

Tunisia's Evolution over the Past Months: The Security and Political Situation

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Although the tragic events of the Tunisian Revolution, which cost the lives of 338 Tunisians, allowed the overthrow of the head of the authoritarian regime, Ben Ali, the consequences of the latter's policies demonstrate the limits of an artificial stability that has benefited one part of the population and marginalised another. The Tunisian Constitution was adopted on 27 January 2014 as a result of a colossal process of debate lasting three years and after reconsidering the question of identity, but the new parties emerging post-Ben Ali did not manage to prevail and offer a political alternative other than that of the Islamist party, Ennahdha, or of the Democratic Constitutional Rally (RCD), carried over from the former regime.

After the return of the RCD in hybrid form by the name of Nidaa Tounes, joined in 2012 by leftist Tunisian personalities and 'Destourians' from the Bourguiba era, following the 2014 legislative and presidential elections, the major challenge announced was the struggle against terrorism and for a 'modernist' Tunisia, which was contrasted to the vision of the Ennahdha Islamists. Such were the slogans.

Tunisia: "At War"

Nonetheless, on 18 March 2015, hardly a month after the formation of the Habib Essid administration in

February, Tunisia suffered one of the deadliest attacks of its history. Two young Tunisians aged 20 and 26 managed to enter the Bardo Museum in the Tunisian capital and kill 22 people. The stated target: "the infidel tourists."

On 26 June, another attack targeted a hotel belonging to a Nidaa Tounes MP in Sousse, a coastal town and tourist centre par excellence. All in all, the toll was some sixty dead and dozens injured. The government, which advocated a return to order, promising an improved anti-terrorism policy, has a very poor safety record. In five months, Tunisia has gone from a 'country of hope' to a 'danger zone' not recommended for tourists.

On 4 July, in an address to the people, the President of the Republic, Beji Caid Essebsi, announced that "Tunisia is today at war." The legitimate question would then be: 'A war, but against whom?' Whereas the President indirectly blames it on the proximity of Libya, citing the need to ensure the "protection and security of over 500 kilometres of border with Libya," adding that "no country is safe from the threat of terrorism." Terrorists can be found among Tunisians, often aged 18 to 35, aspiring to a certain order different from that of the preceding authoritarian regimes.

In contrast to a sort of national denial whereby terrorism is purported to be an exogenous phenomenon, the attacks demonstrate that it is quite "endogenous." According to the latest report from the UN Office of the High Commissioner for Human Rights (OHCHR), some 5,800 Tunisian jihadists are in Syria, Libya, Iraq, Mali and Yemen, and some 625 combatants have returned from conflict zones. Also according to the OHCHR, "the current scope is unprecedented in terms of sheer scale."¹

¹ UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (UN OHCHR). "Preliminary findings by the United Nations Working Group on the use of mercenaries on its official visit to Tunisia – 1 to 8 July, 2015," <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16219&LangID=E>

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The Terrorists' Enemy Is No Longer Just the "Taghout"

Over the past few months, Tunisian terrorists seem to have made two notorious changes, the first regarding their targets and the second the locations. Indeed, after 2011, attacks essentially targeted agents of the security forces and the army, considered the source of '*taghout*,' which can be translated as 'injustice.' The fringe group carrying out these attacks claimed to be from AQIM, namely from the Oqba Ibn Nafaa Brigade entrenched in the Chaambi Mountains near Kasserine in Tunisia's northwest. Since 18 March 2015, the attacks have moved to the capital and tourist areas, and are now against 'non-Muslim' foreigners. The last attack was claimed by a new enemy, the Islamic State.

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These massacres are thus eminently selective, sparing, at least for the time being, the Tunisian people and making non-Arab, non-Muslim tourists targets to be eliminated. This plunges Tunisia into what could be referred to as a sort of 'religious war.' Whereas Tunisians are considered 'primarily Muslim,' different visions of Islam are finding it increasingly difficult to coexist since, given the failing socioeconomic situation, political Islam could be a solution for some. The social divide between the 'privileged' and the 'marginalised' is growing amid an atmosphere of dissatisfaction.

Political Decisions Imperil Human Rights and Transitional Justice

Eight days after the Sousse attack, the President of the Republic declared a state of emergency, accusing social movements, first and foremost. Due to the deteriorating situation, two major political decisions were made. The first concerned the adoption last 25 July of the bill of law against terrorism and money laundering, with 174 votes in favour, 10 abstentions and none against.

Civil society did not take long to oppose it. Indeed, this new law "threatens human rights and lacks the necessary safeguards against abuse," eight non-governmental organisations have asserted. According to Human Rights Watch: "The law grants security forces broad and vague monitoring and surveillance powers, extends incommunicado detention from 6 to up to 15 days for terrorism suspects, and permits courts to close hearings to the public [...]."² Moreover, the death penalty is mentioned 17 times, although Tunisia has observed a moratorium on executions for over twenty years.

The second political decision was made by the President of the Republic himself. Two days after the Bardo attack, he announced a bill of law of "national reconciliation in the economic and financial sphere," which he declared was "a necessity to be carried out at all costs" at the 59th anniversary of independence. It will soon be discussed and considered for adoption by the Cabinet before being brought before the Assembly of the Representatives of the People.

The bill of law specifies that it will end "prosecution and judgement, as well as the execution of sentences against civil servants and the like for acts of financial malfeasance and crimes involving public funds, except corruption and embezzlement." Article 3 provides for the creation of an "arbitration and reconciliation commission under the government's Executive Branch."

The bill also allows for "an amnesty for crimes relating to foreign currency committed before the promulgation of this law, in particular the non-declaration of assets and resources abroad and the possession of foreign currency not declared according to currency regulations."

² "Tunisia: Counterterror Law Endangers Rights", Human Rights Watch, 31 July 2015, <https://www.hrw.org/news/2015/07/31/tunisia-counterterror-law-endangers-rights>

Sihem Ben Sedrine, Chairwoman of the Truth and Dignity Commission (IVD), in charge of justice during the transition period, vehemently criticised this bill, which, she states, contravenes the Constitution. "The Commission knew of the bill of law but never received an official copy. The bill was drafted without consultation with the IVD even though reconciliation falls within our prerogatives. It's regrettable, all the more so since we consider this bill for national economic and financial reconciliation is anti-constitutional" she declared.

Paragraph 9 of Article 148 of the Constitution provides that the State commits to respect the process of transitional justice in all its domains and timelines as per law. With this bill of law, "the State would be judge and jury," denounced the IVD Chair. "The bill goes against the underlying principles of independence and neutrality of any body carrying out justice. It cannot be an arbitral body because it is under the Executive Branch, its members being designated by the Ministries," she emphasised.

In the face of this bill of law put forth by the Presidency of the Republic and upheld by the party in power, the IVD announced at a press conference on 31 July that it had requested the opinion of the Council of Europe's Venice Commission regarding the bill's compliance with international standards for transitional justice.

Is Tunisia Moving Backwards?

The security and political situation of Tunisia, the cradle of the Arab revolutions, is rapidly deteriorating in the face of 'religious fanatics' who see themselves as 'vigilantes for a better world,' that of the Caliphate, where the poor will no longer be poor, the corrupt will be eliminated and those whose countries are plunging the 'Arab world' into chaos shall be 'punished.' In the name of their 'utopia,' a bloody one, these fanatics seem to be using Tunisia as a laboratory.

Nidaa Tounes, for its part, thus has a heavy mission and finds itself at a revolutionary impasse between

'violent jihadists and a dissident civil society.' The political decisions of Nidaa Tounes, in particular the one advocating 'national reconciliation' with businesspeople accused of corruption, could boost the motivation of terrorists wishing to supplant a regime tending to support Ben Ali's former policies.

In the face of this 'order' advocated by terrorists, the Essid administration and the Nidaa Tounes party have not balked and pursue their legislative and executive programme along security and economic lines often contested by civil society and deemed to contravene the Constitution. Moreover, the unstable geopolitical context limits civil society's latitude in defending its pro human rights choices, given the risk of state collapse.

Certain nostalgics consider that "it would have been better to keep Ben Ali after all," since "under him, at least there were no attacks or terrorism." Nevertheless, it was in the womb of the 'stable' Tunisia that the monster was engendered: young, poor, thirsting for freedom and social justice but contaminated by a literal reading of the Koranic text.

In a Tunisia where freedom of expression and justice were absent, the number of Tunisians leaving for 'jihad' after the 11 September attacks remains unknown. After the revolution and above all with the rise to power of Nidaa Tounes, the country could sink into chaos.

Since 2011 and the downfall of the Gaddafi regime, basically two types of Tunisian youth have chosen dangerous destinies, risking their lives, going against the State, in search of a certain 'dignity'; some of them in 'jihad,' others crossing the sea to reach so-called democratic lands.

In the first quarter of this year, clandestine emigrants number some 1,600. Numerous organisations have sounded the alarm bells in April regarding the multiplication of clandestine emigration attempts.³

Through its choices, the Essid administration seems to be adopting the same policy as the Ben Ali regime towards this sort of 'collective suicide' by disappointed youth in search of utopia. To break the vicious circle, a political alternative is slow to appear and fulfil the aspirations of the new generation.

³ "Des ONG tirent la sonnette d'alarme," Direct Info and Agence Tunis Afrique Presse, *DirectInfo WMC*, 22 April 2015, <http://directinfo.webmanagercenter.com/2015/04/22/tunisie-des-ong-tirent-la-sonnette-dalarme-suite-a-la-multiplication-des-tentatives-dimmigration-clandestine/>