salafists. So they imprison people, detain and arrest them because they have a beard, or because they are Salafists ... or because they happen to have the telephone number of one of the people who have attacked Bardo or Sousse ... It’s a pattern, it’s not one case or two, it’s not something occasional—no, they all come from neighbourhoods which are more popular, more working class.⁶⁴

Others have also testified to the arbitrariness of arrest policies. Chouachi explained:

Now what they do is every time they see a guy with a beard and wearing the long jubba [traditional robe], they don't sign anything and the official police reports are written in advance and presented as they are to the court. And the judge when he finds nothing in the file after six days of detention, what do you want him to do? He's going to release them. But they have the gall to speak to the media and say that a [terrorist's] file had 800 pages and four CDs, whereas the original file, the source—I have spoken to the people involved, to the lawyers—it contained 30 pages and no CD.⁶⁵

These tactics are putting pressure on the independence of the judiciary. Imen Triki, a lawyer who runs the legal defence organisation Freedom and Equity, explained that in the case of terrorism there is minimal independence of the justice system from the police and the Interior Ministry. The police are openly hostile to lawyers who assert that suspected terrorists are merely “suspects” unless proven otherwise:

According to the constitution, everyone is innocent until proven guilty, including terrorists ... When an official body speaks—such as the Ministry of the Interior, which should respect rights, respect laws, acknowledge that the highest power is the constitution—and calls someone a “terrorist”... it's a kind of security grasp on the judiciary.⁶⁶

Worse, those arrested in broad sweeps often come out with more scars than when they entered. On August 4, 2015, for example, a Tunisian judge released seven men charged with links to a terrorist group. According to an unpublished parliamentary inquiry report, there was no evidence against them. Nevertheless, five of the men had severe bruises on their bodies and told their lawyers they had been tortured in prison. The torture allegedly included waterboarding, the “roast chicken”—in which “the detainee is bound hand and foot, suspended over a bar, and beaten”—and beatings with a pipe.⁶⁷ Their lawyers took them to the prosecutor's office in Tunis to file claims. A medical examination was ordered for the following day. But soon after leaving the prosecutor's office, they were rearrested by police in civilian clothes.

The parliamentary report tells the story of one of the five men. Unemployed despite holding a university degree in economics, he had recently had a dispute with his father. The father kicked him out of the house and he was virtually homeless, sometimes drifting between friends' houses. News of his plight eventually reached an old friend in Iraq—a jihadist, one of thousands of Tunisians who have recently travelled to Syria and Iraq to join radical Islamist militant groups. According to the report, the jihadist told him over the phone: “Why don't you come? We have money here, girls here, why stay in Tunisia, a state that doesn't even consider you a person?” The young man told the investigating lawmakers that he had not been convinced by his friend's exhortation. Nevertheless, he was arrested and allegedly tortured for the crime of speaking to the jihadist on the phone.

“This is how you form terrorists,” said a Tunisian familiar with the report, adding that the lives of the young man and the four other detainees are now broken—and that their experience will encourage the radicalisation of others.⁶⁸



Above: Tunisian soldiers stand guard at the area where police forces exchanged gunfire with alleged militants who had taken refuge in a house in the town of Oued Ellil, on the outskirts of the capital Tunis, Tunisia, 23 October 2014.

CONCLUSION AND RECOMMENDATIONS

More than ever, Tunisia needs support for those elements of its society that continue to push for democracy. A counterterrorism strategy which represses dissent, shields security forces from civilian oversight, and further fragments and privatises the security apparatus can only lead to worse outcomes. But although a large portion of foreign assistance to Tunisia takes the form of security assistance, security sector reform in the deeper sense is not foremost on anyone's agenda.

Scholars and military analysts focusing on other parts of the Middle East and North Africa have long argued that counterterrorism strategies can have the opposite effect to that which was intended.⁶⁹ Operational achievements at a tactical level do not necessarily achieve much if dysfunctional state institutions, corruption, and divergent interests and goals within a security apparatus are not also addressed. Tunisia's experiences, detailed in this paper, might very well be adding to the list of dangerous counterterrorism programmes.

Yet it is possible to combine a strategic approach to Tunisia's security with the promotion of democracy: these are not mutually exclusive goals. In order to ensure their compatibility, policymakers should give priority to reinforcing civilian control over the security forces. Further democratisation can also help increase the accountability and transparency of security forces. But in order to achieve this goal, both the Tunisian government and its international allies will need to make painful decisions. In line with the findings of this paper, here are recommendations for policymakers in Tunisia and in countries that support Tunisia's transition.

Recommendations for Tunisian politicians:

- » Take bolder steps to reassert control over the security forces by means of security sector reform; do not attempt to co-opt them. This is politically risky, because elements within the security forces may resist or the motivation and morale of security forces currently carrying out counterterrorism operations may suffer. But the long-term security of the Tunisian state and its people depends upon it. Open and frequent communication with the public will be key to building support for such moves.
- » Formulate and communicate a strategy for combatting terrorism. This should include the advice of experts and civil society. The government's current strategy, if it exists, has not been adequately explained or publicised. Doing so will not only force a rethink of security in a way that puts the emphasis on public security, it will also inspire public confidence. Moreover, it will put pressure on the security forces to cede decision-making on defence issues to the civilian authorities.
- » Avoid rhetoric that links "terrorism" to political opposition, trade unions, or civil society. While both terrorism and dissent can be perceived and identified as threats to the Tunisian state and its economy, this sort of conflation risks alienating large segments of the population.
- » Take steps to strengthen the independence of the judiciary. This means ensuring that lawyers have access to defendants as soon as they are arrested. It means ensuring that the Ministry of Justice's power to discipline judges is not influenced by the Ministry of the Interior. It also means continued training for judges so that they see themselves as a check on executive power and not merely an instrument of it. This will have the dual effect of diminishing the exaggerated power of the Ministry of the Interior while simultaneously supporting the rule of law. It will also build legitimacy and support for the Tunisian state.

Recommendations for Tunisia's allies:

- » Make all security assistance programmes that benefit Tunisia's police and national guards forces conditional on security sector reform. This demands a broader understanding of what such reform means. Interior Ministry officials have interpreted "reform" as merely training, equipment, and immunity from the political class. Those managing security assistance programmes tend to invoke "reform" in terms of effectiveness in killing or arresting terrorists. These understandings fall short of real reform, which means primarily civilian control over security forces, transparency and accountability, rule of law, and respect for human rights. Yet even the Ministry's own narrow definition of reform as a plan for training and equipment cannot succeed when the security sector is fragmented and lies outside civilian control. Note that the military, as opposed to the police, has largely avoided politicisation and fragmentation until now.

- » Make real security sector reform a priority in discussions with Tunisian partners. Many Tunisian officials are aware of the problems but feel incapable of solving them. However, by making the issue of reform a priority in bilateral discussions, Tunisia's friends can signal their support.
- » On defence issues, engage with Tunisian politicians first, bureaucrats second. While Tunisia's partners, including governments and NGOs, talk to mid-level officials within Tunisia's security sector, it is important that this remains secondary to co-ordination with elected officials.
- » Increase assistance to democratisation programmes. Vibrant parliamentary debate, political parties, and especially civil society are necessary to promoting an open and participatory society that reinforces both democracy and security.

Each of these policies carries certain risks, particularly political ones. Retaliation from elements within the security sector or from entrenched interests that have benefited from the status quo is certain. But the long-term vision for a more democratic and secure Tunisia can succeed only if policymakers do not allow short-term calculations to undermine Tunisia's new political environment.

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97

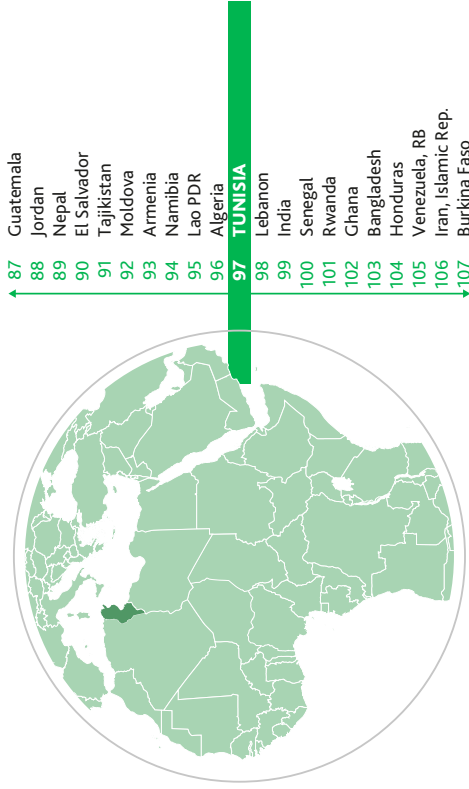
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| | 2015 | 2012 | DATA | YEAR | GLOBAL AV. |
|--|------|------|-------|------|------------|
| ECONOMY | | | | | |
| Unemployment rate (% labour force) | 91 | 69 | 13.3% | 2013 | 8.9% |
| Inflation rate (annual %) | | | 4.9% | 2014 | 4.4% |
| ENTREPRENEURSHIP & OPPORTUNITY | | | | | |
| ICT exports (% of total exports) | 65 | 53 | 5.8% | 2013 | 3.6% |
| Business start-up costs (% of GNI per capita) | | | 4.2% | 2014 | 25.5% |
| GOVERNANCE | | | | | |
| Government type ⁽¹⁾ | 86 | 67 | 7 | 2014 | 5 |
| Rule of law ⁽²⁾ | | | -0.2 | 2013 | -0.1 |
| EDUCATION | | | | | |
| Gross secondary enrolment rate (%) | 86 | 75 | 90.6% | 2013 | 80% |
| Gross tertiary enrolment rate (%) | | | 35.2% | 2012 | 40.3% |
| HEALTH | | | | | |
| Life expectancy (years) | 73 | 68 | 74 | 2013 | 71 |
| Infant mortality rate (deaths per 1000 live births) | | | 13.1 | 2013 | 24.7 |
| SAFETY & SECURITY | | | | | |
| State-sponsored political violence ⁽³⁾ | 76 | 73 | 3 | 2013 | 2.5 |
| Refugees and internally displaced persons ⁽⁴⁾ | | | 4.4 | 2014 | 5.2 |
| PERSONAL FREEDOM | | | | | |
| Civil liberties ⁽⁵⁾ | 118 | 123 | 5 | 2014 | 4.7 |
| Satisfied with freedom of choice? (% yes) | | | 58.9% | 2014 | 73.9% |
| SOCIAL CAPITAL | | | | | |
| Formal volunteering? (% yes) | 136 | 122 | 6% | 2014 | 20.6% |
| Perception of social support? (% yes) | | | 67.7% | 2014 | 80.4% |

NOTES: (1) Degree of democracy (-10 to +10 scale, higher numbers=more democratic). (2) Respect for property rights, police and judicial system (-2.5 to 2.5 scale, higher numbers=more respect). (3) Levels of political violence and terror (1-5 scale, higher numbers=less violence). (4) Pressures associated with population displacement (0-10 scale, higher numbers=more displacement). (5) Extent of civil liberties (1-7 scale, higher numbers=more civil liberties).



978-1-911125-02-0



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NOVEMBER 2015