

PROMISES AND CHALLENGES:

THE TUNISIAN REVOLUTION OF 2010-2011



The Report of the March 2011 Delegation of Attorneys
to Tunisia from –
National Lawyers Guild (US),
Haldane Society of Socialist Lawyers (UK),
and Mazlumder (Turkey)

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PART I: PREFACE

A. Introduction

Had you stood on any street corner in the U.S. before December 2010 and asked passersby what they knew about Tunisia, you'd likely have been met with blank stares. In Europe you would have fared a bit better; Europeans knew it as a tourist destination, but most knew as little about the nation's political system as Americans. No longer. In December 2010 and January 2011, our television screens were filled with images of Tunisian men and women, young and old - but mostly young - demanding that the dictator, Zine El Abidine Ben Ali, as well as his family and political cronies, "*Degage!*," French for "Go away!" And on 14 January, Ben Ali in fact fled to Saudi Arabia, his flight the culmination of a remarkable, non-violent revolution.¹

Between 12 March and 19 March, 2011, at the invitation of the National Bar Association of Tunisia, a group of 13 lawyers and academics came to Tunisia to investigate US and European complicity in human rights abuses committed by the Ben Ali regime. The Delegation was comprised of members of the National Lawyers Guild (US), the Haldane Society of Socialist Lawyers (UK) and Mazlumder - The Association of Human Rights and Solidarity for Oppressed People (Turkey). It also included academics from the School of Oriental and African Studies, University of London and Queen Mary College, University of London, and a Tunisian-born British attorney who had been unable to return to his homeland for 20 years. Profiles of the Delegation members are attached as Appendix 1 to this report.

B. Methodology

Understanding that we would be in Tunisia for only a week, the Delegation was focused on meeting with as broad a spectrum as possible of those who had participated in the Tunisian revolution. We did background research on the political and economic situation in Tunisia before arriving. We had discussions with organizations outside of Tunisia who had been involved in supporting various segments of civil society during the Ben Ali regime such as the Solidarity Center, an organization affiliated with the US AFL-CIO that is funded in part through the US State Department and which had worked with the Tunisian trade union federation (the UGTT). Before arriving, we also met with members of the Tunisian Solidarity Campaign (London). We involved academics in our preparation, and upon arrival in Tunisia, attended an orientation meeting with a professor of sociology, a journalist, and a former political prisoner, all who gave us an overview of the situation in Tunisia both pre- and post-revolution.

Our meetings with Tunisians are discussed below. Most were arranged by our hosts, the Tunisian Bar Association, which we wish to thank for their help and hospitality. Meetings with government officials (such as the Prime Minister, the Minister of Justice, etc.) were generally

the most formal - and least productive - of our meetings. We met with various non-governmental organizations (NGOs), labour leaders, as well as leaders of the Communist Party and al-Nahda (Nahda), the large Islamist² party, both of which had formerly been banned. We had several wrenching meetings with former political prisoners and torture victims of the Ben Ali regime along with some of their family members. One of our meetings was with a Tunisian victim who had been detained in Guantanamo for over five years, only to be returned to Tunisia and imprisoned by Tunisian authorities until the revolution. We also met with Tunisian lawyers and a former judge who were involved with prisoner and torture matters. The American delegates met with an official of the US Embassy. The British delegates also requested a meeting with the British Embassy; on 16 March the Vice President of the Haldane Society transmitted a formal request, and further emails were sent on 16 and 17 March and 7 April. At the time of preparation of this report the British Embassy had not responded to these requests. Finally, we met with some of the young people who were so instrumental in this revolution by using social media such as Facebook, blogs, and Twitter. One significant omission was not meeting with student organizations.

Finally, we had many unplanned and informal encounters. Demonstrations were everywhere, addressing a broad spectrum of issues from protesting the low wages of civil servants to Secretary of State Clinton's visit to Tunisia (which occurred while we were there) to the situation in Libya. Some of our most interesting discussions were held with demonstrators, some of whom showed us US-made tear gas canisters which had recently been used against protesters (below, left.) Also, for example, we had lengthy exchanges with students and others who approached us during and after our concluding press conference that was held in the public promenade in front of our hotel (below, right.)



As a result of these meetings we received a large number of diverse perspectives on the situation in Tunisia. There were, of course, many groups that we did not have time to meet with. Nor did we meet with anyone who identified him/herself as a member or supporter of the old regime.

C. The Revolutionary Landscape

The Tunisian revolution that toppled the corrupt and repressive regime of Zine El Abidine Ben Ali in a few weeks of popular struggle, and that sent shock waves throughout the Middle East, involved hundreds of thousands of people across the country. They were a cross-section of modern Tunisia, from villagers in the interior to the urbanites from the coastal cities, men and women, young and old, religious and secular, and leftists.

The revolution was remarkably spontaneous, lacking both an acknowledged leader and unifying ideology. The have-nots, the unemployed, and the low- and medium-ranking union leaders played a major role in leading the uprising. The struggle for reform was joined by an army of trade unionists, internet-surfing youth and bloggers, grassroots movements, and human-rights activists who had been active for years.



The revolutionaries were motivated to take to the streets by endemic poverty, rising food prices, and chronic unemployment. Ben Ali's government faithfully adhered to economic policies imposed by the International Monetary Fund (IMF) and the World Bank which included the firing of public sector workers, the elimination of price controls over essential consumer goods, the implementation of a sweeping privatization program, and the lifting

of trade barriers. In September 2010, just months before the revolution began and against a background of rising food prices, the IMF recommended the removal of subsidies for consumer goods to achieve fiscal austerity.

But economic issues were by no means the only critical flashpoint. The Tunisian people also demanded respect, dignity, and an end to all-pervasive corruption. And they demanded an end to repression and the arrest, torture, and imprisonment of many thousands of Tunisians under the infamous 2003 Anti-Terrorism Act which effectively criminalized their religious ideas and practices. It was a movement for democracy, for basic human rights, for social justice, and for dignity.

International political issues figured prominently in the revolution. The Tunisian people wanted an end to the subservience of the Ben Ali regime to Western powers and Tunisia's pursuit of anti-terrorist policies that resulted from Western demands and military-aid incentives. What the US and Europe perceived as moderation and cooperation - which they rewarded with military, financial and political support - the Tunisian public saw as a loss of independence and sovereignty. The West gave powerful economic incentives to Tunisia and other North African countries to become more repressive in the name of the fight against "terrorism" and promoting stability.

The revolution was sparked on 17 December 2010 on the streets of the central Tunisian city of Sidi Bouzid, when Mohamed Bouazizi, an impoverished street vendor, confronting the humiliation and sheer hopelessness of his situation, set himself ablaze. Within weeks, a once seemingly indestructible police state³ was toppled and the fire of revolution engulfed the country and spread to the whole region.

There was fertile soil for the Tunisian revolution. In 2008, striking miners and unemployed workers in the west-central town of Gafsa were savagely repressed by the Ben Ali regime. A number of miners were killed, the leadership was imprisoned, and the mining families suffered terribly. The brutal suppression of the protest was at first aided by the national Tunisian General Labour Union (UGTT), which withheld its support from the striking miners - although local labour leaders participated and led protests, and were arrested. The strike is often heralded as the start of the Tunisian Revolution.

In December 2010, the anger and frustration of the Tunisian people exploded. Fed-up crowds surged through the streets, establishing self-governing popular committees, fending off bullets, beatings, and tear gas, and taking control of their villages and cities. The insurrection eventually spread to downtown Tunis, the capital. Rejecting concessions or compromise, they insisted that Ben Ali and his dictatorship *Degage!* without preconditions. The people had lost their fear and thus no longer could be controlled. In the face of the insurrection, the police disappeared early on, and the army stood ready to mutiny if ordered to open fire on vast crowds of fellow Tunisians demanding the ouster of the corrupt and murderous regime.

Achieving the removal of Ben Ali and his repressive regime, the recovery of the treasure he looted from the country, and the ending of mass arrests and systemic torture - even without any other reforms - would be a political triumph. But such achievements in themselves would not make for a successful revolution. Revolution demands not only the tearing down of the corrupt old order but the establishment of a new, more just one.

The revolution's hardest part still remains ahead. Thoroughly changing the regime and building a functioning democratic system will be difficult. It will be harder still to ensure that, once a democratic system is established, it not be dominated by entrenched, powerful interests. Finally, it will be a daunting task for any new popular democratic regime to achieve the social justice and economic growth the people are demanding. All this will be especially difficult given the lack of consensus concerning the revolution's pace and endpoint. It remains to be seen whether those demanding popular liberation and social justice will win out over those counselling the need for stability and moderation.

Tunisia after Ben Ali is in the midst of a struggle between the desire of the people, the largely unorganized opposition, for revolutionary change and the desire of the old political and economic establishment to contain and channel the revolution. The political establishment has the old state bureaucracy, the security apparatus, and money on its side. The people have the street. The neo-liberal economic policies of the old regime remain intact. On the other hand, hundreds of people who had been driven into exile or imprisoned for long terms under the old regime are resurfacing, the Islamists and secular left are cooperating, new forces, such as students and internet youth, have been set in motion, and the trade union movement has reasserted its strength and independence. The revolutionaries are determined not to accept a sanitized version of Ben Ali's rule with only a lessening of top-down political control but that preserves the economic inequalities between classes and between the capital city and the interior cities, towns, and villages where the uprising began. A cause that has produced miracles of mass mobilisations and a huge rise in popular political consciousness will not be easy to crush.

It is ironic that the collapse of a regime that for decades had been sustained by the US and other Western governments, and that served the interests of those Western governments, was met by these same Western powers welcoming the long-overdue change in the country, applauding the bravery of the Tunisian people, and even demonizing Ben Ali. Western "advisors" and all types of self-proclaimed specialists are now rushing to Tunis to tell the Tunisians, whose bottom-up struggle for democracy impressed the entire world, that democracy really must equal Western-style liberal democracy and free-market economics - the common wisdom of Washington Consensus political and economic policy. When US President Obama talks about "managed change" and UK Prime Minister Cameron talks about "orderly transition," they appear to be supporting the political establishment's stubborn attempt to salvage the old system minus only its formerly favoured figurehead. Although the rhetoric is about democratic change, the strategy seems to be to rob change of its essence, simply and superficially to rearrange the existing order.

Any freely elected Tunisian government, particularly one in which Islamists who had been repressed by the Americans' War on Terror will likely play an important role, is bound to be less enthusiastic about strategic cooperation with the West and less supportive of core Western Middle-East policies - from the blockade of Gaza to extraordinary rendition to policies toward Iran. Furthermore, Tunisians remember not only that the West supported Ben Ali and a long string of other Arab dictators but also that the West led the boycott of Gaza after Hamas' victory in the January 2006 Palestinian election that even the West acknowledged as fair, open, and free. Western governments are now faced with an increasing dilemma: Should they respect the voice of the people, even if they choose governments the West does not approve, or should they opt for more stable dictatorships whose price is repression and a continuation of human-rights abuses? Indeed, notwithstanding the lessons of Tunisia and Egypt, today the Western powers continue their unabated support for a number of entrenched Arab dictators.

The Delegation consistently struggled with the question of what might be done by those outside the region to promote political, economic, and social justice in Tunisia and spread those values elsewhere in the Middle East and North Africa. In the past, our respective governments have not simply tolerated a lack of democracy, they have depended actively upon dictatorships. The essence of our Recommendations for the future, *infra* at pages 40-42, is that the best the West can do is to let the Tunisian people find their own way without Western economic and political interference.

PART II: OVERVIEW OF REPRESSION AND RESISTANCE IN TUNISIA

Numerous and diverse monuments and historical sites dispersed throughout Tunisia bear silent witness to its history of foreign invasions, occupations, and resistance. Home to the ancient Phoenician city of Carthage, Tunisia's location at the center of North Africa made it attractive to the rulers of the Roman, Arab, and Ottoman empires, who all recognized the geo-strategic importance of the country. In 1883, using the excuse of Tunisian debt owed to its European creditors, French forces (as the British had done one year earlier in Egypt) occupied Tunisia; the French made Tunisia a "protectorate." As with all forms of colonial rule, under the French, Tunisia's land and native population were exploited for the benefit of the colonisers. Resistance to French colonial rule existed from the beginning and increased over time.

During World War II the Germans briefly occupied Tunisia, but toward the end of the war the French regained control. Following the war the Tunisian struggle for national independence intensified, headed by the nationalist leader Habib Bourguiba and his Neo-Destour (Constitution) party. In a sign of the growing appeal of the independence movement, in 1945, Ferhat Hached led Tunisian members out of the communist-dominated French General Confederation of Workers (Confederation Générale des Travailleurs - CGT) to form the Tunisian nationalist UGTT, the Union Generale Tunisienne du Travail.

Following several years of brutal repression of the nationalist movement, in 1954, French Premier Pierre Mendès-France promised the pro-independence "Bey" - provincial governor under the suzerainty of the Ottoman Empire - internal autonomy. After long negotiations, a French-Tunisian convention was signed in Paris and on 20 March 1956 France recognized Tunisian independence.

In April 1956, the French-educated Habib Bourguiba formed the first independent Tunisian government. His doctrine was defined by secularism, nationalist development, and a pro-West foreign policy orientation. In March 1957, Tunisia signed a bilateral agreement with the US in return for economic and technical assistance, though the country would remain firmly within France's sphere of influence for several decades to come. In July 1957, the National Assembly deposed the popular Bey and elected Bourguiba chief of state, thus establishing a republic. Bourguiba, who came to be seen by many Tunisian nationalists as "France's man," won the first presidential election in 1959 and was re-elected in 1964, 1969, and 1974, when the Assembly amended the constitution to make him president for life.

Though Bourguiba was initially supported by many Tunisians for his nationalist development programme, economic malaise and increased political repression led to student and labour unrest during the late 1970s. During this period clashes with the government

increased. In January 1978, violence broke out when the UGTT called a general strike in protest over the arrest of a union leader, alleging that attacks against union offices in several towns had been officially inspired. Over 50 demonstrators were killed and 200 trade union officials, including UGTT Secretary-General Habib Achour, were arrested.

In April 1980, Mohamed Mzali became prime minister, leading many Tunisians to believe that political liberalization was on the horizon. Trade union leaders were released from jails and UGTT Secretary-General Achour received a full presidential pardon. New laws were passed allowing for the creation of opposition political parties and paving the way for the first multiparty elections in November 1981. Several opposition parties were legalised, including the Tunisian Communist Party which had been banned since 1963. The UGTT's highly contentious decision to enter into an electoral pact with President Bourguiba's Parti Socialiste Destourien (PSD, formerly Neo Destour) resulted in their "national front" winning all seats in the national assembly.

Anxious to preserve its power and fearful of the increasing popularity of Islamist movements in Tunisia and elsewhere in the region, Bourguiba's government adopted a policy of intolerance and suppression of Islamists. In 1980, at least 50 members of the Islamic Tendency Movement, predecessor to the moderate Islamist Hizb Nahda (Nahda, or Renaissance Party), were arrested, including the movement's founder, Rachid al-Ghannouchi. He was released in 1984, but returned to prison again in 1987, this time to serve a life sentence. Mr. al-Ghannouchi was released in 1988, at which point he fled to Europe where he remained in political exile for more than two decades.

In 1984, implementation of a structural adjustment plan signed with the IMF forced the elimination of food subsidies and resulted in a rise in bread and semolina prices. This action, in turn, sparked unrest and Tunisia's first wave of "bread riots" over the following year. As a consequence, public sector workers, supported by the UGTT, organized strikes demanding pay increases. This stage of resistance was followed by a period of harsh repression marked by deteriorating relations between the UGTT and the government, the closure of the union's newspaper, and the arrest of many union members, including Mr. Achour. Over the next few years, the government would consolidate its control over the UGTT.

In 1985, Israel raided the Palestinian Liberation Organization (PLO) headquarters in Tunis, which had been the PLO base since 1982 when it was driven out of Lebanon during Israel's invasion and occupation. The raid, in which 60 people were killed, marked a turning point in Tunisia's relations with the US, which came to see the North African state as a reliable regional ally.

In January 1986, the Tunisian Communist Workers' Party (POCT) was founded, but it was soon banned. In November of the following year, the Western-educated former military officer and government minister, Zine El Abidine Ben Ali, took power in a bloodless coup after having Bourguiba declared mentally unfit to rule. Ben Ali promised greater democratic openness and respect for human rights, signing a "national pact" with opposition parties, including the unauthorized Islamic Tendency party.

In 1989 the first presidential elections since 1974 were held. President Ben Ali was the only candidate and thus his election was no surprise. Although the Nahda party was banned from participating in the general elections held at the same time, its members ran as independents. The party did well, but because of massive fraud and manipulation of the election, no one knows really how well. As a result, Ben Ali initiated a new campaign of repression against the party, which led to the arrest and imprisonment of thousands of its followers. In the Chamber of Deputies election, Ben Ali's Constitutional Democratic Rally won all 141 seats. Ben-Ali went on to be "re-elected" four more times, the last time in 2009 with 89 percent of the vote.

Despite the clearly undemocratic and repressive actions of the newly installed Ben Ali regime, which increased during the 1990s, strategic relations between the US and Tunisia were enhanced. Those relations were cemented by increased US security assistance, including an active schedule of joint military exercises involving the two states. During this period the US-Tunisian Joint Military Commission began meeting annually to discuss military cooperation, Tunisia's defence modernisation program and other security matters, and a new bilateral investment treaty was signed between the two countries.⁴

In the aftermath of the attacks of 11 September 2001, US President Bush declared a War on Terror and proclaimed to the leaders of the world, "You're either with us or against us in the fight against terror."⁵ The anti-terror policies that followed paved the way for even closer relations between the US Government and the staunchly pro-American Ben Ali. President Ben Ali reiterated Tunisia's "principled and deeply-anchored stand against terrorism in all its forms and manifestations."⁶ In December 2001, William Burns, US Assistant-Secretary of State with responsibility for the Middle East, visited Tunis as part of a tour of Maghreb capitals. During his talks with Ben Ali, Mr. Burns reaffirmed Washington's interest in promoting US cooperation with the North African states and articulated his appreciation to the Tunisian leadership and the Tunisian people for their expressions of solidarity following the attacks. He was particularly thankful for the cooperation of the Tunisian security services with the US Federal Bureau of Investigation (FBI) in their efforts to track terrorists of Tunisian origins based in Europe.⁷

Following the 11 September attacks, the government-controlled Tunisian press accused Nahda, the banned Islamist party whose leadership was largely imprisoned or in exile in Europe,

of having links with al-Qaeda. Nahda representatives strongly denied these allegations. In early December 2002, William Burns again visited Tunis, where discussions focused on economic and political issues, in particular Tunisian cooperation in the US-led War on Terror.

After 11 September, relations between Tunisia and European states were also strengthened. French President Jacques Chirac visited Tunisia to hold talks with Ben Ali on promoting cooperation in their efforts to eradicate international terrorism. The Tunisian opposition expressed outrage at Mr. Chirac's statements praising Ben Ali for his "exemplary policy of combating terrorism" while ignoring his brutal repression of political opposition.

The post-11 September period also witnessed visits to Tunis by several other European Union (EU) heads of states and ministers, including Italian Prime Minister Silvio Berlusconi in November 2001, Spanish Premier Jose Maria Aznar in late September 2001, and German Minister of the Interior Otto Schily, who signed an agreement in April 2003 with Ben Ali to increase coordination between the two states in their efforts to fight terrorism and organized crime. Romano Prodi, President of the European Commission, also visited in April 2003 to discuss bilateral relations and enhanced security cooperation between Tunisia and the EU.⁸

Between 2001 and 2003, US-Tunisian relations were further enhanced under the US-North African Economic Partnership (USNAEP), which was designed to promote US investment in, and economic integration of, the Maghreb region. In 2002, the Middle East Partnership Initiative (MEPI) was established by then-Secretary of State Colin Powell "to create educational opportunity at a grassroots level, promote economic opportunity and help foster private sector development, and to strengthen civil society and the rule of law throughout the region."⁹ MEPI was part of an overall strategy by the Bush Administration to promote "democracy" and "free markets" in the region as an antidote to terrorism.

In 2004, the same year that President Ben Ali "won" a fourth term with 94 percent of the vote, MEPI opened its Regional Office in the US Embassy in Tunis. The US State Department Annual Human Rights Report on Tunisia that year declared:

[Tunisia's] human rights record remained poor, and the Government continued to commit serious abuses [T]here were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained individuals.¹⁰

In October 2006, Ben Ali's government launched a campaign to enforce more rigorously a 1981 ban on headscarves in public places such as schools and government offices; this move angered those on the receiving end of this campaign as well as human rights activists. The persecution of individuals for their political and/or religious beliefs and practices continued

unabated in 2007. In January of that year, a shoot-out occurred between the police and alleged members of the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat, or GSPC), a group allegedly linked to al-Qaeda, that left dozens dead and many others injured, including police officers. Over 60 of the alleged participants were arrested and, following unfair trials, were sentenced under the anti-terror laws; they were tortured while in prison. Many of the individuals arrested in this incident were released in the post-revolution amnesty. According to Amnesty International's 2007 annual human rights report on Tunisia that year, the men's ordeal was by no means an anomaly:

At least 12 people were sentenced to lengthy prison terms following unfair trials on terrorism-related charges, while around 50 others were still on trial at the end of the year. Torture and ill-treatment continued to be reported. Hundreds of political prisoners sentenced after unfair trials in previous years, including prisoners of conscience, remained in prison. Many had been held for more than a decade and were reported to be in poor health.¹¹

Also in 2007, two former Guantanamo detainees, Abdallah Hajji and Lotfi Lagha, were returned to Tunisia and, despite diplomatic assurances given by the Ben Ali regime, were subsequently imprisoned and mistreated after show trials. They have both been released in the post-revolution amnesty. An additional five Tunisian citizens today remain in Guantanamo.¹²

Despite evidence of increased religious and political persecution by the Ben Ali regime, in January 2008, the EU signed an Association Agreement with the Tunisian government, effectively eliminating customs tariffs and other trade barriers on manufactured goods and providing for the establishment of an EU-Tunisia free trade area for goods. Around this same time demonstrations took place in the southwestern mining region of Gafsa during which one demonstrator was shot dead with many others arrested. Striking union members at the Gafsa Mine were aggressively suppressed by government forces and the strike leaders were prosecuted on charges of presenting a threat to security and public order. Many received ten-year sentences.

In October 2009, President Ben Ali "won" a fifth term in office. According to the 2009 US State Department Human Rights Report on Tunisia:

There were significant limitations on citizens' right to change their government. Local and international nongovernmental organizations (NGOs) reported that security forces tortured and physically abused prisoners and detainees and arbitrarily arrested and detained individuals. Security forces acted with impunity, sanctioned by high-ranking officials. There were also reports of lengthy pre-trial and incommunicado detention. Government imposition of severe restrictions on freedoms of speech, press, and association worsened in

the lead-up to the October elections. The government remained intolerant of public criticism, and there were widespread reports that it used intimidation, criminal investigations, the judicial system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism. Corruption was a problem.¹³

Despite this, Western governments continued to maintain close relations with the Ben Ali regime, which was praised for its continued security cooperation in the War on Terror and for its so-called "economic miracle."¹⁴ This position was reinforced when, in August 2010, the Tunisian government passed a law opening the Tunisian economy to foreign franchises in the sectors of retail/distribution, tourism, automotives, and training. Another sign of encouragement for Western supporters of neo-liberal "reforms" in Tunisia came in September 2010, when an understanding was reached between Tunis and the IMF that recommended the removal of all remaining subsidies as a means to achieving fiscal balance.¹⁵

The brave and desperate actions of Mohammed Bouazizi on 17 December 2010 sparked a wave of nationwide protests not only against the rising food prices that resulted from the latest round of IMF-mandated food subsidy eliminations but also against the longstanding structural issues that underpinned the Ben Ali dictatorship, including high levels of unemployment and corruption as well as the near-complete absence of civil liberties and political freedoms. The protests continued until 14 January 2011, when Ben Ali was finally forced to resign and Prime Minister Mohammed Ghannouchi announced an interim national unity government, only partly satisfying protesters' demands. On 27 February, Prime Minister Ghannouchi stepped down, responding to demonstrators' demands calling for a clean break with the past. According to a UN human rights investigation, at least 219 Tunisians were killed during the uprisings and another 510 were injured.¹⁶

In light of the Western governments' tendency to turn a blind eye to, or even to support and encourage, repressive Tunisian regimes so long as their economic and geo-strategic interests were safeguarded, it is not surprising that the West's initial response to the Tunisian revolution was mild and muted, with French Minister for Foreign Affairs Michèle Alliot-Marie even offering support to Ben Ali's repressive security apparatuses to crush the unrest.¹⁷ In the US, it took a full month of sustained protests menaced by state repression and violence for the Obama Administration finally to acknowledge publicly what State Department officials had been quietly stating in their Annual Human Rights Report for years and which recently had been confirmed by Wikileaks' release of statements from the Obama-appointed US ambassador to Tunisia: That Ben Ali's regime was patently corrupt and brutally repressive.¹⁸ President Obama's condemnation of the Tunisian government's violence on the day that Ben Ali was finally forced

to flee the country and his subsequent praise for "the courage and dignity of the Tunisian people" was seen by many Tunisians as too little and too late.

PART III: KEY REVOLUTIONARY ACTORS

IN THE TUNISIAN REVOLUTION

A. Union Generale Tunisienne du Travail (UGTT)

The Tunisian country-wide labour federation, the UGTT, was crucial in ultimately bringing about the downfall of the Ben Ali regime. Although the national UGTT was slow to support the protests when they first began in December 2010, the federation did respond after local and regional UGTT offices began protesting. The national UGTT called local general strikes on 12 January and then a national strike on 14 January, the day Ben Ali resigned. Perhaps the UGTT's importance was most apparent in the decision by the initial transitional government - which included leaders of Ben Ali's government and the dominant RCD party - to include three UGTT representatives in the government in an effort to legitimize the government. Within hours, protesters were mobilizing again in the streets and opposition emerged to any participation by UGTT members in the government. The UGTT cabinet members quickly resigned.

The UGTT is a labour federation; as such it operates on the national as well as regional and local levels.¹⁹ People expressed their doubts to the Delegation about the independence of the national union leadership under Ben Ali, noting that the UGTT had in essence accommodated to the repression and corruption of the Ben Ali regime. Unions could make economic demands and go on strike so long as the line of political opposition was not crossed. But the reasons for this accommodation became clear through the Delegation's meetings with several labour leaders. Although UGTT local unions and the local and regional UGTT offices demanded a leadership uninfluenced by the regime, the reality is that members of Ben Ali's ruling political party were present even on the union's national administrative commission and executive bureau. When the government could not control the union leadership, it crushed them through arrests and removing them from the UGTT's leadership.

An example of the limits of the UGTT's national leadership and the government's superior power is the response to the strikes in the Gafsa mining region in 2008. The protests began among unemployed non-union workers and students who were unable to get jobs in the mines. The miners' union, as well as the ruling political party, cooperated with the owner of the mine - the Gafsa Phosphate Company - to limit and control who would get jobs working in the mine. Protests by the unemployed erupted, supported by miners' widows and families, focusing on unemployment, the cost of living, nepotism, and the unfair recruitment practices of the mining company. Local UGTT leaders supported the protests; hunger strikes continued for months. But there was little support and often opposition from the UGTT regional and national levels. Several of the local union leaders were prosecuted and imprisoned.

The Delegation met with Abdeljelil Bedoui, one of the high-ranking union officials who had been appointed to the transitional government but resigned one day after its formation along with two UGTT colleagues in what they called a response to the people's demands. He told us that following Bouazizi's self-immolation, people went to the UGTT's office in Sidi Bouzid to demand that the union show its opposition to government corruption. But people also knew that the police would not violate the sanctity of the union's offices. Mr. Bedoui explained that if the UGTT showed its support on any issue it becomes a *de facto* spokesperson for popular movements. In the weeks following the incident in Sidi Bouzi, the UGTT became a conduit for popular discontent in various regions. Mr. Bedoui said this was what distinguished it from the protests in Gafsa in 2008, when the popular movement and the national UGTT were at odds, and the protests were essentially confined to the Gafsa region.

It is important, then, that critics of the UGTT recognize the tremendous political pressures under which the organization operated. There is no better way to intimidate or crush an organization than by imprisoning its leaders. Kheireddine Bouslah, a labour leader with whom we met, said that since the revolution, the UGTT has taken a leadership role in resisting efforts to reverse political gains, taking to the streets in the Kasbah whenever necessary.

B. Parti des ouvriers communistes tunisiens (POCT)

The Tunisian Communist Workers Party is a Marxist-Leninist political party founded in January 1986. It was banned throughout the Ben Ali years and hundreds of its members were imprisoned, some tortured to death. In June 2002 Hama Hammami, leader of the POCT (on left, Salah Oueslati on right), was arrested and accused of being a member of an illegal organization and of inciting rebellion. His wife Radhia Nasraoui, a human rights lawyer and chairperson of the Association against Torture in Tunisia, went on hunger strike, calling for his release.²⁰ In September Hammami was freed on health grounds and eventually went into exile in France, where he stayed until the 2011 revolution. The party was finally legalised on 16 March 2011, the day before Mr. Hammami, its general secretary, met with the Delegation.



The POCT has had an interesting history of cooperation with the moderate Tunisian Islamists which reveals a process of on-going analysis and a capacity for policy adjustment. Whereas other leftists supported or at least did not organize against the government's suppression of Islamists, starting in the early 1990s the POCT abandoned its previous political isolation in favour of a collaborative stance against repression. In 2005, as government

repression increased, the political alliance between Islamists, leftists, liberals, and human rights activists was formalized with the formation of the 18 October Coalition for Liberty, Freedom and Human Rights (18 October Coalition). The agreement reached by the Coalition was set out in two main official documents. The first addressed the role of religion in Tunisia, supporting freedom of religion because religion is a personal matter, calling for equal treatment for women, and condemning polygamy. The second dealt with the nature of Tunisia's future civil democratic regime as one which has the people at its source and respect for private and public human rights as its guiding principles. These documents and the coalition formed around them contributed to the fading of ideological disagreements and eventually facilitated an atmosphere of revolutionary unity that centered on basic shared demands for multi-party democracy, freedom of expression and belief, and equality. While the POCT opposes capitalism and globalization, given the current stage of development of Tunisian society, these shared demands remain at the forefront of its program for the immediate future.

The inclusion of public rights within the notion of human rights reveals the POCT's vision of a future Tunisia. Reminiscent of the debate which engaged developing countries in the 1930s and 1960s-1970s, the supremacy of private property rights is to be limited by a notion of property as fulfilling a public function, the defence of nationalisation of key sectors, progressive taxation, and workers' right to free health and education. Such vision also points to a departure from the "Washington Consensus" neo-liberal paradigm embraced by the Ben Ali regime with its emphasis on privatisation, the primary function of markets in determining economic processes, and the guiding role of the international financial institutions in the shaping of national development.

The IMF's involvement in Tunisia, argues the POCT's Mr. Hammami, had a destructive effect on the country's economy and the welfare of its people. Mr. Hammami assesses such destructiveness by reference to three aspects. First, although the IMF established a target of foreign debt reduction, in fact, starting in 1986, the country's indebtedness increased by 5.7 times. Second, although job creation was promised, in fact, unemployment rose from 1.3 percent in the late 1980s to between 20 and 25 percent today. If marginalised people are to be included, one may be looking at 43 percent unemployment. Third, an increase in the rate of development was promised. Criteria for assessing rates of development are not straightforward, but Mr. Hammami estimated that the growth rate of the 1960s and 1970s was not matched, let alone increased. Further, IMF's damaging effects went beyond pure economic measurements to encompass the fabric of society in the form of individualisation of social relationships, commodification of all aspects of life including education, cultural impoverishment, and marginalisation of women through restricted role in the workplace (women occupy 20 to 25 percent of the workforce), female illiteracy between 40 to 45 percent, and prostitution. The combination of IMF-imposed neo-liberal structural reforms and

dictatorship, Mr. Hammami concluded, destroyed Tunisia. Whether the POCT ends up governing Tunisia, he said, is a matter for the people of Tunisia to decide; if it does, however, it will retain a commitment to the abolition of indebtedness and its neo-liberal causative roots.

The POCT believes that the revolution has far from ended. It sees two competing strategies at work: (1) the reformist strategy of the current government, old elites, and reactionary elements, with the support of the US and EU, who want to limit the revolution to political liberalization; (2) the revolutionary strategy of civil and political movements, the Islamists, and the leftists, who want to eliminate all vestiges of the old regime and bring in social justice. In the final analysis, POCT sees the people in the street as the only means to control the Interim Government and the ultimate decision-makers.

According to POCT, the elections for Constitutional Council could be a revolutionary moment. Those elections, which were originally scheduled for 24 July 2011, have been delayed to October 2011, which POCT believes will allow the people and political parties a greater opportunity to organize themselves. The media and civil administration are both still controlled by the old camp and the political police are still on the streets notwithstanding government claims that they have been disbanded. Therefore, POCT supported the delaying of the elections. Moreover, the party is concerned over the issue of funding of the elections, as the enemies of the revolution are wealthy and it fears that money is coming in from the US and EU to support reactionary elements. Unless there is public funding available and control of illegal funding coming in from the West, the elections will not be fair. Finally, POCT would like the new electoral law to establish proportional voting so that smaller parties might have a voice in the government and the broad spectrum of people involved in making the revolution would continue to be reflected. POCT and other political parties such as Nahda supported a recent decision that any party which offers candidates in the upcoming election must include an equal number of men and women candidates.²¹

POCT sees the Tunisian revolution as a possible model in the region, and also worldwide, of people making peaceful revolution for dignity, freedom, and social justice. The revolution is not Islamist, although Islamists are part of it.

C. Hizb An-Nahda (Nahda)

1. The Origins and History of Repression

Nahda (Renaissance) Party is the largest Islamist party in Tunisia. Its origins can be traced to 1970 with the establishment of Qur'anic Preservation Society (QPS), originally an apolitical organization dedicated to encouraging piety within Tunisian society. The Society's approach to politics began to change in the late 1970s when growing social unrest, particularly among organized labour, politicized the movement's discourse and activities. Though many

Islamists initially condemned the trade union UGTT's social action, they nonetheless learned from it the importance of mass mobilisation and street politics. In 1981, the Mouvement de la Tendance Islamique (MTI) was founded by Sheikh Rachid al-Ghannouchi and other former members of the QPS as a loose coalition of Islamist groups seeking political and economic change. The MTI's political platform included calls for equitable economic reform, an end to one-party rule, and a return to the "fundamental principles of Islam."²²

During the course of the 1980s, the MTI gained a large following among the Tunisian youth and adopted a more populist platform. It eventually developed into a well-organized social and political movement and was one of the first Islamist groups in the Arab world to explicitly adopt democratic principles, with Sheikh al-Ghannouchi's writings on the theological and political basis for Islamist participation in pluralist politics positioning the movement's leader among a handful of well-known Islamist reformists.²³ During this period, Islamists moved to enlarge their social base through activism in the UGTT and other civil society organizations.²⁴

In November 1987, after his bloodless coup, Ben Ali announced his plans for reform and democratization, and Sheikh al-Ghannouchi, who by then sought open participation in Tunisian political life, signed on to the president's "National Pact," which allowed him to run a list of candidates in the 1989 legislative elections. Soon after the signing of the pact, however, Ben Ali changed course and began what would become a long and drawn out period of repression of Islamist movements, beginning with legislation prohibiting the use by any political party of the words "Islam" or "Islamic" in their names. In response, the MTI renamed itself Hizb al-Nahda, the Renaissance Party. However, Ben Ali still refused to allow Nahda to enter the elections as a recognized political party, although he did permit it to field "independent" candidates. By 1992, virtually all of Nahda's leadership was imprisoned or in exile and its organizational capabilities within the country destroyed.²⁵

In the intervening years, during which the movement was forced underground, its leaders had time to reflect on the strengths and weaknesses of its political agenda, strategies, and tactics. In particular, it appears Nahda's leadership took seriously criticism levelled at the movement for relying too heavily on support from the middle class, particularly the student movement, as well as its failure to reach out and form alliances with other social forces, in particular workers and the unemployed.²⁶

Nahda's decision to enter into the 18 October Coalition in 2005, which brought together various political parties and civil society institutions to create a common platform from which to demand political reform and respect for human rights, should be seen within this context. The coalition established a basis on which to work together by agreeing on certain principles including political pluralism, the rights of women, freedom of conscience, and freedom of religion.²⁷ From Nahda's perspective, the coalition was valuable not only in terms of building

unity and a common front from which to challenge the culture of impunity for human rights violations that had developed during Ben Ali's rule, but also in terms of demonstrating Nahda's commitment to Tunisia's liberal traditions and thus dispelling government claims of the movement's allegedly extremist Islamist agenda.²⁸

2. Nahda: From Anti-Systemic to Systemic Actor

Over the past year, Nahda seems to have made the successful transition from an anti-systemic movement, or a movement that organises "against the multiple injustices of the existing system . . . offer[ing] alternatives which they believed would bring about a fundamental change in . . . the situation," to systemic actor, albeit within a dramatically transformed system.²⁹ On domestic and international policy, Nahda leaders still maintain a cogent critique of the pre-revolution system, in particular of the Western support that it believes enabled Ben Ali's brutal repression of political opposition.

Nahda leaders are particularly critical of the role played by the US, especially in the post-Cold War period, during which time they feel Islamists came to replace the superpower's former communist adversaries as its new enemy in the US struggle for global hegemony. This shift in geo-strategic focus led to the US' increased collaboration with dictatorial regimes in the region, including Ben Ali's.³⁰ According to Dr. Ziad al-Doulatli (below, right), one of the founding members of Nahda, it was during these years, and in particular in the period since the 11 September attacks, that the US became complicit in Ben Ali's brutal repression of Tunisian Islamists, including Nahda members.³¹ Ajmi Lourimi (on left), one of the former leaders of the Nahda student movement, argues that this complicity led many young men in the region to the conclusion that the "Bush administration's war was not against terrorism but against Islam." As a result, many of them turned to more extremist organizations and, in this sense, the War on Terror created a self-fulfilling prophecy.³²



Dr. al-Doulatli says Nahda leaders began to perceive a shift in US attitudes in early 2010, at which point they were contacted by US Embassy staff to meet to discuss the movement's vision for the future. This meeting helped to convince many of the movement's members that, despite evidence of past US duplicity, it might be possible to collaborate with the Americans in the future. There seems to be a belief that the dramatic transformation in the US position vis-à-vis Nahda is due to a recent shift in the balance of power in the international system in which the US has "now given up any hope of unilaterally ruling the world" and hence is "bound to

have to find partners." Dr. al-Doulatli thinks Tunisia and the Arab world, especially after undergoing democratic transitions, will have an important role to play in this transformed international order "as we [the Arab world] find ourselves closer to US and Europe than China and East Asia as our [political and economic] goals are the same."³³

The Nahda leader, Sheikh al-Ghannouchi, has also expressed optimism concerning future Tunisia-EU relations, pointing out that association between the peoples of North and South Mediterranean have long roots, going back to the "era of the Romans, the Carthaginians and in the Islamic era," that are "not determined by which government is in power" but rather by history and geography.³⁴ According to Sheikh al-Ghannouchi, the post-transition government of Tunisia will not look to avenge the injustices of the past but instead will focus on the future and demand that Tunisia's post-revolution relations with Europe be more "balance[d]" and that they be "buil[t] on mutual respect and based on equality, and relations that are not at the expense of the wealth of the people, [or their] freedom and dignity."³⁵

Unlike many of the former political prisoners and other civil society and political actors the Delegation met, many of whom responded cynically to questions regarding the future role of the US in post-revolutionary Tunisia, Dr. al-Doulatli stated that Tunisia could benefit from strong US support, especially in terms of facilitating foreign direct investment. Dr. al-Doulatli also sees an important role for US and European civil society in supporting "[Tunisian civil] society to make our revolution succeed for the benefit of the Arab world and the West as well."³⁶

Nahda's position on the revolution is that it would not have been possible without the broad-based unity that brought together individuals and organizations from various political persuasions and walks of life. Though the solidarity forged among the various sectors of Tunisian civil and political society in the face of Ben Ali's repression can be traced back to the 18 October Coalition, it was not until Mr. Bouazizi's dramatic self-immolation that the revolution was catalysed and the wall of fear which the Ben Ali regime had so carefully constructed over the 23 years of his brutal dictatorship came tumbling down. As Mr. Lourimi said, "If the cold war ended with the fall of Berlin wall, our revolution began with the fall of the wall of fear."³⁷

This unity was witnessed in the chants and slogans used throughout the revolution, which were non-partisan and avoided political or religious jargon; instead, most crowd chants began with the phrase: "*Ash sha'ab-yurid. . .*" ["*The people want . . .*"] Most important for Mr. Lourimi was the role played by Tunisia's brave youth, many of whom were not affiliated any political party. "The social movement was well ahead of the political movement and young people were more confident in making change." Mr. Lourimi says there was a gap that had been created between civil society and the political parties as a result of the imprisonment and

exile of so many opposition party leaders, including those of Nahda and the POCT. This gap was filled by the energy and determination of the youth. He stated:

We used to say our young people were apolitical, uninvolved. Then it transpired that these young people managed to create relationships and links between each other through social media. . . . They did not compromise on their demands for dignity and freedom, nor did they give into any attempts from the regime to hold them back.³⁸

Though it is clear Nahda will play an integral role in post-revolution Tunisia politics, the nature and breadth of its constituency is less clear. One is left to wonder what the former political prisoners the Delegation met, many of whom because of their Islamist leanings would seem the most natural supporters of Nahda in post-transition elections, would make of the party leaders' optimistic assessment of future US-Tunisia relations and the possibility of forgetting the tragedies of the past in order to make way for a more hospitable future. What will happen if Nahda does not fight for recognition and redress for the crimes committed against the thousands of pious young men whose human rights were so patently violated in the context of the War on Terror, crimes that many believe were facilitated by US support for the Ben Ali regime? If the transformed Nahda party does not support their aspirations for an independent, sovereign Tunisia that is more firmly integrated within the broader Muslim/Arab world, then who will? What will happen to this severely damaged generation of War on Terror victims? Will they become disillusioned with the political process and become more radicalised? These are pressing questions that Nahda and other political party leaders must be contemplating at the moment. These issues may have a defining impact upon on the potential success of the democratic transition in Tunisia.

From the perspective of political economy, Nahda indicates two broad and inter-related aims: Tunisia's integration in the world order on the one hand and its preservation of sovereign powers to shape domestic political and societal agendas on the other. In this, Nahda may be overlooking the potential for conflict in the interaction between integration and national sovereignty. It is not clear whether this discourse has been shaped by a comprehensive study of the systemic nature of the global eco-political order and, in particular in this context, the global order's negative effect on sovereign powers to regulate and shape internal program. Taking as an example the IMF lending policy - credit that is conditioned on structural adjustments in the direction of market-based, privatised economy - Tunisia remains immersed in this type of external indebtedness and one has yet to hear how Nahda proposes to assert sovereignty over internal economic policies in these circumstances. Similarly, in line with neo-liberal narratives, Nahda links national development to the flow of foreign investment. The flow of foreign investment is in turn associated with the global program of Bilateral Investment Treaties (BITs). These confer on foreign investors the protection of international law. Such

protection is enforceable through the instrumentality of investor-state arbitration with potential substantial compensatory awards against the debtor state. The corollary is the introduction of external control over national sovereign policies. To date, Tunisia is a signatory to some 27 BITs including some with the US and a number of European countries.³⁹ Again, it remains to be seen how Nahda proposes to navigate its integration in the global order while simultaneously preserving the full range of sovereign powers necessary to meet the post-revolution aspirations of its people. In this respect, representatives of Tunisian political establishment and civil society, including Nahda, invariably expressed to the Delegation a vision of a future Tunisia that is democratised and is marked by balanced development, equality, and social justice. Yet, the investor-state arbitration which underpins the BITs programme has the effect of weakening democratic choices and undermining the democratic and rule-of-law-related principles of juridical accountability, openness, and independence.⁴⁰ Similarly, economic growth that is driven by foreign investment and IMF dictates is generally associated with unbalanced development and a growing gap between rich and poor. A case in point is the increase in unemployment, wealth concentration, and developmental gap between coastal areas and the interior that were recounted to the Delegation as consequences visited on Tunisia by IMF indebtedness and neo-liberal policies.

The international integration envisaged by Nahda is premised and indeed seems to be conditioned on a relationship of equality between Tunisia and other nations, particularly the US. Nahda appears to recognize that the attainment of such equality requires a bargaining position in a US-dominated world order. This recognition of the importance of being able to strike a bargain is not unique to Nahda; however, its discourse seems to circumvent the more prevailing measurements of bargaining powers such as size and natural resources wealth.⁴¹ Rather, Nahda links the realisation of international equality to a perceived future world order that is marked by regional competitive tensions - US and Europe on the one hand versus China and East Asia on the other. In this world order, Tunisia will agree to join the US camp provided that such support is accompanied by equality and the preservation of national sovereignty. The difficulties associated with the latter were discussed above. In relation to equality, one cannot but question how precisely does the party intend to achieve equality in a global order that is systemically hierarchical and which has at its core a single superpower whose military power exceeds the military capabilities of all other states combined. Interestingly, having constructed a future globalized order that is shaped by intra-regional competition, Nahda does not appear to have considered the alternative possibility of Middle East and North African regional integration. Rather, as in the past, bargaining power will likely flow from the US' need for allies in the context of newly emerging rivalries.

PART IV: SUMMARY OF MEETINGS

The Delegation was privileged to meet with the following individuals:

1. Mahmud al-Dhawadi - Journalist
2. Professor Mahmoud Dhaouadi - Professor of Sociology
3. Zouheir Mahklouf - Activist/Journalist
4. Abdallah Hajji - Former Guantanamo Bay detainee
5. Fathi Mohammed Adid - Former political prisoner
6. Ghaith Ghazouani - Former political prisoner
7. Lilia Westlaty - Blogger
8. Henda Hendoud - Blogger
9. Mokhtar Yahyaoui- Judge
10. Mehdi Barhoumi - Lawyer

And with the following representatives of the organizations listed:

11. Anwar Kousri - Tunisian League for Human Rights (LTHR)
12. Bassam Trifi - Organization against Torture
13. Larbi Abid - National Council of Liberty
14. Hamza Hamza - Liberte & Equite
15. Abdeljabel al-Bedoui - UGTT
16. Kheireddine Bouslah - American Center for International Labour Solidarity
17. Neji Beghoury - National Union of Journalists
18. Hama Hammami - Communist Party (POCT)
19. Ziad Doulatli and Ajmi Lourimi - Nahda Party
20. Dr. Ben Achour - Commission for Protection of the Revolution

And the following sections of the Tunisian Interim Government:

1. Lazhar Karoui Chebbi - Minister of Justice
2. Members of the Ministry of Interior
3. Beji Caid el Sebsi - Interim Prime Minister of Tunisia

A more detailed discussion of these meetings is set forth in Appendix 2.

PART V: THE IMPACT OF THE WAR ON TERROR ON TUNISIA

A. Background: Human Rights in Tunisia before the War on Terror

Throughout his time in power, Ben Ali mounted a widespread attack against those who presented, or were perceived to present, a threat by way of political opposition. Real or perceived political dissent was harshly punished and thousands of Tunisian men and women were detained for decades and subjected to extensive and horrific torture. The extent and nature of the political repression faced by Tunisian society altered during Ben Ali's time in power. While perhaps for tactical reasons the Nahda party was tolerated during the early stages of Ben Ali's rule, that attitude changed significantly in the early 1990s when Nahda members were arrested and imprisoned. For the last decade, Islamic groups and individuals became the main, though certainly not the sole, target of Tunisian secret police; while many leftists and human rights activists were targeted as well, there is no doubt that religious groups were disproportionately pursued.

B. The Bush Administration's War on Terror Begins

The "War on Terror" phrase was first employed by US President George W. Bush five days after the 11 September attacks on US soil, when he pronounced: "This crusade - this War on Terrorism - is going to take a while."⁴² Bush's speech, including his deliberate use of "war" terminology along with his not-so-veiled reference to the medieval crusades launched to conquer lands under Muslim rule, was criticised by legal and international relations experts for its incendiary nature. Unlike traditionally conceived wars fought between sovereign states, the War on Terror lacked a defined and identifiable enemy, thus increasing the likelihood of perpetual military action as well as the chance that it would be used as a pretext to pursue non-terror-related interests.

The War on Terror soon developed into an international military campaign led by the US and the UK with the support of other North Atlantic Treaty Organization (NATO) as well as non-NATO countries, including many US allies in the Middle East and North Africa (MENA) region. Though the campaign was initially waged against al-Qaeda, it came to include as its targets a whole range of purported "terrorist" movements, the large majority of which could be broadly described as Islamist in nature.

From its inception, the Bush Administration's presentation of the enemy in the War on Terror as somehow exceptional both in their actions and motivations provided the US Government with the necessary justification to employ equally unconventional, and in many cases illegal, methods in its attempts to capture and punish them, even if this meant violating international agreements, including the Geneva Conventions and US domestic law. The

counter-terrorism policies associated with the War on Terror resulted in numerous illegal and unethical practices, including torture, extraordinary rendition, detention without trial, and indefinite detention.

Though Afghanistan and Iraq were to become the principal battlefields in this war, President Bush made clear from its inception that the entire world would become susceptible to US intervention in its seemingly existential struggle against terror. In a speech made on 20 September 2001, Bush said: "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime."⁴³ The majority of MENA regimes decided that it was not worth the risk of incurring the US' wrath by placing themselves on the wrong side of the "us versus them" divide. Many also saw in this Manichean construction the possibility of promoting their own narrow interests: a way to gain a new lease on life for their repressive regimes as well as a path to increased economic and military assistance.

Tunisia was among several MENA countries that declared its support for the War on Terror and offered substantial intelligence and strategic cooperation on this front. As a 2009 Congressional Research Service report explained, "The Bush Administration considered Tunisia to be an important ally, a moderate Arab, Muslim state, and a partner in the global War on Terror."⁴⁴ In return for its cooperation in the War on Terror, the US was willing to overlook the well-documented human rights violations of the Ben Ali regime; indeed, political repression actually increased during this period.

According to the shared US and Tunisian narrative, the Tunisian government faced a grave threat from radical Islamists seeking to overthrow the regime and build in its place a theocratic state. Though the government's repression initially focused on the moderate Islamist Nahda party, after the 11 September attacks, and in line with the increasing demands of the US for operational intelligence and evidence of thwarted Islamist conspiracies that could justify increased spending on its ever-expanding "war," the Ben Ali regime began to focus less on the threat posed by the Islamo-nationalist movement and more on "salafi-jihadi" movements.⁴⁵

The first Tunisian organization to come under the War on Terror threat rubric was the Tunisian Combatant Group (TCG), which in 2002 was added to the US State Department's Terrorist Exclusion List and was subsequently subject to an assets freeze. Though largely unheard of in Tunisia prior to its terrorist classification, the TGC was accused of being a radical offshoot of Nahda that sought to establish an Islamic state in Tunisia through violent means. The TCG was suspected of plotting, but not carrying out, attacks on US, Algerian, and Tunisian embassies in Rome in December 2001. The US Government also accused the Algerian Salafist

Group for Preaching and Combat (GSPC), now known as Al Qaeda in the Islamic Maghreb (AQIM), of actively recruiting Tunisians and maintaining ties with the TCG.⁴⁶

C. Tunisia's 2003 Anti-Terrorism Law

1. Introduction

In 2003 Tunisia enacted the "Anti-Terrorism Law on Support of International Efforts against Terrorism and Money Laundering" (2003 Anti-Terrorism Law). Although Tunisia is party to many international conventions and acknowledges in Article 1 of the 2003 Anti-Terrorism Law the country's respect for international, regional, and bilateral conventions, several provisions of this same law are in fact at odds with Tunisia's international obligations. The 2003 Anti-Terrorism Law's passage and its implementation prompted expressions of serious concern by national and international human rights organizations, including the United Nations.⁴⁷

The Delegation heard numerous accounts and analyses of the implications of this shift in rhetoric on the relationship between the Ben Ali regime and the West. During this crucial time, and by virtue of the extensive criminalization of Islamic groups and Muslims as a whole, Ben Ali aligned himself firmly with the West as an ally in the War on Terror. The perceived targeting of radical Islamists enabled Ben Ali to curry favour with the West, and the Delegation heard that this led to direct and/or indirect financial and political benefits to the Ben Ali regime. But this concentrated effort to target Muslims in Tunisia appears to be far from a legitimate attempt to undermine criminal and/or terrorist activity; instead, it was a discriminatory attack on the political and religious freedoms of Tunisian people.

The arbitrary and unlawful nature of many of the arrests and prosecutions of political prisoners has been detailed in reports by Amnesty International and Human Rights Watch,⁴⁸ and will not be repeated here. It is however worth noting that the evidence gathered by this Delegation, which had access to former political prisoners who were more prepared to speak freely after the fall of Ben Ali's regime, supports the findings of extensive procedural irregularity and impropriety resulting in grave and far-reaching human rights abuses documented in those reports.

Perhaps the most troubling aspect of the War on Terror has been a complete lack of accountability for officials who committed gross violations of human rights. As Bassam Trifi, a lawyer and member of the Organization against Torture, said, "Torture has touched everyone including political prisoners. Torture has impacted trade unionists, leftists, Islamists, and even those accused of ordinary crimes."⁴⁹ In addition, Mr. Trifi noted that:

With regard to the West's attitude to 'terrorists,' we have seen many victims tortured on the basis of the unconstitutional 2003 law, which was enacted in reaction to what happened on 9/11. The name of the act itself

references the international attempt to counter terrorism. Many people have been taken to court. They were persecuted for their ideas alone.

The Delegation met with individuals who asserted that the 2003 Anti-Terrorism Law was enacted to curry favour with the US. Despite the long-lasting US Government rhetoric of favouring democracy throughout the world, the US has consistently chosen to support and provide aid to oppressive regimes in the Middle East so long as those regimes cooperated in the so-called War on Terror. Although it is unclear what precise role the US played in the wording or timing of the legislation, it is clear the Bush Administration was happy with its passage. The US State Department called it "a comprehensive law to 'support the international effort to combat terrorism and money laundering.'"⁵⁰ Yet critics, both domestic and international, claimed that the law made the exercise of fundamental freedoms an expression of terrorism.⁵¹



According to former Tunisian Judge Mokhtar Yahyaoui (left), a founding member of the Association for Support of Political Prisoners who was fired for challenging the government for judicial interference, the 2003 Anti-Terrorism Law was a direct result of US pressure for greater Tunisian cooperation in the War on Terror. Furthermore, Judge Yahyaoui claimed that US military assistance to the Tunisian government was conditioned upon Tunisia's counter-terror cooperation and accused the Ben Ali regime of "selling our sons to the Americans" as part of this effort.⁵²

2. Delegation Interviews with Tunisian Victims of 2003 Anti-Terrorism Law

The years of torture and injustice at the hands of the Ben Ali regime have been recounted by former political prisoners who were released following Ben Ali's ouster. Again, much of this has been detailed in various NGO reports. The Delegation met with numerous political prisoners; what follows is a summary of some of those interviews.

a. Interview with Mohammed Elbedi Fathi

The Delegation interviewed Mohammed Elbedi Fathi, a Nahda member, who detailed how as a university student he feared arrest and thus went into hiding. The charge against him was organizing political meetings. After being convicted *in absentia* the police arrested and tortured him by hanging him like a chicken on a spit to the point that blood was coming out of his fingers. After his arrest he was not able to contact anyone, which left his family and friends wondering about his whereabouts for over ten days. He spent a total of ten years and eight months in prison after which he was given conditional release. The Tunisian authorities moved him seven times from one prison to another, a policy well-known as a means of intimidation.

While in prison, Mr. Fathi was undressed and beaten and not allowed to speak to any other prisoners; any action perceived to be against the regulations meant being placed in a punishment cell. As a result of the blows to his head and the torture, today Mr. Fathi is unable to read and has been diagnosed with depression. Mr. Fathi reported that the conditions within the prison were harsh, with each cell consisting of only one toilet and somewhere between 120 and 300 prisoners. Moreover, only one doctor was assigned to a prison, with the doctor taking instructions from the prison directors; this meant that the discretionary powers were with the prison directors who made the final decision as to whether an inmate received care. Given that Ben Ali's regime cracked down especially hard on those suspected of being Islamists, abuses came in the form of religious discrimination as well; for instance, prisoners were forbidden from praying together and were told not to pray morning prayers at the required time.

b. Interview with Abdallah Hajji

Abdallah Hajji fell into the Tunisian criminal system prior to the events of 11 September but felt the full force of the War on Terror and the 2003 Anti-Terrorism Act. Mr. Hajji was forced from his job on the railways after experiencing continual harassment from the authorities during the 1970's and 1980's for his religious beliefs. He was arrested, imprisoned and tortured on a number of occasions for being an alleged dissident. Due to this harassment, Mr. Hajji decided to leave Tunisia. He lived in Pakistan until 2002 when he was arrested and interrogated by US agents. He was asked by the Americans whether he was against Tunisian foreign policy and whether he intended to fight against the Tunisian government from Pakistan.

Mr. Hajji was eventually transferred by the US authorities to Guantanamo via the US air base in Bagram, Afghanistan. He spent a total of five and one-half years in detention at Guantanamo. During his interrogations there he was asked about the number of Islamists in Tunisia, the names of parties, the leaders and Islamic scholars. Mr. Hajji was also visited by the Tunisian secret police in Guantanamo, but did not receive any consular assistance or welfare checks from the Tunisian Government. The secret police asked him questions about the Tunisian situation and would tell him to comply with the Americans' questioning. The Americans told him that the Tunisians had told them this was the case.

When Mr. Hajji was returned to Tunisia in 2007, he discovered he had been tried and convicted *in absentia* of terrorism offences based on fabricated evidence. He began to serve a ten-year sentence. He was continually mistreated in prison and his family was also harassed. After serving three years and eight months in a Tunisian prison, he was released in February 2011 under the provisions of the General Amnesty discussed in the following section. He has now returned to live with his family and children but is unable to work due to poor health and finds himself unable to support his family. He became ill in prison and developed mental health problems that mean he now cannot read, write, or concentrate. Mr. Hajji's case was raised by

the US Delegation members in their meeting with a US Embassy official in Tunisia; however, at the insistence of this official, the meeting was off-the-record and the Delegation has received no indication from the Embassy that it intends to help Mr. Hajji.⁵³

c. Interview with Attorney for Faisal Barakat

Some members of the Delegation met with Oussama Bouthelja, the attorney for political prisoner Faisal Barakat, whose brother Jamel the Delegation met the day before. Mr. Boluthelja represents the Barakat family on behalf of Faisal Barakat, a Nahda student leader who was tortured to death while in police custody in 1991 in full view of dozens of other prisoners. (Mr. Boluthelja is pictured on the right.) Nevertheless, the authorities claimed that his death was the result of a traffic accident. Despite threats by the regime and numerous roadblocks encountered in court, the brave family has fought for years to get the government to acknowledge this wrongful death. They pursued the case before the U.N. Committee against Torture (CAT), submitting reports by international forensic experts and naming the officers involved in his murder, including the officer in charge, Captain Abdelfattah Ladib. The CAT concluded in 2000 that the state of Tunisia had violated its obligation under articles 12 and 13 of the Convention against Torture, to pursue an impartial investigation of a credible complaint of torture and asked it to take appropriate follow-up action. Ten years later, only after the revolution, the case has been reinstated by the Tunisian court.⁵⁴



D. Recent Developments: The General Amnesty

Since the fall of the Ben Ali regime in January 2011, the Interim Government has been at pains to publicize the apparent blanket amnesty of 19 January 2011 (the General Amnesty). The amnesty purportedly resulted in the release of all prisoners detained as a result of their membership in and activism for the broad range of political groups banned under the former regime.



The Delegation established that hundreds, if not thousands, of prisoners of conscience have indeed been released since the fall of the Ben Ali government. The Delegation was invited by the International Association of Solidarity with Political Prisoners (AISPP) to attend and address a public meeting at the Congress Palace to celebrate the release of political prisoners under the General

Amnesty (pictured on following page). However, the clear message from the meeting was that many individuals are still unaccounted for. Many of those may simply have been "disappeared" by the Ben Ali regime; the remainder of those unaccounted for is probably in large part the result of a distinct ambiguity about, and discrepancy between, the interpretation of the term "political prisoner" by the Interim Government and wider civil society.

The Delegation identified three broad categories. The first is those who have been convicted of crimes directly relating to membership of a political party. The second is those who were not charged or convicted of offences relating to their membership in a political group but who hold the belief, often based on significant evidence, that their prosecution was politically motivated. For example, an individual may have been prosecuted for matters of financial irregularity, where he believes that the evidence against him was fabricated or incomplete. The third category is those prosecuted for terrorist-related offences. It appears individuals in the first and third categories have now been released from custody per the Amnesty.

Those who fall into the second category - politically motivated prosecutions but on non-political charges - have not benefitted from the General Amnesty. Moreover, according to those familiar with their cases, many were tried under deeply flawed legal procedures or had confessed as a result of torture, often after being targeted initially for their religious beliefs. Many of these prisoners remain in state custody, often in appalling conditions and suffering from serious physical and psychiatric trauma.⁵⁵ The Delegation also received conflicting evidence about whether all those in the third category had been released, an issue which remains unconfirmed.

The issue of political prisoners in Tunisia is therefore clearly an ongoing one for the above reasons. In addition, the Delegation has great concerns about two Tunisian men who remain detained in Guantanamo, separate from those who have been released. It is clear from the Delegation's experience that there are significant flaws in the procedural bases for many prosecutions and investigations instigated under the guise of fighting terrorism. In addition,

there is evidence that those previously detained in Guantanamo were arrested without due process and without sound evidentiary bases.

E. The Role of the United States

1. Post-11 September Financial Support to the Ben Ali Regime

The common thread in conversations with former political prisoners, lawyers, and human rights advocates was the frustration and anger directed not only towards the Ben Ali regime but also at the US Government for its perceived complicity in the abuses. These sentiments were conveyed to the US Government representative with whom the American Delegation members met. We demanded answers, but the representative insisted that the conversation remain off the record.

As Larbi Abid of the National Council of Liberty points out, "the question of whether the US was aware of human rights abuses taking place in Tunisia should not be asked because it simply is not possible for a superpower like the US to not be aware of them."⁵⁶ This conclusion is buttressed by the recent Wikileaks releases of cables from the US Embassy in Tunis to the US State Department.⁵⁷ The general fears of alternatives to the "secular" regime of Ben Ali resulted in Ben Ali's being treated as a most favourite ally of the West.

While the State Department reports included details of the corruption and abuses of the Ben Ali regime, they conclude by stressing that none of that would affect the strategic relationship between the US and Tunisia. This point was emphasized by Hama Hammami, the head of the Tunisian Communist Party.⁵⁸ From the opposite end of the spectrum, a member of Nahda, the main Islamist party, also noted that prior to 11 September, there was a campaign in France against Ben Ali and the human rights violations committed by his regime. However, after the 11 September attacks, since Ben Ali responded positively to all US Government demands to take part in the War on Terror, he received assurances from Western governments that human rights violations would be kept quiet.

The acknowledged abuses by the Ben Ali regime had no negative effect on US military and other aid to the regime, as the following table illustrates.

US Aid to Tunisia, FY 2008 to FY 2012

Category*	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Request	FY 2012 Request
FMF	\$8.3 million	\$12 million	\$18 million	\$4.9 million	\$4.9 million
ESF	\$1.2 million	\$800,000	\$2 million	-	-
IMET	\$1.7 million	\$1.7 million	\$1.95 million	\$2.3 million	\$1.68 million
INCLE	\$198,000	-	-	-	-
NADR	\$100,000	\$425,000	\$200,000	Unavailable	Unavailable
1206	\$9.8 million	\$8.8 million	Unavailable	Unavailable	Unavailable

*Notes: FMF: Foreign Military Financing; ESF: Economic Support Funds; IMET: International Military Education and Training Funds; INCLE: International Narcotics Control and Law Enforcement Funds; NADR: Non-proliferation, Anti-Terrorism, Demining, and Related Programs funds. P.L. 109-163, the National Defence Authorization Act, FY 2006, Section 1206 authorizes the Secretary of Defence to train and equip foreign military and foreign maritime security forces. Section 1206 for Tunisia has supported counterterrorism programs.

Source: Congressional Research Service: *Political Transition in Tunisia*, 4 March 2011.

2. US "Democracy Promotion"

Often overlooked in analyses of the "hard" power policies associated with the War on Terror, including the invasions and occupations of Afghanistan and Iraq, are the corresponding "soft" power components of the Bush Administration's efforts to address the terrorist threat after 11 September including, most important from the perspective of the MENA region, "democracy promotion" programs. Far from aiming radically to transform the Middle East, it seems the US democratization agenda appears to have functioned as a fig leaf for promoting more nefarious interests. This position seems to be confirmed by several of the key actors of the revolution this Delegation met with, most of whom never came into contact with any of these democracy-promotion projects.

There are several reasons to be wary of US democracy-promotion efforts in the region in general and Tunisia in particular. To begin with, the notion that democracy can be achieved through outside intervention, as opposed to developing organically along with the requisite institutions and consciousness on the part of a state's citizens and rulers, is problematic. It was invalidated by the experience of Western foreign policy in the region over the past century, with the 2003 Iraqi invasion the case *par excellence*. Almost none of the dozens of successful transitions to democracy in recent decades (now including in the MENA region) have come from foreign intervention; rather, they have come from democratic civil society organizations engaging in strategic, largely nonviolent, action from within, and employing tactics outside the mainstream political processes of electioneering and lobbying, placing them outside the remit of the "democratization" agenda. As Middle East expert Stephen Zunes has pointed out, in the

one area where democracy promotion efforts could have had a real impact, in "training in strategic nonviolent action or other kinds of grassroots mobilization that proved decisive in the struggle," US democracy-promotion efforts through organizations like the National Endowment for Democracy (NED) or MEPI were absent.⁵⁹

The irrelevance of the US democracy-promotion projects to the movement behind the democratic revolution in Tunisia is not surprising considering the historical relationship that has existed between rhetorical support for democratization and the promotion of alternative foreign policy interests, especially in the context of the Cold War. For example, NED, the first of these democracy promotion organizations, was established in the early 1980s under President Reagan in the wake of several high-profile CIA, Cold War-related scandals and subsequent Congressional investigations. The context of its origins has led many analysts to conclude that the NED was established as a means of outsourcing the CIA's clandestine political activities to a seeming more benign and, crucially, independent organization.⁶⁰

a. Democracy Promotion's Neo-Liberal Agenda

Although ostensibly a not-for-profit organization promoting human rights and democracy, the work of the NED has often been indistinguishable from covert government activities. As Allen Weinstein, its first President, confessed in a 1991 *Washington Post* interview: "A lot of what we do today was done covertly 25 years ago by the CIA."⁶¹ The NED's stated rationale - to spread human rights and liberal (Western) democracy across the world by establishing free market principles - was readily adapted from the Cold War to the War on Terror paradigm. As President Bush stated in January 2004, the NED budget needed to be doubled so it could "focus its new work on the development of free elections, and free markets, free press, and free labor unions in the Middle East."⁶² Though the organization claims to support the development of independent trade unions, it is clear that its focus is on promoting civil society organizations that privilege "class cooperation and collective bargaining, minimal government intervention in the economy, and opposition to socialism in any shape or form," that these programmes are based upon a very narrow, neo-liberal understanding of growth and the function and rights that should be accorded to labour within society.⁶³

The US democracy promotion agenda has emphasized "economic freedom" - a neo-liberal capitalist economic model which emphasizes open markets and free trade - as at least as important as political freedom. One of the largest single recipients of NED funding for Democracy in recent years has been the Center for International Private Enterprise (CIPE), which has received three times as much NED funding as all human rights, development, legal, and civil society organizations in the region combined.⁶⁴

Far from demonstrating the much-touted link between economic and political liberalisation, implementation of the "Washington Consensus" in MENA states has tended to concentrate economic and political power in the hands of elites, resulting in something more akin to the crony capitalism that developed in post-communist Russia than a free-market or open democratic system.

The Middle East Partnership Initiative (MEPI), established in 2002 as an additional foreign policy tool in the US State Department's democracy-promotion arsenal, shared a similarly neo-liberal agenda, including amongst its principal aims: "to foster private-sector development" and encourage the "entrepreneurial spirit" by "work[ing] with government officials, judicial authorities, regulators, legislators and bankers in the region on removing barriers to business" and "promot[ing] a major change in the attitude of local workers -- from relying for jobs on the public sector and state-owned companies" to relying on the private sector. MEPI opened its Regional Office in the US Embassy in Tunis in 2004. In its website mission statement, MEPI announces its goal to "advance US foreign policy goals by supporting citizens' efforts at economic, social, and political empowerment" ⁶⁵

b. Distorted Budgetary Priorities and Bias in Funding

The Delegation attempted on numerous occasions to obtain detailed information from MEPI and NED regarding the types of projects funded during the pre-revolution period but to no avail. The information we have gleaned from their websites shows that most spending has been dedicated to training and capacity building workshops for civil society actors. Regardless of the effectiveness of these types of programs in attaining their respective objectives, or of the role (or lack of role) played by those groups in receipt of MEPI/NED funding in the revolution, one thing is clear: The amount of US dollars spent on military support for the Tunisian government has been grossly disproportionate to that spent on democracy promotion, raising questions about the sincerity of the program's aims. For example, out of a total of \$69.28 million of US assistance given to Tunisia from 2006-2010, only \$15.69 million, or roughly one quarter, went to democracy and human rights promotion programs, with the rest, \$53.59 million going to "military and security" assistance. ⁶⁶ Yet even these figures do not show the whole picture. In order to understand how US military interests undermine democracy-promotion objectives despite the prominence the latter receives in US rhetorical diplomacy, one must look at the amount of military sales approved by the US Government during a similar period. For example, between 1987 and 2009, the US military signed \$349 million in military sales agreements with Ben Ali's government. ⁶⁷ Furthermore, in 2010, the Obama Administration asked Congress to approve a \$282 million sale of 12 "excess" Sikorsky military helicopters to Tunisia. ⁶⁸ One must question the seriousness with which the US Government took the democratization agenda considering the government was aware, as demonstrated by

the US State Department annual human rights reports, that Tunisia's "human rights record remained poor, and the Government continued to commit serious abuses."⁶⁹ Absent any external threats to the country, it was clear that this high-tech military equipment would most likely be used for the internal repression of political dissent and other actions that would clearly undermine any democratization projects undertaken by MEPI and NED.

A further disturbing issue plaguing US democratization policies involves the double standards inherent in the approach of US governments in deciding which states and political parties to target, which to ignore and, perhaps most important, which to undermine in its democratization campaign. For example, in the cases of Lebanon and Palestine, US intervention in the past decade on behalf of particular political factions, rather than more general support for vital state institutions or civil society, have actually diminished prospects for democracy. Bush-era policies aimed at marginalizing Islamo-nationalist movements Hezbollah (in Lebanon) and Hamas (in Palestine) actually had the effect of "promoting *failed states* rather than encouraging *state-building*."⁷⁰

In the case of Tunisia, there is understandably a real fear that as the government comes to more adequately reflect the will of the population, shifts in foreign and domestic policy may prompt negative intervention by the US and its European allies or, at the very least, diplomatic and economic isolation which the country can hardly afford in this precarious post-revolution period. As the POCT leader Mr. Hammami told the Delegation, his party advocated that the country adopt "stringent legislation against illegal and illegitimate funding" because they were mindful that the "enemies of revolution," including the US, the EU, as well as Gulf States "bags of money," that could be used for nefarious purposes.⁷¹

c. President Obama's War on Terror and Democracy Promotion

The election of Barack Obama as US President in November 2008 on a platform of "change" was welcomed by many in the MENA region and seen to herald a dramatic sea change in US relations with the Muslim world. In particular, his June 2009 speech in Cairo was taken by many to signify a conscious effort on President Obama's part to transform US-Middle East relations.

"The language we use matters," President Obama declared, and it is evident that he has made an effort to avoid the most offensive of the Bush era's discursive constructions, including the "War on Terror" label (President Obama claims to view terror as a tactic, "not an enemy"), as well as polemical and poorly defined terms such as "Islamofascism" and "evildoers." Beyond the shift in language, President Obama has also promised to amend some of his predecessors' more odious foreign and domestic policies vis-à-vis the War on Terror, vowing "to close Guantánamo, and adhere to the Geneva Conventions."⁷² In his Cairo speech, President Obama

indicated that while adopting his predecessor's rhetorical adherence to a policy of "democracy promotion" in the region, he would distance himself from the aggressive manner in which his predecessor pursued this alleged agenda. Not only did he hold the view that democracy is a common aspiration of "all people" in the world, but Americans would promote and protect such mechanisms and institutions associated with this form of governance, as human rights, "everywhere."

Some, however, question the actual policy significance of President Obama's rhetorical shift. Not only has President Obama been unable to carry out his firm commitment to close Guantánamo, he has also failed to address adequately the detrimental War on Terror legacy, refusing to establish any punitive or deterrence mechanisms, and has proved incapable of investigating and holding accountable those top-level Bush administration officials responsible for implementing illegal policies.⁷³ Moreover, from the perspective of Tunisia's War on Terror, many of the civil society actors we met with shared the perception that the human rights abuses committed in the name of "counter-terrorism" actually increased, along with US complicity in them, in the period after President Obama came to power.⁷⁴

As with the various other areas of President Obama's Middle East agenda, where policy and practice have fallen well short of rhetoric, so too have his actions spoken louder than words when it comes to the issue of democracy in the region. Like administrations before it, President Obama refrained from criticising the devastating effects of the neo-liberal "reforms" pushed on the country by the IMF/World Bank and other "structural adjustment" gurus, many of which have served as obstacles to meaningful and bottom-up democratisation efforts in the region. Their calls to lower tariffs, privatize, reduce food and gas subsidies, focus development strategies on the tourism industry and the creation of free trade zones that produce goods targeted for the European market - all resulted in even greater levels of economic stratification, increased numbers living in poverty and a proliferation of low-skilled jobs unable to meet either the economic needs or life aspirations of a majority of university graduates. About the only area of state funding that was not reduced as a result of these neo-liberal reforms, and which the Obama Administration did not criticise in the context of its "democracy promotion" agenda, was that of security - despite the knowledge that there was a good chance this funding could be used in the repression of the various groups deemed by the government as constituting national security threats.

3. Evolving Policies in Post-Revolution Tunisia

Prior to the Tunisian revolution, the US Government never followed through with its occasional calls for reform of Tunisia's political system and criticism of the state of human rights and declining freedoms in Tunisia contained in the State Department's own reports. As Mr.

Trifi said, "We haven't seen a change since the Obama Administration came into power. In fact the number of cases has increased since he came into power." It remains unclear whether the US administration will follow a different path in the aftermath of the revolution.

In addition, civil society has specific demands for the Tunisian Government when it comes to the 2003 Anti-Terrorism Law, transparency, and reforms to the judicial system. Anwar Kousri of the Tunisian League for Human Rights (Ligue tunisienne des droits de l'homme, LTDH) stated that since the removal of Ben Ali, he has noticed a marked shift in the governmental attitude towards human rights organizations in Tunisia and that many democratic procedures, including the right to protest and general amnesty for political prisoners, have been implemented. Perhaps most important, the political police - the secret section of the police that functioned as a domestic spy agency and had wide ranging power to monitor and act against anyone deemed disloyal to the regime and which were accused of torturing detainees as well as manipulating political trials - has been dissolved. However, Mr. Kousri cautioned that disbanding the political police brigade is not enough as there are other police units that have engaged in repressing dissent.

In addition, these human rights advocates stressed that while a priority will be to reopen all complaints of torture that were lodged prior to 14 January 2011, the justice system must be reformed first. For example, regarding the independence of the judiciary, the fact that the President of the Republic is also the President of the Higher Council of Judges must be addressed.

In meetings with governmental entities, the Delegation conveyed these demands received from Tunisian interviewees. For example, one of the major questions posed to members of the Interior Ministry was whether they would be willing to repeal the 2003 Anti-Terrorism Law in order to break with its abusive past. In response, a legal representative for the Ministry stated that the problem was not with the law itself but rather was with its implementation, stating in his defence that the 2003 Anti-Terrorism Law had been drafted by prominent lawyers and that it was modelled after western laws as well as UN norms. Upon informing him that the Patriot Act, a US law, had been challenged in court and that this or similar legislation did not in any sense embody fundamental American values or international human rights norms, another member of the Ministry noted that the 2003 Anti-Terrorism Law would be reviewed by a commission. There was also an acknowledgement on the part of the Interim Justice Ministry that one of two things needs to happen: Either abolish the 2003 Anti-Terrorism Law or abolish the parts that lead to human rights violations. Additionally, the Justice Ministry laid out a larger vision of the judiciary, stressing the need for (1) judicial independence and freedom from interference by other branches of the government, and (2) accountability, namely bringing to trial those who committed abuses. The Ministry conveyed a

belief that the judiciary has a completely new shape now. However, the Delegation was surprised to hear them say that in terms of transparency there is no need for a procedure for the release of data regarding torture. The Justice Ministry also stated that former political prisoners will be reinstated in their jobs and can seek compensation.

PART VI: SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

A. Summary and Conclusions

Mohammed Bouazizi's tragic act of desperation in November 2010 unwittingly produced a spark that lit a conflagration that today is still spreading throughout North Africa, the Middle East, and the rest of the world, threatening decades-long despots and bringing new hope to ancient and proud cultures. Ben Ali has himself become a refugee hiding in Saudi Arabia, and efforts are today underway to bring him home to answer for the crimes of his regime. These flames emboldened the oppressed citizens of Egypt to sweep aside their dictator, and today the politically dispossessed of Yemen, Bahrain, Libya, and Syria are embroiled in popular uprisings in which yesterday's unelected strongmen are desperately clinging to power. Perhaps more significant, these uprisings have demonstrated the power of non-violent direct action, where masses of common people, fed up with tyrannical, unresponsive governments resorting to oppression and torture to achieve silence and submission, have spontaneously taken to the streets to demand justice and a more fair society without fear of arrest, torture, or death.

During the years of the Ben Ali regime, there were clearly opposition forces within Tunisia: human rights NGOs, the trade union federation and labour unions (particularly on the local and regional levels), Islamists, and individual actors such as lawyers representing those arrested and tortured, educators, and students. But as we have discussed, it was difficult for such groups and individuals to voice their opposition when they themselves were subject to arrest and sanction if they challenged the regime. Political parties also functioned, although barely as their leaders and members were arrested, tortured, and fled to other countries as those parties were declared illegal by the government. The leaders and members of the majority Islamist party, Nahda, paid a particularly high price in terms of discrimination, arrest, and torture. And all of this was happening in the context of state-controlled newspapers and media, making it near impossible to let others know about opposition actions.

It is important, then, not to diminish acts of resistance which did take place: The protests in Gafsa in 2008 and the 18 October Coalition of political parties. The Coalition agreements united political parties and movements with widely divergent attitudes and values in support of the goal of a secular government that would respect political and religious freedoms while protecting individual rights. Yet despite all of these efforts, it would be a mistake to believe that the established opposition movements and institutions led the way to the remarkable events of December 2010 and January 2011 in Tunisia; they did not. Rather, it was mainly the youth - unemployed and underemployed, many with college degrees, supported by those with the technical knowledge to mobilize domestic and international support through their use of social media - that fanned the spark Mr. Bouazizi struck. Once the

youth were in the streets, the 18 October Coalition was largely responsible for preventing historic political and religious disagreements and discord from derailing the revolution. The labour unions, political parties, and lawyers followed these young people to the streets. But as we were told, there is no doubt that the social movement led the political movement. The slogan repeated throughout the revolution and now echoed throughout the Arab world was, "*Ash sha'ab yurid . . .*" ["*The people want . . .*"]

So perhaps this is the most important lesson our Delegation learned: that meaningful political change often only happens in response to mass movements, to people power. In the United States, social security was enacted in the 1930s in response to mass demonstrations of the unemployed in the streets of Washington, DC. Civil rights legislation was enacted in the 1960s only after mass demonstrations and non-violent protests such as the Freedom Riders. And certainly the Vietnam War would not have ended when it did had it not been for thousands of Americans continually protesting in the streets of Washington, DC, and other cities throughout the US and, indeed, the world. It is this lesson, magnified many times, which the people of Tunisia demonstrated to the world.

We are, however, not naïve about the precariousness of the Tunisian revolution and the transition to a true democracy. How can truly democratic elections occur? How can the government assure access to the electoral process by all political actors, both established and newly-created political parties and groups such as the unemployed and students which may not be part of established parties? How will the major political parties integrate the victims of the Ben Ali regime, many of whom are disaffected and suspicious of the possibility of any political change?

There have already been signs of trouble brewing. Tunisia's former interim Interior Minister Farhat Rajhi has warned of a coup by the country's former political elite if Islamists win the election. Rajhi, who was appointed to the post in late January and sacked in a surprise move which drew criticism from bloggers in late March, is popularly referred to as "Mr. Clean." He became widely popular for his attempts to open up the Ministry - the center of the former regime's repressive apparatus - to public scrutiny, including by creating an Interior Ministry Facebook page. "If al-Nahda takes power, there will be a coup d'état," he stated in a video posted on Facebook in early May 2011 that captured the attention of Tunisia's lively online sphere, which had been a virtual rallying space for revolutionary forces during the uprising. He warned that a clique of the former regime's most powerful members may ask the head of the country's military, Rachid Ammar, to step in should the Islamists dominate in the election. Mr. Rajhi further accused the clique, which he said included Beji Caid Essebi, the country's interim prime minister, of preparing large funds of money to buy votes to re-establish themselves under the cover of new parties.

On the other hand, Nahda downplayed the coup speculation. "General Rachid Ammar has promised the Tunisian people that he would protect the revolution and we are confident that all will take place in a peaceful environment," said Nahda spokesman Ajmi Lourimi. Interim Prime Minister Essebi accused Mr. Rajhi of lying and said he deserved to be prosecuted for making dangerous and irresponsible statements. Mr. Rajhi subsequently backed off from his remarks.⁷⁵

Moreover, the Delegation has been getting troubling reports from contacts on the ground in Tunisia concerning recent incidents of torture in detention. One such case involves a 22-year-old man who was arrested on 13 May 2011 in a cafe in downtown Tunis and taken to a police station at Bab Bhar. He was reportedly assaulted by two police officers, one of whom held him down while the second one raped him. Witnesses who were arrested with him heard his cries and he was able to obtain an official medical certificate from the treating emergency room physician detailing wounds and tears around the anal region and emotional shock.

A further major question is what role Western governments will play in Tunisia's transition to democracy. Notwithstanding lip service often given to international human and civil rights, most recently by President Obama in his 19 May 2011 speech, the West has a sorry history of supporting North African and Middle Eastern autocrats whose systematic repression and corruption have robbed their people of freedom, dignity, and opportunity. In Tunisia, the West knew full well that Ben Ali was a tyrannical despot; nonetheless, the West, and particularly the US, tolerated those excesses as the price of "security" and the pursuit of the War on Terror. Tunisians well understand the dichotomy between one's actions and one's words. In our many conversations with Tunisians - human rights activists, labour leaders, political party leaders, former political prisoners, bloggers, and people in the streets - there was tremendous suspicion of the motives of Western governments, and particularly the US. The paramount expressed desire was that the West, and particularly the US, end their interference in the affairs of Tunisia.

In his 19 May 2011 speech, President Obama eloquently described the "universal rights" which were fundamental to the Tunisian revolution: free speech, the freedom of personal assembly, the freedom of religion, equality for men and women under the rule of law, the right to choose your own leaders. He went on to state the Western governments such as the US must support those principles not as a secondary interest but as a "top priority that must be translated into concrete actions." Yet at the same time, the President described the United States' "core interests in the region" as countering terrorism, safeguarding the security of the region, standing up for Israel's interests, which are the same interests used to justify US support of brutal dictators such as Ben Ali. One must question, then, whether the US has truly

absorbed the lessons of the Tunisian revolution and the one prescription our delegation heard repeatedly: "Hands off our revolution!"

Finally, although the Tunisians we met with consistently affirmed the importance of a democracy premised on transparency and openness and access by all facets of Tunisian society, our Delegation perceived that there was far less discussion regarding Tunisia's economy and what needs to be done for the country to advance and prosper economically and to produce a more equal sharing of wealth. For example, in our discussions with the Nahda leaders set forth in more detail at Part III-C above, they indicated two broad and inter-related aims from the perspective of political economy: Tunisia's integration in the world order on the one hand and its preservation of sovereign power to shape domestic political and societal agendas on the other. In this, Nahda may be overlooking the potential for conflict in the interaction between integration and national sovereignty. It is the Delegation's hope that, since Nahda is likely to be influential in any government formed on the basis of free and fair elections, its analysis in this regard will consider the systemic nature of the global eco-political order and, in particular in this context, the order's destructive impact on sovereign powers in regulating and shaping internal programs. Taking as an example the IMF lending policy - credit that is conditioned on structural adjustments in the direction of a market-based, privatised economy - Tunisia remains immersed in this type of external indebtedness. One has yet to hear how Nahda, the UGTT, or other political parties propose to assert sovereignty over internal economic policies in these circumstances.

The ultimate question, then, is how Tunisia will navigate its integration in the global order while at the same time preserving the full range of sovereign power necessary to meet the post-revolution aspirations of its people. In this respect, representatives of Tunisian political establishment and civil society, including Nahda, invariably expressed to the Delegation a vision of a future Tunisia that is democratised and is marked by balanced development, equality, and social justice. However, economic investment through the global program of Bilateral Investment Treaties and economic growth driven by foreign investment under IMF dictates as proposed by President Obama in his 19 May speech are generally associated with unbalanced development and a growing gap between rich and poor. The Delegation heard repeatedly that pre-revolution policies such as IMF indebtedness and neo-liberal economics had caused increases in unemployment, wealth concentration, and the developmental gap between coastal areas and the interior.

Will Tunisia ally itself with the US-dominated world economic order? Will it see the potential opportunities that might arise if it cooperates instead with China and other countries in East Asia? Will it consider the possibility of closer integration into the Middle East and North African region?

This is an exciting time of great possibility in Tunisia, but also a time of many foreboding political and economic challenges. It was a privilege and honour for our Delegation to meet with the Tunisians we did and to feel and absorb their perspectives and aspirations - indeed, just to be present during this amazing transition.

B. Recommendations

Based on our interviews and discussions while in Tunisia, the Delegation makes the following recommendations to the governments of the three countries the Delegates represent. We do not believe it our role to make recommendations to the Tunisian government and people about how to best realize and implement the principles that underlie the revolution.

1. The US and other Western governments must respect Tunisian sovereignty and end Western interference in Tunisian affairs.

2. There should be no interference by Western governments in the development of genuine Tunisian democracy and, in particular, no provision of funding, either direct or indirect, to political parties. Where any funding is provided to the Tunisian government to promote its transition to democracy, either directly or indirectly, such funding should be provided without conditions or restrictions. Whatever the outcome, the results of the Tunisian election should be honoured.

3. There should be an end to US and Western military aid to the Tunisian government.

4. The US and other Western governments should support and comply with any Tunisian requests regarding legal and financial accountability of Ben Ali, his family and their associates. In this regard:

a) Switzerland should immediately release the £41 million of Ben Ali's assets that it has frozen; it should not, for example, wait for 25 years to release such funds as it did in the case of Haiti's former dictator Jean-Claude Duvalier;

b) The UK, along with France, should provide an update on their efforts to freeze the assets of Ben Ali, his family and their associates;

c) The US should state categorically whether there are any assets of Ben Ali or his family and their associates in the US that are held by any bank or other financial institution, and

d) The US and other Western governments should support any request from Tunisia for the return of misappropriated funds held elsewhere.

5. The US and other Western governments should support any request from Tunisia for extradition of Ben Ali and his family and their associates.

6. In the case of former Tunisian Guantanamo detainees, the US should recognize that it committed acts of torture, release all remaining Guantanamo detainees whose detention is based on evidence derived from torture, and provide compensation for all Tunisian Guantanamo detainees.

7. The US and other Western governments must recognize and acknowledge that their activities in pursuing the War on Terror resulted in the repression of people and organizations for their political and religious beliefs and practices as well as other forms of human-rights violations committed by the Ben Ali regime. (The UK government has already promised an inquiry into allegations of UK complicity in past incidents of torture by foreign governments in the context of the War on Terror. In particular, it will look into allegations that British agents benefited from the blatant violations of international law by foreign governments by gathering intelligence gleaned from detainees who were tortured). Any such inquiry should be both broad and transparent. The US government should also make a transparent inquiry into US complicity in torture inside of Tunisia.

APPENDIX 1: TUNISIA DELEGATION PROFILES

Omer Atalar (Turkey): Omer is an attorney and board member of Mazlumder - Organization for Human Rights and Solidarity for Oppressed People. He worked as an expert for the establishment of the Human Rights Department of the Prime Minister's Office of Turkey between 2001 and 2005. Later he worked the issues of the right to information and public service ethics. He participated in the political criteria reform processes of the country's EU candidacy. After 2005 he took part in non-governmental organizations and human rights organizations, mainly Amnesty International and Mazlumder.

Audrey Bomse (US): Audrey practiced law in the US for 20 years with an emphasis on criminal law (as a Public Defender) and civil rights litigation. She was legal director of the Prisoners Self-Help Legal Clinic located in Seton Hall Law School for several years. She moved to Jerusalem in 2002 and spent six years working as a human rights lawyer, eventually as legal director of a coalition of Palestinian and Israeli human rights NGOs fighting against the systematic use of torture by Israel. She is currently a lawyer with the Free Gaza Movement and has been co-chair of the National Lawyers Guild Free Palestine subcommittee for the past three years.

Buhari Cetinkaya (Turkey): Buhari studied law at the University of Istanbul. After graduation, he conducted an internship on advocacy with the Istanbul Bar Association. He was licensed as an attorney and registered to the Istanbul Bar Association in 2008. While still working in Istanbul, in 2008 he began to study towards an L.L.M. in Criminal Law, Human Rights Law, International Law, and Administrative Law at the University of Galatasaray (a Turkish-French University in Turkey), preparing a thesis on Discrimination Crime. He is an active member of Turkish Human Rights Organizations as well as Mazlumder and is one of the legal representatives for the Turkish victims on board the Gaza Freedom Flotilla.

Katherine Craig (UK): Kat is the Vice-Chair of the Haldane Society of Socialist Lawyers. She is a solicitor at Christian Khan Solicitors, where she specialises in representing individuals and communities in public and private law actions against the state. She acts for bereaved families following deaths in police and prison custody, as well as claims against the police, prison, and home office. Most recently she represented a number of former Guantanamo detainees in an action against the state and intelligence services. She now represents these men in relation to the Gibson Inquiry - a public inquiry into the role of British state agents in the detainees' unlawful rendition and torture. She also has a particular interest in the right to protest, and is instructed in the lead case against the UK in the European Court of Human Rights challenging the law on "kettling," an increasingly wide-spread police tactic by which protesters are corralled and contained for lengthy periods, often in unsafe and inhumane conditions. She organized numerous delegations to the Occupied Palestinian Territories between 2001 and 2004 and led a delegation to the West Bank in 2004. In 2008 and 2009 she attended delegations to Colombia the focus of which

was to highlight the criminalisation of opposition and in particular the persecution of the Left. She regularly writes comment pieces for The Guardian newspaper.

Russell Fraser (UK): Russell is a barrister currently working as a paralegal with the human rights law firm Birnberg Peirce. He participated in a similar delegation to the Philippines last September, which worked with Filipino lawyers, trade unionists, students, and politicians to highlight abuses of human rights by the government and military. During the visit, his delegation met the Filipino justice secretary, Leila de Lima, to make representations regarding the unlawful detention of a number of political prisoners and reported their findings to the media and across the world. Prior to becoming a lawyer, Russell was an active trade unionist and he remains a member of the GMB.

Steven Goldberg (US): Steve is a graduate of Harvard Law School and has been an attorney practicing law in Oregon since 1975. His law practice has focused on the representation of labour unions and working people. He has been involved in numerous political cases, such as representing prisoners challenging medical and mental health conditions and challenging the US Army's stop-loss policy which involuntarily extended military enlistments to send soldiers to Iraq and Afghanistan. Most recently Steve was part of the legal team representing an Islamic charity in Oregon which successfully challenged the Bush Administration's policy of warrantless electronic surveillance of US citizens' international communications. Steve has served as chairperson of the National Lawyers Guild's International Committee and has represented the Guild at meetings in, and delegations to, South Africa, Cuba, and Israel and Palestine.

Anna Morris (UK): Anna is the Co-Vice Chair of the Haldane Society of Socialist Lawyers and a practicing barrister at Garden Court Chambers. She specialises in criminal law and civil/public law remedies that hold the state to account. She is also an Investigator for Reprieve, a human rights organization that works on behalf of those in detention or on death row around the world. She is committed not only to securing human rights in every country but also to the protection of human-rights defenders such as lawyers, trade unionist, and journalists. This protection has been the focus of the last three years of her work with Haldane, which has sent delegates to Colombia, Palestine, the Philippines, and the Basque Country to work with these groups.

Corinna Mullin (US/UK): Corinna is a Lecturer at the School of Oriental and African Studies (SOAS) in Comparative and International Politics, with reference to the Middle East. Her research interests are in comparative political theory, human rights, political Islam, faith-based human rights and humanitarian organizations, US foreign policy towards the Middle East, and Middle Eastern politics. Originally from the United States, Corinna worked for an international NGO in Geneva before moving to London in 2002 to complete her Ph.D. at the London School of Economics. She has worked, travelled, and done research in the Middle East and North Africa, most recently in Palestine where she taught a short course on "The Israel-Palestine 'Conflict' from a Human Rights

Perspective" at An-Najah University in Nablus, Occupied Palestine. She has written academic and opinion articles on US foreign policy towards the region in the post 11-September , the "War on Terror" and its implications for human rights and international law, Hamas, as well as on the Tunisian and Egyptian revolutions and their implications for the region.

Thomas Nelson (US): After serving four years in rural Iran as a US Peace Corps volunteer, Tom went to law school (Valparaiso, J.D.; Yale, L.L.M.) and then spent four years teaching law. He returned to the Northwest, became a partner in Portland's largest law firm, and later started his own firm. Together with Steve Goldberg and others, he successfully challenged President Bush's warrantless wiretapping program and further supported individuals targeted for "War on Terror" investigation or prosecution by federal authorities. He is now semi-retired. Over the past 15 years, Tom has been active in civil and human rights matters, both on behalf of Native Americans and in the Middle East. He is co-founder of Americans United for Palestinian Human Rights in Portland, Oregon, and has been affiliated with the International Solidarity Movement since its inception, participating in several campaigns in the West Bank. Tom is part of the Free Gaza Movement and was on the first boats to break the siege of Gaza in 2008. He was a member of the National Lawyers Guild emergency delegation to Gaza in February 2009, which investigated possible Israeli war crimes during Operation Cast Lead and co-authored a report indicating that probable cause existed for prosecution.

Salah Oueslati (Tunisia/UK): Salah is a Tunisian lawyer now in the UK. Salah has an L.L.M. in Islamic Jurisprudence as well as an L.L.M. in International and Comparative Business Law and a Diploma in International Criminal Law from the University of Salzburg, Austria. He has worked on many projects including a comparative study of conventional International Human Rights Law and Islamic Law and has worked with many international institutions and law firms in and outside London. He has just started his training as a solicitor and has a particular interest in human rights.

Yonit Percival (UK): Yonit is a commercial lawyer specializing in international investment and trade law with an emphasis on the People's Republic of China. She is also a Ph.D. candidate at Queen Mary, University of London, where she researches the Chinese outward investment and international relationship paradigm in the context of the international foreign investment regime and bilateral investment treaties in particular. Yonit lectures regularly on China and its place in the global political economy. She also does pro bono work with the All China Human Rights Association.

Azadeh Shahshahani (US): Azadeh is a human rights attorney and activist based in Atlanta, Georgia. Azadeh is the Director of the American Civil Liberties Union (ACLU) of Georgia National Security/Immigrants' Rights Project. The project is aimed at bringing Georgia and its localities into compliance with international human rights and constitutional standards in treatment of refugee and immigrant communities, including immigrant detainees. Azadeh also serves as Executive Vice

President and International Committee Co-Chair for the National Lawyers Guild. Azadeh is also one of the Founders of Human Rights Atlanta and currently serves on its Coordinating Council, Co-Chair of the American Bar Association Committee on the Rights of Immigrants of the Individual Rights and Responsibilities Section, Chair of Refugee Women's Network, and Chair of Georgia Detention Watch. She is editor and author of human rights reports and book chapters on immigration and racial profiling. Her opinion pieces have appeared in print and online publications such as the Atlanta Journal Constitution, the Fulton County Daily Report, and the Huffington Post. Azadeh participated in the delegation on behalf of the NLG.

Ahmet Faruk Unsal (Turkey): Ahmet did his bachelor degree in mechanical engineering in Istanbul Technical University. He actively participated in organizations advocating human rights and was the Spokesman and Vice Chairman of the Monitoring Human Rights Committee. He was elected a Member of Parliament to the Turkish Grand National Assembly in 2002. He has several published articles on political issues and human rights in various newspapers and journals. He was the representative of Turkey to the NATO Parliamentary Assembly. Currently, he serves as general president of Mazlumder, Organization for Human Rights and Solidarity for Oppressed People.

The following law and pre-law students from the US assisted with background research for this report: Dieynaba Diabate, Max Holland, Hariharan Vasupuram, and Damien Vrignon.

APPENDIX 2: SUMMARY OF DELEGATION MEETINGS

Saturday 12 March

Upon arrival in Tunis, the Delegation began its work immediately, beginning with a briefing session focusing on the history and causes of the revolution given by respected activists, academics, and journalists.

Zouheir Mahklouf (Journalist and Activist and Delegation Facilitator) told us that at the start of his regime, Ben Ali claimed to be for political freedoms and freedom of expression but soon started to repress any opponents in order to increase his grip on power. He declared war on the Islamist movement early on in his dictatorship, and the repression reached a tense stand-off at the 1989 elections. The regime isolated and persecuted young Muslims who had until then been able to practise Islam without political interference and tens of thousands of young men were imprisoned.

The Ben Ali regime then seized the opportunity of the US-led worldwide War on Terror to eliminate the Islamic movement and other parties who would want to stand against him. He used it to divide the opposition by demanding; "you are either with me or against me" in facing this "threat" posed by terrorism. The oppression affected all opposition parties and people started to realise that the regime was against the freedom of speech of anyone speaking out against Ben Ali.

Then was formed the "18 October" group, a radical and strong opposition. Opposition to Ben Ali brought people together irrespective of ideology. This sense of rejection of Ben Ali brought together two sides, nationalists opposing the regime's links with the Israeli government and the other opposing his repression of freedom of expression and of liberty. These new forces started to work together in trade unions and within civil society.

In addition, there was a single event, the uprising in the mining town of Gafsa in 2008 in protest to lack of employment and corruption, which sparked the 2010-2011 opposition and youth movements. There are 150,000 jobless graduates who could not stand the situation any longer. When Mohammed Bouazizi set fire to himself on 17 December 2010, it highlighted the massive graduate unemployment. The revolution came through these young people, who had at their disposal new media and were able to communicate their message through Twitter/Facebook, etc. Also, the continuous coverage by al-Jazeera of the events allowed the true nature of the Ben Ali regime to be uncovered to the world.

Mahmud al-Dhawadi, a journalist, similarly believed that the revolution can be traced back to 2008 and events in the mining basin of Gafsa. During the Gafsa uprising, tens of workers were imprisoned by the Ben Ali regime. He believes that for the first time Tunisian journalists

were brave enough to film what was happening on the ground although a journalist who filmed the riots was later imprisoned for six years. The regime would pay a lot of money to prevent broadcast of any riots. He outlined how certain television channels that were loyal to the Ben Ali regime received money from the National Endowment for Democracy and that in general any funds given by international community to fund media was only given to those who supported the government. Mr. Dhawadi's concern for the future was that after the revolution foreign investors would buy up shares in Tunisian media organizations leading to a media driven by foreign interests. He calls for the impartial training of journalists to report fairly on both sides.

Prof. Mahmoud Dhaouadi (Sociologist, University of Tunis) posed a number of questions for the Delegation regarding how the revolution could continue its objectives following the departure of Ben Ali on 14 January 2010. He asked rhetorically: How willing are the Tunisian people themselves to become independent? How will the proposed Committee for Constitutional Reform, which has oversight in shaping the new political system in Tunisia, increase political and religious pluralism?

As someone who has been invited to serve as a member of the Committee for Constitutional Reform, the professor feels that things are changing; previously only associates of Ben Ali would have been entrusted in such positions. He stated that the new Committee needs to tolerate divergence of opinion within its membership and work towards reaching a consensus for the rights of all Tunisian people to participate in the new society. He also asked Western governments to provide genuine support to changes in the Arab world to put an end to totalitarianism and to allow people to express themselves freely.

Sunday 13 March

The Delegation were privileged to be invited by the **International Association of Solidarity with Political Prisoners (AISPP)** to a public meeting at the Congress Palace to celebrate the release of political prisoners under the Interim government's amnesty declared in February 2011.

The event was a large and energetic gathering of men and women intermittently clapping, singing, and chanting as they listened to rallying calls from leaders of the revolution, including political leaders, activists, students, and family members of those who tragically lost their lives as victims of torture in prisons across Tunisia. Posted around the lobby to the palace were pictures of those lost, ensuring that they not be forgotten. One of the most poignant moments came when a band comprised of former political prisoners joined with young musicians to perform a song written as a letter from a suffering prisoner to his father. No one failed to be touched by the experience. The Delegation was asked to greet the crowd and Kat

Craig of the UK delivered our message of solidarity.

The Delegation was approached by a number of former prisoners who were keen to share their experiences with us. The first was former Guantanamo prisoner **Abdallah Hajji**, who was forced from his job on the railways after experiencing continual harassment from the authorities during the 1970s and 1980s. He was arrested, imprisoned and tortured on numerous occasions during the 1970s and 1980s for being an alleged "dissident." Due to this harassment, he decided to leave Tunisia. Between 1990 and 2002 he and his family were living in Pakistan. He was arrested in 2002 and detained for two and one-half months, during which time he contracted tuberculosis. In detention in Pakistan, he was interrogated by US agents. He was asked by the Americans whether he was against Tunisian foreign policy and whether he intended to fight against the Tunisian government from Pakistan.

Mr. Hajji was eventually transferred by the US authorities to Guantanamo via the Bagram Air Base. He spent a total of five and one-half years in detention at Guantanamo. During his interrogations there, he was asked about the number of Islamists in Tunisia, the names of parties, the personalities, leaders, and scholars. His questioners accused him, Ghannouchi (leader of Nahda party), and others of being terrorists; the questioners wanted to take statements from him and to make him an informant.

Mr. Hajji was also visited by the Tunisian secret police in Guantanamo Bay, but he did not receive any consular assistance or welfare checks from the Tunisian Government. The secret police asked him questions about the Tunisian situation and would tell him to comply with the Americans' questioning. According to his American interrogators, one of the things that the Tunisians fabricated against him and passed along to him was that he had travelled to Algeria in 1999 and met Osama Bin Laden.

When he was returned to Tunisia in 2007, Mr. Hajji discovered he had been tried and convicted *in absentia* of terrorism offences based on fabricated evidence. He began to serve a ten-year sentence. He was mistreated in prison and his family were continually harassed. He was released in February 2001, after the revolution, after having served three years and eight months in prison. He has now returned to live with his family and children but he is unable to work due to poor health and finds himself unable to support his family. He calls for compensation from the US and the Tunisian governments for the suffering he has experienced and to help with the re-building of his life.

We also spoke to **Mohammed Elbadi Fathi**, a 43-year-old man who was arrested 8 March 1995 and sentenced to 21 years in prison. He was a member of Nahda and was charged with organising political meetings for militants of Nahda. He was arrested in Ganard before he finished his university studies and was taken to a police station referred to as the "information

section" near the Ministry of Interior where he was tortured for ten days. He was hung like a chicken on a spit and beaten up until blood poured from his fingers. He spent a total years and eight months in prison, after which he was given conditional release.

Mr. Fathi became ill in prison and developed mental health problems; as a consequence he now cannot read, write, or concentrate. He also suffers from depression. He made it clear that nothing can truly compensate for what has happened to him. He is not, however, calling for revenge. What he personally wants is for anyone that has tortured him to speak out publicly, to admit to his wrongdoing, and to ask for his forgiveness. He also asks for help with treatment for his mental health problems. The Delegation put his lawyer in touch with the OMCT (World Organization against Torture), which provides financial assistance to victims of torture for well-documented need for medical care.

Ghaith Ghazouani was arrested in Algeria and prosecuted in Tunisia under the 2003 Anti-Terrorism Act on a fabricated charge of planting explosives. He was tortured in detention, including when his hands were tied with rope and he was strung up on a machine that pulled his shoulders from his sockets, forcing him to confess. He told us that a common joke among prison guards was that if one is looking for democracy he can choose which stick he wants to be beaten with. At his trial, he and his lawyer told the judge that he had been tortured and showed the judge the marks on his body. The judge initially refused to record this fact on the court record. Mr. Ghazouani called for all those responsible for mistreating him to be held accountable for their actions and for the government to prevent them from being able to hurt anyone else.

Demands of Political Prisoners on the Tunisian Interim Government
Consideration of restorative justice measures such a truth and reconciliation commission
Removal of all those who were responsible for torture from their posts.
Removal of all Judges complicit in torture without possibility of future judicial office
Compensation, employment, or rehabilitation for former political prisoners, including those detained at Guantanamo.

Monday 14 March

The Delegation was invited by the Tunisian Bar Association (TBA) to meet at their office with representatives of a number of leading Tunisian NGOs, the **International Association of Solidarity with Political Prisoners (AISSP)**, the Tunisian **League for Human Rights (LTHR)**, **Liberty and Equity**, **Organization Against Torture**, and the **National Council for Liberty**. **Anwar**

Kousri from LTHR stated that his organization had not been allowed to operate legally for over ten years and its members were repressed by the Ben Ali regime. He expressed concerns over the Tunisian Interim Government's public statement that the Security Police had been disbanded and the suggestion that there had only been 200 officers operating within this vital part of Ben Ali's dictatorship. The LTHR believe that the real number of security/political police officers was much higher and demanded that any remaining police force be trained to internationally recognized human rights standards. They will also be asking the Tunisian Interim Government to ensure that anyone suspected of being involved in torture will be tried in a court of law. In respect to potential reform of the judicial system, the LTHR is concerned that judges continue to be appointed by the President to the High Council of the Judiciary and are campaigning for them to be democratically elected.

Bassam Trifi from the **Organization against Torture (OAT)** was next to address the Delegation. He stated his belief that the 2003 Anti-Terrorism Act was enacted as a direct consequence of the 11 September attacks and in furtherance to the US War on Terror agenda. He stated that as a result of the 2003 act thousands of people were persecuted for their ideas alone. Those who were prosecuted were often tortured and when they were brought to court, judges would ignore the fact that they had been tortured. Interestingly, OAT believes that since the Obama Administration came to power, until the revolution, the number of cases brought before the court under the 2003 act actually increased. They also have evidence that during some so-called "terrorism" investigations, US representatives would speak to Investigative Judges in order to obtain information that had been extracted under torture. His question to be posed to the US Government is simple: All the political prisoners that were released under the February 2011 Amnesty. Are they "terrorists" now?

Larbi Abid from the **National Council of Liberty** told us that his organization used to produce annual reports detailing the incidents of abuse and torture under the Ben Ali regime and believes that it is impossible that Western governments did not know what was being done by the dictatorship to Tunisian citizens under the auspices of the so called War on Terror.

Finally, **Hamza Hamza** from **Liberty & Equity** expressed his concern that the 2003 Anti-Terrorism Act was still in force in Tunisia. There are loud calls for a review and/or repeal of the legislation. He also expressed concerns that the February 2011 amnesty did not automatically apply to those convicted of "ordinary" crimes, such as drugs offences or possession of false documents following politically motivated prosecutions based on fabricated evidence. The danger is that there are still large numbers of what can still be properly called political prisoners languishing in prison.

Demands of Human Rights NGOs on the Tunisian Interim Government
Total disbanding of all security/political police forces
Investigation of all complaints of torture and prosecution of all persons involved in torture
Training of the Tunisian police force on international human rights standards
Repeal of the 2003 Terrorism Act

Some members of the Delegation met with **Oussama Bouthelja**, the Lawyer for political prisoner **Faisal Barakat**, whose brother we met the day before. Mr. Bouthelja represents the Barakat family as Faisal Barakat was tortured to death while in police custody, in full view of dozens of other prisoners. Despite threats by the regime and all sorts of roadblocks encountered in court, the brave family has fought for years to get the government to acknowledge this wrongful death. They pursued the case before the UN Committee against Torture, which concluded that there had been torture. The case has recently been reinstated by the Tunisian court. The family of a second prisoner tortured to death at the same time, Rachid Chammalki, who were previously too intimidated to pursue the matter, has joined the litigation.

The Delegation gave a short press conference attended by the leading Arabic and French language media, including national Tunisian television. The Delegation was then invited to meet the **Interim Prime Minister of Tunisia, Beji Caid el Sebsi**. The Prime Minister stated that there is no longer any problem between the Interim Government and the people. Despite listening to our questions with patience, the Prime Minister made it clear that his Interim Government was not responsible for any of the atrocities committed by the old regime and that a clear line in the sand could be drawn. He refused to address the requests for accountability and compensation for torture victims and political prisoners that we conveyed on behalf of those we had met so far. He simply stated that these were matters for the next, elected government to consider. He assured the Delegation that all past cases of torture will go to court and be decided on their own merits. The one topic that he did want to discuss was the conduct of free and fair elections of his successors. However, it was not made clear to us how he would ensure that this take place given that the responsibility of setting the framework for the elections lies with the **Commission for the Protections of the Objectives of the Revolution and Reform (CPORR)**, who must first be elected through an inclusive and transparent public ballot.

We also asked the Prime Minister about what would happen to those Tunisian nationals that had been released without charge by the US authorities from Guantanamo and who now

wanted to return to their homes. We were told that they were welcome to return but that their files would be reviewed by the Tunisian authorities. In another change of topic, the Prime Minister then made a statement encouraging foreign investment in Tunisia: "We want everyone to be able to come to Tunisia and invest freely." This contradicts some of the discussions we had to date with members of civil society, particularly those in the media. Significantly, he also made it very clear that he considered Tunisia's revolution to be unique and not exportable. The Delegation was concerned that these comments did not accord with the strong and continual messages of solidarity with the revolution in Libya expressed to us by the Tunisians we met.

Finally, several members of the Delegation met with Moad Kherigi, head of **Islamic Relief**, the international NGO delivering emergency relief to refugees at the border who were fleeing Libya. At the height of crisis, there were 130,000 refugees. All Egyptian refugees have now been repatriated and there only remain about 130,000 Bangladeshis. Rachid al-Ghannouchi, the son of the leader of Nahda, said that while Islam was the inspiration for the organization, Islamic Relief does not promote the faith, does not build mosques, and does not distribute the Qur'an. The organization works all over the globe - Iraq, Haiti, etc., and the only times their relief efforts have been inhibited was in the case of Israeli oppression in Gaza and Lebanon.

Tuesday 15 March

One of the Delegation's areas of focus was the repression and persecution suffered by the trade union movement under the Ben Ali regime. We also wanted to understand the role that the unions played in the revolution and what part they would play in the post revolution political landscape

Our first meeting of the day was in the Tunis offices of the **Union Generale Tunisienne du Travail (UGTT)**. We met with **Abdeljabel al-Bedoui**, a Professor of Economics and the head of research at the UGTT. The UGTT has over 550,000 members and is the largest trade union in Tunisia and one of the first in the Arab world. The UGTT, like almost every sector in civil society, was heavily pressured by the Ben Ali regime to toe the government line. Even under the Bourguiba regime, the UGTT was subjected to at least three coups by the governing party: in 1965, from 1978 to 1980 and again from 1984 to 1989. The 1978 attack on the UGTT's independence occurred when the union called a general strike. On all three occasions, the leadership was imprisoned and a new, pro-government, leadership was imposed. But time and again the state was eventually forced to capitulate when workers simply refused to recognize the authority of the imposed leadership.

The UGTT was also under siege from the inside: Its general council contained a

significant number of members of Ben Ali's party throughout his reign, and those members always pushed for the union to back the regime. Despite the internal and external pressure, there were those who always fought for the union's independence, in particular the socialist and communist factions within the union, despite such dissidence often resulting in brutal repression. Sadly, these voices of opposition were sometimes a minority, and in 2009 the UGTT backed Ben Ali as the presidential candidate.

Although the union's leadership at times collaborated with the Ben Ali regime, its members certainly did not. In 2008, miners in the mining area of Gafsa went on strike. They were savagely oppressed by the government; a number of miners were killed, the leadership was imprisoned, and families suffered terribly. The UGTT's leadership refused to support the strike. Mr. al-Bedoui didn't directly respond to the question we put to him about the UGTT being slow off the mark; however, when the UGTT in Tunis did finally get its act together, it promptly called a general strike and, according to UGTT, started the calls for Ben Ali to step down using the now-famous slogan of *Degage!*, which is French for "Get out!" The UGTT has also played an important role in preserving the integrity of the revolution by refusing to cooperate with the Interim Government when it included members of Ben Ali's overthrown government, effectively forcing the old guard to resign.

Mr. al-Bedoui provided an interesting insight into the broader role the UGTT fulfilled during Ben Ali's dictatorship. He said that because all political parties were banned the UGTT was the only forum within which activists could operate in any kind of public way.

One regional leader says that, in fairness to the UGTT leadership, the extensive external pressure placed on them as well as the internal factions that exist meant that decision-making at the top of the union was a long and arduous process.

Mr. al-Bedoui gave us some cause for concern for the future. We asked his views on how workers' rights could be protected in the upcoming years. We put it to him that if there were to be greater political stability and plurality in the future, this would make Tunisia a lot more attractive for foreign investors. Was he worried that they would undermine workers' rights and power? In our collective experience, the introduction of transnational corporations rarely has meant workers were better off, and benefits like subsistence allowances would be reduced.

Kheireddine Bouslah from the **American Center for International Labour Solidarity** told us that when Mohammed Bouazizi set himself on fire in Sidi Bouzid, people started to demonstrate at the UGTT headquarters. But the UGTT secretary general in Sidi Bouzid was a member of the Tunisian ruling party, the RCD. He also noted that the UGTT National Executive Committee did not decide to call a general strike immediately; all the regional branches had to

be consulted first. He criticized the UGTT for being slow in joining the movement but suggested that it might be an understandable consequence of the decision making process and bureaucracy at the top. "Farmers' Friday" saw the union call for a general strike and the slogan "*Degage!*" was born. The Executive Committee gathered on 12 January and asked the regions to coordinate a strike and on that Friday, the General Strike was announced.

Mr. Bouslah told us that after the revolution, the UGTT took responsibility and put together political demands. Everyone wanted to prevent a new government forming which included anyone associated with the Ben Ali Regime. The UGTT demanded councils for the constitution and for the protection of the revolution at local and national levels. He noted that there have been many occasions where the old government has tried to reverse the revolution. But the UGTT has stood against these attempts; this has been achieved through repeated gatherings at the Kasbah. Regional governments were also appointing members of the old party. But the unions and civil society have refused these appointments and demanded people who are independent.

We were then invited to the **Ministry of Interior**, housed in a building in Tunis that still strikes fear into the heart of many Tunisians as a location where many were taken under arrest for interrogations and torture by members of the political police under the Ben Ali regime. As we entered the building, many of our number felt uncomfortable being in the site of so much repression. We were met by a panel of senior ministry civil servants (although not the Minister himself). The panel included the Director of Legal Affairs, the Director of the Department of Human Rights, the Director of Multi-party Relations and the Advisor of Public Affairs. We were surprised to learn that a number of the panel had held a position under the Ben Ali regime.

We asked the panel whether they intended to release documents from the Ministry that would show whether there had been complicity between the Ben Ali regime and Western governments in the repression of Tunisian people under the auspices of the so-called War on Terror. We were told that if there was such complicity under the former regime then it would be investigated and any human rights violations would be examined. The panel tried to assure us that the Ministry of Interior was now committed to transparency, describing itself as a "Glass House." However, the glass became more opaque when we asked if we could inspect the holding cells within the building that were used to interrogate and torture political prisoners. The Director of Legal Affairs had to accept the Minister's public statement that such cells existed, but deferred our request to inspect the cells, asking us to put it in writing.

Regarding the claim that the political police had been disbanded, we were told without hesitation that there was no longer any political police in Tunisia. We challenged this assertion based on the testimony we had received to date and what we had seen with our own eyes on the streets of Tunis. The claim that there were only 200 political police in operation in Tunisia

has been challenged by NGOs as a misrepresentation by the Ministry. But the panel reiterated these figures, claiming that what had been abolished was any structure whose security responsibilities had breached acknowledged principles of human rights such as impartiality. We understood this comment to mean that Ben Ali's personal guard may have been disbanded but this leaves big questions unanswered in relation to the rest of the security forces operating within Tunisia under the guidance of the Ministry of Interior.

Finally, the Director of the Department for Human Rights made a plea to the Delegation to support the request for the extradition of Ben Ali from Saudi Arabia to face trial in Tunisia. The Director himself held a position under the former regime and claimed to speak for those state employees who worked with integrity, feel betrayed, and now demand justice.

Later on in the evening, the Delegation was also privileged to meet two members of the **blogger movement**, which many Tunisians believe was responsible for the augmentation of civil unrest into a genuine revolutionary movement via new media such as Twitter and Facebook. **Liliah Westlaty** was working in a magazine when she began to blog 2005. At first, the bloggers would write about censorship. Liliah described the feeling that for her, "Not having information was like not having oxygen." The government was trying to tell Tunisians that Islamists were bad but through the Internet people were able to learn the truth. She also told us that through posting videos on You Tube of people who had been tortured, Tunisians finally began to believe that the regime was abusing and repressing people. She said that before that, people were suspicious but, unless oppression had happened to one's own family member, the regime would enforce a veil of secrecy about its abuses.

Mr. Wastlaty stated that her editor was a member of the ruling party RCD but, despite having an open mind, he encouraged her not to blog and told her that she would have problems. He encouraged her to join the RCD and make changes from the inside. However, these warnings did not prevent Liliah posting on blogs and Facebook.

Henda Hendoud told the Delegation that now that the revolution is over the bloggers are seeking support and an overall increase in media. She described how the media in Tunisia has a very important role, for citizens need a voice to express their opinion for the first time. For example, Ms. Hendoud said that in Khaf there is no radio or newspaper and in Sidi Bouzid there is no regional media. She stated that one area for NGOs to focus on is building infrastructure for local news. This, she said, was one way to continue the objectives of the revolution as "the whole point of the dictatorship was to centralise, so the answer is to de-centralise."

Finally, we were addressed by the President of the **National Union of Journalists member Neji Beghour**i who described the increased importance of a free press in the post-

revolutionary landscape. He believes that the media is now the arena of democracy and that the more freedom of the press is exercised, the greater is the movement toward democracy. He believes that the fight of the journalists will never end; certain political and/or corporate interests will now try and take over national media outlets. He said, "Our revolution as journalists is not over. We are trying to organize, be vigilant and protect our revolution."

Wednesday 16 March

The US Delegation members had a meeting with a top official at the US Embassy in Tunis. The official insisted that the meeting and discussions be off the record. British citizens repeatedly requested, but were never granted, a meeting with the UK Embassy in Tunis.

Our main meeting on this day was with the **Minister of Justice, Lazhar Karoui Chebbi**, who told us that the main aim of the transitional government was to organize the free and fair elections of members of the Constitutional Council. In his view, the proposed election date of 24 July 2011 will mark the transition from the dark period in Tunisia's history into the light. The judiciary is now tasked to try some of the former heads of State in court cases that have already begun. The Minister rejected claims that members of the judiciary had failed to note or act on incidents of torture against prisoners under the Ben Ali regime, describing such claims as "exaggerated."

The Ministry takes pride in the fact that since the February Amnesty, 331 people have been released from prison. We were told that these were all of the people who had been tried under the 2003 Terrorism Act and that, following their release, there are "no political prisoners in Tunisia." Members of the Delegation challenged the Minister on these figures because we had heard the number of political prisoners was more in the region of 2,000. The Minister told us that he was satisfied the figure was accurate. However, we were given conflicting, much larger figures by others we spoke with, including journalist, activist and blogger **Zouheir Mahklouf**.

The Delegation then inquired about those who had been charged with ordinary crimes for a political purpose. The Minister said that the amnesty established a Judicial Commission, headed by the Chief of the Supreme Court, and that any dispute that may arise regarding the categorization of a trial could be taken to the Commission. He also pointed to the fact that the Amnesty Law provides for the right of those prisoners released to be re-instated in their jobs and compensated paid for their detention.

When challenged on whether the Interim Government would repeal the 2003 Anti-Terrorism Act, the Minister replied that the law should be reviewed and any revision should repeal anything that restricts freedom or limits human rights. The Ministry of Justice proposes to abolish the act altogether or repeal the parts that affect the rights of detainees.

Thursday 17 March

The Delegation was fortunate to spend the day meeting with some of the largest political parties in Tunisia to understand how they will engage with the new post-revolutionary political landscape.

Our first meeting of the day, however, was with Mokhtar **Yahyaoui** who was a judge as well as a civil and commercial lawyer. As a judge during the Bourguiba regime he saw many files involving torture of political prisoners. He started many investigations into allegations of torture but they led to nothing. By 2000, he was made to feel that the judiciary was deviating from its main purpose by serving special personal and private interests.

Mr. Yahyaoui also told us about the political pressure exerted on judges; he stated that undue pressure went beyond political trials to include even normal civil cases. Corruption also manifested itself in less experienced judges being promoted and given privileges. This led Judge Yahyaoui to conclude that "No justice was taking place." He told us that certain sections of society were being targeted by the regime while other sections of society were immune from reproach.

Mr. Yahyaoui told us that buses filled with people who were in a miserable condition would be brought to court. The courts were being used to repress political dissidents, but the repression did not stop there. He also mentioned that there were critics within the legal profession but they could not speak out, and when judges moved to criticize some people, they were prevented from speaking out publicly. Mr. Yahyaoui estimated that up to 80 percent of the judges were not happy with the situation.

Under the old regime, the head of the court and the Ministry of Justice would telephone judges and directly intervene in cases. In response to this intervention, Judge Yahyaoui would go to the Ministry to complain, often receiving the response that the Ministry officials themselves were under pressure. He was told that he had to concede a certain number of cases each year; because of this, he concluded that there was no guarantee at all for any judicial independence.

When asked about the impact of the US War on Terror, Judge Yahyaoui (also a founding member of the AISPP) said he believed that it had allowed Ben Ali to start a real campaign of repression that touched on thousands of families and young persons. Many youth were arrested on allegations, even though they had committed no acts; they were arrested only for ideas they held or documents they had read. Judge Yahyaoui believed that Ben Ali had a financial incentive to do this: To get more money from the West to "combat terrorism," and to do that he had to find more "terrorists" and conduct more arrests. He equated this to "selling our sons to the US for money."

We met **Hamma Hammami** from the Communist Party of Tunisia (**POCT**) on the day following his party's recognition as a legal political party. A strong orator, Mr. Hammami gave us a compelling history of POCT and its part in the revolutionary struggle. He then outlined the party's revolutionary strategy, which is make sure that the institutions, law and constitution sever all ties and dismantle all links with the Ben Ali regime. Mr. Hammami envisages maintaining the revolution's momentum by resorting to public demonstrations and protests when necessary, and believes that the election of the Constitutional Council will be a moment of change.

Mr. Hammami expressed concern about the structure and the make-up of the proposed Committee for the Promotion of the Revolution, noting that not all parties were represented. One area that interested us was how would parties that had been forced to forge alliances to fight Ben Ali's repression now engage in debates on issues on which they would have strong differences of opinion? He told us, "We will debate with Islamists and other parties for the sake of reaching a minimum content not to be touched by any one, which is freedom of belief, equality, political and intellectual pluralism - which is democracy." Our talks also touched on such topics as the need for an increased role of women in social and political life in Tunisia.

We were also privileged to meet two leading members of the **Nahda** party: **Ziad Doulatli** and **Ajmi Lourimi**, both members of political executive committee. During the Ben Ali regime Mr. Lourimi spent a total of 17½ years in prison, and Mr. Doulatli spent 14 years incarcerated.

Messrs. Lourimi and Doulatli described how Ben Ali's commencement of the campaign against Nahda unified all the oppressed political parties and movements including the communist POCT; as a result of this unification there arose the first broad multi-party coalition in the Arab world. Mr. Lourimi stated that "Together we have sacrificed against Ben Ali," and together they drafted a set of documents they called "the way to democracy." This cooperation sent a strong message to the young people. The documents included two chapters describing democratic mechanisms; a consensus developed around these principles and thus there arose a debate regarding how they might be put into place in an Arab Muslim culture. There was a further document about role of individual conscience, religion, and women's rights in a state that implements democratic freedom. The consensus on these key social and political issues is remarkable. Messrs. Lourimi and Doulatli also recognized the need for an effective transition to democracy; like the POCT, Nahda will demand transparency and fairness in the election of the Constitutional Council.

Friday 18 March

We decided that it would have been inappropriate to visit Tunisia to learn about the revolution without visiting the town where it all began. Therefore the Delegation split, and half

of us went to Sidi Bouzid, which is some four hours' drive from Tunis across moisture-starved terrain. It was here that on 17 December 2010, Mohamed Bouazizi, in desperation at his plight and repeated humiliation at the hands of local trading officials, set himself alight in the street outside the gates of the governor's office. He would die in hospital on 5 January 2011.

But his act of self-immolation was the catalyst for the events which followed and so we wanted to visit his hometown to hear of the situation outside Tunis and why the people had responded so overwhelmingly to Bouazizi's story and eventual death. [Reports have subsequently emerged casting doubt on the account which has become popular wisdom. The local official denies she slapped Bouazizi and charges against her were dropped and some others have said he accidentally ignited his petrol soaked clothing. Continued propagation of tales of this sort would certainly please opponents of the revolution but if they have emerged by design it is rather like penetrating a tsunami with a water pistol. On 20 January, Bouazizi's mother, Manoubia, told a British reporter Jonathan Rugman, "I thank God we were sent this caring boy who opened the gates for all the people of Tunisia – and for all the Arab world."⁷⁶]

We met residents of Sidi Bouzid in a lively internet café in the town center. The return journey time meant our brief time there was precious and we were grateful to Mohamed Bouazizi's uncle for meeting us there.

We spoke with Sliman Raussi, a local UGTT man. The union top brass in far off Tunis were cosy with Ben Ali, on Raussi's account. Eventually local bodies began organizing and working together away from the central UGTT command. In 2010, there had been a wave of protests in the town square against the economic and social hardship which blights the countryside. The Trabelsi family (the relations of Ben Ali's wife) had taken local farmers' land and sacked some factory workers without redundancy pay. Raussi said the trade unionists and lawyers supported these farmers and workers. Protests in July 2010 even came to the attention of the French news channel France 24.

It was Bouazizi's uncle who telephoned Raussi on 17 December. Soon calls went round local organisers and activists and a group assembled outside the governor's offices and stayed into the evening. The next day they assembled in the same place at 10am. Raussi said the police came and attacked them. He maintains that 8,300 police descended on the town with its population of only 75,000. Eventually the local government officials called off the police and help was brought to those who needed it. Perhaps the officials thought the momentum of the protests could be slowed by appearing to make reparations.

Raussi said the UGTT had few demands; just freedom for the people, democratic government, a free press to monitor the government, and dignity. Throughout our conversation, Raussi's niece – an unemployed teacher – had translated for us. Later, in an aside,

she confided that she was a supporter of the RCD. Perhaps sensing our surprise, she quickly insisted that 'Ben Ali was not the RCD'. She was the only person of that view that we encountered.

Lamine Bouazizi described himself as an anthropology professor and activist. He endorsed the view others expressed that the way to engage in politics without engineering one's own demise was under the umbrella of the UGTT. Bouazizi told us that although many parties were outlawed, people maintained tacit affiliations; in Sidi Bouzid the strongest were with the Arab nationalists and the communists. But in the pre-revolutionary days, Bouazizi said people recognized the advantage of keeping party sympathies to oneself. In that way, the movement which emerged was a genuine people's movement, embraced by those of all parties and none. However, he said that while people still worked together, party politics was beginning to mature.

Bouazizi firmly believed that the revolution should be charted from 17 December. He could not accept, like some, that when Ben Ali fled on 14 January, that the revolution was at an end. The political structure and system still persists. The problem, as he saw it, was not simply one of autocracy but of economics, social welfare and rights, environmental, and societal. He believed people wanted to see more centralization in these areas and not simply in security and policing. He added that he would like his fellow Tunisians to recognize that they were Arabs and that this is an Arab country.

A small number of the Delegation remained in Tunis to meet with the head of the **Commission for Protection of the Revolution, Dr. Ben Achour**. A Professor of Public Law at the University of Tunis, Dr. Achour was a vocal opponent of the Ben Ali regime and, as a result, was excluded from all public offices and prevented from taking certain academic positions. Following Ben Ali's removal, he was invited by the Interim Tunisian Government to head up the Commission which is tasked with reviewing all the laws that allowed Ben Ali to assert pervasive power in Tunisia. Dr. Achour is also responsible for developing a legal platform from which the Constitutional Council will be elected.

Dr. Achour told us that the Commission had met for the first time the day before and had discussed a draft law that will provide for a free and fair election of the Constitutional Council. The law deals with important issues such as the regulation of the election process, candidate lists, and campaign funding. The meeting was open to the press and the minutes were recorded and will become public record.

In respect to the membership of the Constitutional Council, Dr. Achour accepted that there had been some controversy in that not all the political parties in Tunisia were represented. There are currently a total of twelve of the approximately 50 parties represented.

Those currently on the Council were appointed by the Minister of Interior, but Dr. Achour underlined the fact that the Council's membership is not closed and thus can be extended. He described the long and difficult discussions that took place at the Commission's first meeting regarding its membership. He noted that particular religious and youth groups were currently underrepresented. Dr. Achour stated that he has formally asked the Interim Government for a radical review of the Council's membership.

The current date marked for elections to the Constitutional Council is 24 July 2011, on which date the Interim Government will appear at Council and formally tender its resignation. It will then be up to the Council to appoint a new President and government, who will remain in office until the new Constitution takes effect and full elections are held. Dr. Achour was unable to say when these full elections would take place.

Members of the Delegation raised concerns originating from political parties as to whether they would have enough time to campaign before the July elections. Dr. Achour told us that the parties that currently exist have already begun to campaign. He accepted that there would be those who would have less time and resources but his view is that any postponement of the elections would cause even greater difficulties.

We then discussed the issue of campaign funding. Based upon reports that the US and other Western governments intended to provide funding for "democracy building initiatives," the Delegation wanted to know whether this would translate into funding for particular, individual political parties. Dr. Achour told us that the funding of candidates for the Constitutional Council would be under the supervision of the High Independent Commission for Elections, which will be made up of judges, lawyers, law professors, and various other experts. He confirmed that political parties may receive public funding in the form of government grants. In respect to private funding, we were told that the Commission has not yet decided whether it will prohibit such funding entirely or simply impose a funding cap. During further discussion however, it became clear that Dr. Achour personally feels that foreign governments should not be providing direct funding to political parties. Any funding for "democracy building" should be given to the Tunisian Government which then would decide how such funds are to be allocated.

When questioned as to whether the Commission itself had received any funding from foreign governments, Dr. Achour told us that the Commission had received only technical support in the form of computers and office equipment from a private foundation. He denied reports that the Commission had received direct funding from the US Government.

ENDNOTES

¹ In this report, we do not use the word "revolution" lightly. Clearly there have been tremendous political changes in Tunisia. A formerly authoritarian regime that used the tools of arbitrary surveillance, arrest, imprisonment, and torture has been removed. The ministers of that government no longer hold such positions in the new Interim Government. But many of those who carried out the former regime's policies - for example, investigative judges - remain in their positions. It is unclear how well the Interim Government represents all groups that were instrumental in creating change, particularly young people and students, and many of the new political parties which have emerged. It also seems there has not been a revolution, at least to this point, in terms of economic policies. Although there is concern about Western domination, the Interim Government is actively seeking investment and other economic aid from the West, and there is little talk of alternatives to capitalism or even of social welfare policies.

² In this report, we distinguish between the terms "Islamic," an adjective used to describe anything pertaining to the religion, and "Islamism" (also commonly referred to as "political Islam"), which is a noun commonly connoting a wide range of ideologies that hold that Islam is not only a religion but also the blueprint for social and political order, and therefore, that the political and legal framework of polities should be anchored in Islamic principles. It is important to realize that Islamist movements vary greatly in terms of the role they believe religion should play in determining politics, with one end of the of the spectrum holding that Islam should merely be an inspiration and the other holding that the religion should determine all aspects of the political system, including the constitution, legal system, economy, foreign policy, etc. Nahda is generally placed somewhere on the former end of that spectrum. An interesting article on the subject produced by the International Crisis Group can be found at: <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Understanding%20Islamism.ashx>. This article is helpful in clarifying the different types of Islamic activism (including Islamism), and provides a good explanation of terms such as "moderate" and "extreme" in this context.

³ US Ambassador Robert Godec in a July 2009 cable released by Wikileaks called Tunisia "a police state, with little freedom of expression or association, and serious human rights problems," ruled by a dictator whose family was hated for their venality. <http://www.alarabiya.net/articles/2011/01/15/133592.html>.

⁴ US Department of State Background Notes: Tunisia. Available at: <http://www.state.gov/r/pa/ei/bgn/5439.htm>.

⁵ <http://edition.cnn.com/2001/US/11/06/ret.bush.coalition/index.html>.

⁶ The Middle East and North Africa 2004 (Regional Surveys of the World), (Europa Publications, Hardcover - 30 Oct. 2003).

⁷ Ibid.

⁸ For more info on post-11 September discussion between Ben Ali and his US and EU counterparts, see: The Middle East and North Africa 2004 (Regional Surveys of the World), *supra*.

⁹ <http://2002-2009-mepi.state.gov/c10130.htm>.

¹⁰ <http://www.state.gov/g/drl/rls/hrrpt/2004/41733.htm>.

¹¹ <http://www.amnesty.org/en/region/tunisia/report-2007>.

¹² <http://www.andyworthington.co.uk/2011/01/21/what-does-tunisias-revolution-mean-for-political-prisoners-including-guantanamo-detainees/>.

¹³ <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136081.htm>.

¹⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/12/AR2007021201063.html>.

¹⁵ <http://www.imf.org/external/pubs/ft/scr/2010/cr10282.pdf>.

¹⁶ <http://www.thestar.com/News/World/article/931299>.

¹⁷ <http://www.amnesty.org/en/region/tunisia/report-2007>.

¹⁸ <http://www.opendemocracy.net/corinna-mullin/post-wikileaks-lessons-from-tunisian-%E2%80%98intifada%E2%80%99>.

¹⁹ <http://www.ugtt.org.tn/en/structures1.php>.

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- ²⁰ http://arabia.reporters-sans-frontieres.org/print.php3?id_article=2801.
- ²¹ <http://english.aljazeera.net/news/africa/2011/04/2011421161714335465.html>.
- ²² Susan Walsh, "Islamist Appeal in Tunisia," *Middle East Journal* 40, no. 4 (Autumn 1986), 653.
- ²³ Jennifer Noyon, *Islam, Politics, and Pluralism: Theory and Practice in Turkey, Jordan, Tunisia, and Algeria* (London: The Royal Institute of International Affairs, 2003) 99.
- ²⁴ Emad Eldin Shahin, *Political Ascent: Contemporary Islamic Movements in North Africa* (Boulder, Colorado: Westview Press, 1997), 95; Antoine Sfeir, 'Voyage au sein de l'islamisme tunisien,' *Les Cahiers de l'Orient* 7 (1987), 30.
- ²⁵ Noyon, *Islam, Politics and Pluralism*, *supra* at 103.
- ²⁶ Salwa Ismail, *Islamist Politics: Culture, the State and Islamism* (London: I.B. Tauris, 2006); Lecture by Nahda founding member Said Ferjani, School of Oriental and Africa Studies (London, 4 Feb. 2011).
- ²⁷ Interview transcript: Rachid al-Ghannouchi, Financial Times (18 January 2011), *available at* <http://www.ft.com/cms/s/0/24d710a6-22ee-11e0-ad0b-00144feab49a.html>.
- ²⁸ Delegation Interview with Nahda leaders Dr. Ziad al-Doulatli and Ajmi Lourimi, Hotel Carlton, 17 Mar. 2011.
- ²⁹ Samir Amin, G. Arrighi, A.G. Frank, I. Wallerstein, *Transforming the Revolution: Social Movements in the World System* (New York: Monthly Review Press, 1990).
- ³⁰ Delegation Interview with al-Doulatli and Lourimi, *supra*.
- ³¹ Mr. al-Doulatli himself spent 14 years in prison for his association with the banned movement; Lourimi spent 16 ½ years in prison for the same offense.
- ³² Delegation Interview with al-Doulatli and Lourimi, *supra*.
- ³³ *Ibid.*
- ³⁴ Al-Ghannouchi Interview, *supra*.
- ³⁵ *Ibid.*
- ³⁶ Delegation Interview with al-Doulatli and Lourimi, *supra*.
- ³⁷ *Ibid.*
- ³⁸ *Ibid.*
- ³⁹ For a list of BITs to which Tunisia is signatory, see <http://www.unctadxi.org/templates/docsearch.aspx?id=779>.
- ⁴⁰ Gus Van Harten, *Investment Treaty Arbitration and Public Law* (Oxford Monographs in International Law, OUP 2007) 5.
- ⁴¹ Tunisia's lack of bargaining powers due to its small size and lack of substantive resources was raised, for example, in a conversation with a group of Tunisian lawyers. The proposed solution to the country's perceived power deficit centered on the availability of a highly educated workforce.
- ⁴² <http://www.nytimes.com/2004/10/17/magazine/17BUSH.html>.
- ⁴³ <http://www.britannica.com/presidents/article-9398253>.
- ⁴⁴ <http://congressionalresearch.com/RS21666/document.php?study=Tunisia+Current+Issues>.
- ⁴⁵ These are composed of people with a Salafi outlook who have been radicalized and have abandoned the non-violent activism of the da'wa to enlist in the armed jihad. For a detailed explanation of the nature and history of these types of movements, see: International Crisis Group, "Understanding Islamism," Middle East/North Africa Report No. 37 (2 March, 2005).
- ⁴⁶ *Ibid.*
- ⁴⁷ For the United Nations, see "Human Rights Council, Sixteenth Session: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism," Martin Scheinin, 28 December 2010, Document A/HRC/16/51/Add.2, *available at* <http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm>. For Amnesty International, see "Tunisie, Le projet de loi «antiterroriste» porte un nouveau coup aux droits humains. Note d'Amnesty International à l'Union Européenne. Conseil d'Association UE-Tunisie" 30 Septembre 2003, *available at* <http://www.amnesty.org/fr/library/info/MDE30/021/2003/fr>. For Human Rights Watch, see "Universal Period Review of Tunisia, Human Rights Watch's Submission to the Human Rights Council, Counterterrorism measures," 2008, *available at* <http://www.hrw.org/en/news/2008/04/06/universal-periodic-review-tunisia>; "World Report

Chapter: Country Summary Tunisia, Counterterrorism measures," 2009, available at <http://www.hrw.org/en/world-report-2009/tunisia>; "World Report Chapter: Country Summary Tunisia, Counterterrorism measures and Human Rights," 2010, available at <http://www.hrw.org/en/world-report-2010/tunisia>.

⁴⁸ The referenced reports can be viewed at <http://www.amnesty.org> and <http://www.hrw.org>. Specifically, for Amnesty International, see "Annual Report: Tunisia 2010," May 2010, available at <http://www.amnestyusa.org/research/reports?country=327>; "Annual Report: Tunisia 2009," May 2009, available at <http://195.234.175.160/en/region/tunisia/report-2009>. For Human Rights Watch, see "Tunisia: End Arbitrary Restrictions on Ex-Political Prisoners: Post-Prison Regime Robs Dissidents of Normal Lives," March 2010, available at <http://www.hrw.org/en/news/2010/03/23/tunisia-end-arbitrary-restrictions-ex-political-prisoners>; "Tunisia: Crushing the Person, Crushing a Movement," April 2005, available at <http://www.hrw.org/en/reports/2005/04/19/tunisia-crushing-person-crushing-movement>.

⁴⁹ The Organization against Torture, established in 2003, has been prevented from doing its job and its founders were even kept from submitting an application for the organization to be recognized. Interview with Mr. Bassam Trifi, lawyer and member of the Organization against Torture, at the Tunisian Bar Association, 14 Mar. 2011. <http://tunisiahrdelegation.wordpress.com/2011/03/14/bassam-trifi-%E2%80%93-judges-complicit-in-covering-up-torture/>.

⁵⁰ US State Department, Patterns of Global Terrorism, 2003, released 29 Apr. 2004, quoted in Congressional Research Service, *Tunisia: Current Issues* (June 29, 2009), available at <http://www.state.gov/s/ct/rls/crt/2003/>.

⁵¹ See Amnesty International Report, *In the Name of Security: Routine Abuses in Tunisia*, June 2008 available at <http://www.amnesty.org/en/library/info/MDE30/007/2008/en>

⁵² Judge Yahyaoui Mokhtar interview with Delegation, 17 March 2011, Carlton Hotel.

⁵³ Because the meeting with the US diplomat was off the record, the American members of the Delegation submitted written questions and requested a response for this report. The questions are set forth below in italics:

1. *The United States has just pledged to give \$20 million to support the democratic transition in Tunisia. As tax payers, we would like to know where that money is going. Could you specify the amounts and recipients of this aid? Will the United States agree not to give funds in a partisan manner, i.e., to specific political parties or candidates?*
2. *Is there an understanding that the United States' War on Terror was a major factor in the unwarranted arrest, torture, prosecution, and imprisonment of thousands of innocent Muslims in Tunisia?*
3. *After the adoption of the Tunisian anti-terrorism law in 2003, the United States State Department in many annual human rights reports noted that Tunisia was engaging in numerous severe violations of human rights. Why did the United States take no action, such as withholding military aid?*
4. *Does the United States acknowledge that it engaged in ex parte communications with investigative judges handling the prosecution of terrorism suspects under the 2003 anti-terrorism act?*
5. *Will the United States publicly agree to assist in the extradition of Ben Ali and his family back to Tunisia for prosecution if requested by the Tunisian government?*

No response has been received at the writing of this report.

⁵⁴ UN Committee against Torture, 23rd Session, 8-19 November 1999, Communication No. 60/1998: Tunisia 24/01/2000.

⁵⁵ The information in this paragraph was derived from personal interviews in Tunisia.

⁵⁶ Interview with Mr. Larbi Abid, member of the National Council of Liberty (NCL), at the Tunisian Bar Association, 14 Mar. 2011.

⁵⁷ See "US embassy cables: Tunisia - a US foreign policy conundrum," *Guardian* (7 December 2010), available at <http://www.guardian.co.uk/world/us-embassy-cables-documents/217138>; see also <http://www.ramynasr.com/2011/tunisia-in-the-wikileaks/>.

⁵⁸ See *supra*, part III-B.

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- ⁵⁹ Stephen Zunes, 'Credit the Egyptian People for the Egyptian Revolution,' Truthout.org (17 Feb. 2011).
- ⁶⁰ William Blum, 'Trojan Horse: The National Endowment for Democracy,' The International Endowment for Democracy available at http://www.iefd.org/articles/trojan_horse.php.e.
- ⁶¹ Ibid.
- ⁶² Ibid. The NED had four key recipients of funds: the International Republican Institute; the National Democratic Institute for International Affairs; an affiliate of the AFL-CIO (e.g. American Center for International Labor Solidarity), and an affiliate of the Chamber of Commerce (such as the Center for International Private Enterprise). These institutions then disburse funds to other institutions in the US and all over the world, which then often disburse funds to yet other organizations.
- ⁶³ Ibid.
- ⁶⁴ http://www.huffingtonpost.com/stephen-zunes/post_1617_b_812666.html.
- ⁶⁵ "The Middle East Partnership Initiative," State Department, available at http://www.abudhabi.mepi.state.gov/meet-july_07.html.
- ⁶⁶ Stephen McInerney, The Federal Budget and Appropriations for Fiscal Year 2011: DEMOCRACY, GOVERNANCE, AND HUMAN RIGHTS IN THE MIDDLE EAST, Project on Middle East Democracy (POMED), April 2010, available at <http://pommed.org/mcinerney-appropriations-fy11/>.
- ⁶⁷ <http://www.warisbusiness.com/2488/news/tunisia-before-the-riots-631-million-in-us-military-aid/>.
- ⁶⁸ Ibid.
- ⁶⁹ <http://www.state.gov/g/drl/rls/hrrpt/2004/41733.htm>.
- ⁷⁰ Amal Saad-Ghorayeb, "Washington in Lebanon and Palestine: Fatal Manipulation," Conflicts Forum (14 August 2007).
- ⁷¹ Meeting with Mr. Hammami, 17 March 2011, Carleton Hotel.
- ⁷² Baker, P., *Obama's war over terror*. New York Times, 17 January 2010, available at <http://www.nytimes.com/2010/01/17/magazine/17Terror-t.html>.
- ⁷³ Marjorie Cohn, *The US and Torture: Interrogation, Incarceration, and Abuse* (2011).
- ⁷⁴ Interview with Mr. Trifi, *supra*.
- ⁷⁵ [Http://english.aljazeera.net/news/africa/2011/05/2011551812282786.html](http://english.aljazeera.net/news/africa/2011/05/2011551812282786.html);
http://news.yahoo.com/s/afp/20110508/wl_africa_afp/tunisiapoliticsunrest_20110508215159.
- ⁷⁶ <http://www.channel4.com/news/sidi-bouزيد-roots-of-the-tunisia-revolution>.