After the Fall:
Security Sector Reform in post-Ben Ali Tunisia

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Security sector reform (SSR) is a key concern in the current transformations which are sweeping across much of the Arab world. Given the crucial role security institutions have played in sustaining authoritarian regimes in the region, any transformation towards more democratic rule will necessarily also have to include a reform of these countries’ security sectors towards greater transparency, accountability and democratic control. This article explores the challenges and prospects of security sector reform in the first Arab country to have overthrown its autocratic leader, Tunisia. The main arguments advanced in this article are that the key SSR challenges in Tunisia since the fall of Ben Ali have been the reform of the country’s internal security apparatus and the judiciary, whereas military reforms are of limited importance. Even though in both of these areas actual reforms have been rather modest so far, and have focused more on purges rather than on structural transformations, Tunisia remains the most promising of all Arab countries which have toppled their long-standing leaders when it comes to achieving effective security sector reforms.

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The popular upheavals which have swept across much of the Arab world since late 2010 have thus far led to the toppling of four authoritarian leaders: in both Tunisia and Egypt, the countries’ long-standing presidents, Zine al-Abidine Ben Ali and Hosni Mubarak, stepped down (and the former fled the country), after several weeks of massive anti-regime demonstrations, followed by the overthrow and killing of Libya’s Muammar Qaddafi in mid-2011, and the resignation of Yemen’s Abdullah Saleh a few months later. While the ultimate outcome of these uprisings still remains unclear, the pro-reform movements in all Arab countries have called for greater political freedoms as well as economic opportunities, and the new leaderships which have come to power after the downfall of the autocrats have, at least rhetorically, committed themselves to establishing more democratic political systems.

The aim of this article is to explore the challenges and prospects of security sector reform—commonly referred to as SSR—in the first Arab country to have overthrown its autocratic leader, Tunisia. While the Arab uprisings have been driven by a range of both political and economic grievances, widespread dissatisfaction with abusive and unaccountable security forces has been at the heart of the protest movements. In practically all countries of the region security institutions have not only been key pillars of the authoritarian regimes, but have also been widely perceived as oppressive, unaccountable and corrupt. Indeed, it is no coincidence that the very event which sparked the anti-regime uprising in Tunisia, from where it spread to the entire region, was an abuse committed by a police officer against an ordinary citizen.1

This article is divided as follows. It begins with a few brief remarks on the concept of security sector reform and its relevance in the Middle East and North Africa (MENA) region in general. It then turns to the case of Tunisia, describing the principal elements of the country’s security sector under the Ben Ali regime. This is followed by a discussion of main security sector reform efforts since the fall of the country’s leader. The main arguments advanced in the following are that the key SSR challenges in Tunisia in the post-Ben Ali period have been the reform of the country’s internal security apparatus and the judiciary, whereas military reforms are of limited importance. Even though in both of

1 On December 17th, in the central Tunisian town of Sidi Bouzid, the fruit vendor Mohamed Bouazi set himself on fire after his fruit cart was confiscated and he was harassed and humiliated by a (female) police officer.
these areas actual reforms have been rather modest so far, and have focused more on purges rather than on structural transformations, Tunisia remains the most promising of all Arab countries which have toppled their long-standing autocrats when it comes to achieving effective security sector reforms.

**Security Sector Reform in the MENA region**

Although a relatively recent concept, security sector reform or SSR is now rather widely used within both the security and development communities. Security sector reform is generally understood as a transformation of security institutions towards greater democratic accountability and transparency as well as effectiveness. From an SSR perspective, security institutions should not only be effective and efficient in providing security for the country’s citizens but should also be controlled by and accountable to democratically elected civilian authorities, and should act based on the rule of law.\(^2\)

SSR is thus an at least partly normative concept, as well as a key component of the democratization agenda. It is commonly assumed that any transition towards democracy would be incomplete if democratization does not also encompass a country’s security institutions. Conversely, the prospects of reforming a country’s security sector in the absence of a truly democratic system are considered to be limited at best. While under a non-democratic regime, security forces might be effective in providing security, and might even be rule-bound, democratic oversight of security forces presupposes the existence of at least some form of a democratic polity.

Another distinctive feature of the SSR concept is its holistic approach to the security sector. Security sector reform comprises all relevant institutions as well as oversight bodies concerned with security provision. This includes police and other internal security agencies, military and paramilitary forces, intelligence services, courts, as well as institutions responsible for overseeing these agencies, such as ministries, parliaments and civil society groups. The ultimate objective of SSR is that all agencies tasked with providing security be subject and accountable to

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democratically legitimized civilian authorities.\textsuperscript{3}

Turning to the MENA region more specifically, it can be noted that it has long been seen as perhaps the most problematic region in the world when it comes to the prospects for security sector reform. Even though in recent years, analysts have been pointing to a “nascent debate” on SSR in the MENA region, as result of both internal and external pressures, at least until the current uprisings, the Arab world seemed largely exempt from general trends towards democratization—of political systems in general, as well as of security institutions more specifically.\textsuperscript{4} Not only has the MENA region had the world’s largest share of non-democratic regimes, but in many countries of the region the security apparatus has been the principal instrument through which authoritarian regimes have maintained themselves in power. Instead of ensuring the security of the state and its citizens, security forces have rather been concerned first and foremost with securing the ruling regimes. Indeed, the robustness of the coercive apparatus of Middle Eastern states has been seen by many as one of, if not the main obstacle to political liberalization and democratization in the region.\textsuperscript{5}

As a consequence, there have to date hardly been any genuine, internally-driven security sector reform activities undertaken in the MENA region. As noted in one recent overview, “no Arab country has embarked on, let alone achieved, significant SSR.”\textsuperscript{6} While there have been a few instances of at least attempted reforms of security institutions in the region, these have all taken place in the context of (western-led) international efforts in countries emerging from conflict or otherwise suffering from severe security deficits. Thus, in countries such as Iraq, Palestine or Lebanon, certain—and in the case of Lebanon very limited—security sector reform efforts have been carried out in the framework of multilateral assistance missions.\textsuperscript{7} Even in these cases, however, the

\textsuperscript{3} Ibid.


\textsuperscript{7} For an overview, see e.g., Andrew Rathmell et al., \textit{Developing Iraq’s security sector: the Coalition Provisional Authority’s experience} (Santa Monica: Rand Corporation, 2005); Yezid Sayigh, \textit{Fixing Broken
main focus has tended to be on strengthening the effectiveness and operational capacity of security forces rather than on more governance-related aspects, such as enhancing security institutions’ accountability and transparency.\(^8\)

**The Tunisian security sector under Ben Ali**

The aim of this section is to describe the main characteristics of the Tunisian security sector during Ben Ali’s reign. While comparable to many Arab countries, Tunisia under Ben Ali was a highly oppressive regime, of which the country’s security apparatus was a key element, the Tunisian security sector also had its own distinctive features which set the country off from other states of the MENA region. In the following three main elements of the Tunisian security sector are discussed: the armed forces, the police and the judicial system.

**Apolitical military**

The most significant difference between Tunisia and many other Arab states when it comes to the role of security institutions has been the (relatively) apolitical nature and limited political influence of the military in Tunisia. In contrast to most countries of the MENA region where the armed forces have been one, if not the main pillar of the (authoritarian) regime, in Tunisia the military never played an important political role, but was rather marginalized by the country’s leadership. Already at the moment of independence, the role of the Tunisian military was different from that of most other Arab states: whereas the first post-independence leaders of many Arab countries came from the military, which often formed the backbone of the post-independence regime, Tunisia’s first leader, Habib Bourgiba, was a lawyer, and did not allow a prominent political role for the armed forces. As a convinced Francophile, Bourgiba rather sought to model Tunisia on French republican principles, at least in terms of a clear separation between political and military power.\(^9\)

The same policy of keeping the military away from politics was followed by Bourgiba’s successor, Ben Ali, despite the fact that the latter had a military background and held the

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rank of general. Tunisian military officers who served under Ben Ali typically describe him as an “anti-militarist” who tried to limit the political influence of the military as much as possible. While during the first years of Ben Ali’s reign, the Tunisian army came to assume a somewhat more prominent role than under Bourgiba, and several military officers were promoted to high-level positions by Ben Ali, since the end of the 1980s the armed forces’ overall evolution has been characterized by their depoliticization and removal from the centre of political power.

This was done not only by forbidding any political activities by members of the armed forces but also by purging officers suspected of harboring political ambitions. The Tunisian military is nowadays widely perceived as a largely apolitical—and professional—force, and it also views itself as an inherently “republican” military whose principal task it is to defend the country, and which does not meddle in politics. The often-used term la grande muette (“the big silent one”) to describe the Tunisian armed forces highlights its discretion and non-interference in public affairs.

One notable institutional implication of the Tunisian armed forces’ subjection to the political leadership of the country has been the fact that, in contrast to many other Arab states, Tunisia has traditionally had a largely civilianized ministry of defense. Whereas most Arab states have either not had a ministry of defense at all, or the defense ministry has been a mere extension of the armed forces lead by a military officer, in Tunisia the minister of defense, as well as the highest officials within the ministry, have always been civilians.

Nevertheless, and comparable to most Arab countries, ultimate political power in Tunisia has also been concentrated in the hands of the president, who has exercised effective control over all important areas of policy-making, including the armed forces. Moreover, and again as in almost all other Middle Eastern states, the parliament in Tunisia has been practically powerless and not exercised any significant influence over military (or any other important) matters. Even though in

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10 Author interview with former Tunisian military officers, Tunis, 18-19 April 2012.


12 The most significant of these purges is commonly believed to have occurred in 2002, when 13 high ranking officers of the Tunisian Armed forces, including the Army Chief of Staff, Brigadier General Abdelaziz Skik, were killed in a helicopter crash. There have been widespread suspicions in Tunisia that Ben Ali was behind the accident, attempting to eliminate military officers considered insufficiently loyal.

13 Author interview with senior Tunisian military officers, Tunis, 18-19 April 2012.
principle the Tunisian parliament had the power to approve the military budget and thus exercise a certain oversight function over the armed forces, in practice the parliament, which in any case was entirely dominated by members of Ben Ali’s RCD (Rassemblement constitutionnel démocratique) party, merely rubber stamped decisions taken by the government.\(^{14}\) It can thus be argued that in Tunisia under Ben Ali (and Bourgiba) the military was subject to a form of civilian control, albeit within the framework of an authoritarian regime.

The fact that the armed forces in Tunisia were relatively marginalized by Ben Ali was also manifest in their small size, as well as Tunisia’s comparatively low level of military spending, at least by regional standards. With a mere 35,000 men, the Tunisian armed forces have been by far the smallest in North Africa. Even Libya, whose population is less than half of Tunisia’s, had a military force more than double the size of its western neighbor. Similarly, defense spending has been comparatively very low in Tunisia, amounting to around 1.5% of GDP, which is well below practically any other country in the region.\(^{15}\) In contrast to all other North African states, Tunisia never engaged in any large-scale arms purchases, relying mainly on surplus equipment donated by other countries, in particular the US.\(^{16}\) This too was very much resented among Tunisia’s military leadership; “we were driven into beggardom by the Ben Ali regime”, complained one former high-ranking officer of the Tunisian armed forces.\(^{17}\) Moreover, due to a lack of resources and investments, much of Tunisia’s military equipment is nowadays considered to be largely obsolete.\(^{18}\)

The absence of a strong link between the armed forces and the Ben Ali regime has also been manifest in their response to the anti-regime uprisings which erupted in December 2010. When the Tunisian military was called out to confront the rapidly swelling demonstrations, it practically sided with the protesters against the regime. The army chief

\(^{14}\) Author interview with senior Tunisian military officers, Tunis, 18-19 April 2012. The powers of the Tunisian parliament with regard to the armed forces are regulated in Art. 28 and 30 of the (former) Tunisian constitution.

\(^{15}\) All figures from International Institute for Strategic Studies, *Military Balance*, recent years.


\(^{17}\) Author interview with former Tunisian military officer, Tunis, 18 May 2012.

\(^{18}\) US government analysts have estimated that as much as 70% of Tunisia’s military equipment is ageing and cannot be maintained with current levels of military spending. See *Janes Sentinel Security Assessment - North Africa*, Tunisia (procurement), 9 June 2011.
of staff General Rachid Ammar reportedly not only refused to order his troops to fire against demonstrators, but has even been credited with ultimately pushing Ben Ali to leave the country.\textsuperscript{19}

\textit{Dominant police}

While the armed force were thus sidelined by Ben Ali, the Tunisian autocrat relied first and foremost on the country’s internal security and intelligence apparatus as his power base and instrument for suppressing internal dissent. Ben Ali’s own ascent to power is revealing in this respect. Even though originally coming from the military, Ben Ali made his career mainly within the Tunisian police system. Before taking over the presidency (by removing Bourgiba from office), Ben Ali occupied the post of Director of National Security (\textit{Directeur de la Sûreté Nationale}), which is the highest position within Tunisia’s police structures, and subsequently that of Interior Minister. Even after Ben Ali assumed the presidency he maintained direct control over the country’s internal security system, thus practically bypassing his successive interior ministers.\textsuperscript{20}

Describing the Tunisian internal security apparatus under Ben Ali is difficult due to its opacity and the fact that many of the laws and decrees regulating the organization and activities of the police have been kept secret.\textsuperscript{21} Following the French model, Tunisia has a dual police system comprising the National Police (\textit{Police} or \textit{sûreté nationale}), which operates mainly in larger cities, and the (paramilitary) National Guard (\textit{Garde nationale}), which is responsible for rural areas. In addition, there are other, more specialized, law enforcement agencies which are attached to the Interior Ministry, such as the Civil Protection Force (\textit{Protection civile}) and the Prison Guard (\textit{Service des prisons et de la re-education}). However, the organization and responsibilities of these different agencies have not been clearly delineated, as there has neither been a clear—and publicly available—organigram of Tunisia’s police forces, nor a legal document

\textsuperscript{19} Derek Lutterbeck, \textit{Arab Uprisings and Armed Forces. Between Openness and Resistance}. SSR Paper no. 2, Geneva Centre for Democratic Control of Armed Forces, October 2011, pp. 20-24. There is, however, still considerable debate in Tunisia about what exactly happened on Ben Ali’s final day in power, and who ultimately pushed him to leave the country.


\textsuperscript{21} The Geneva Centre for Democratic Control of Armed Forces (DCAF) has recently created a database on Tunisia’s security-related legislation. It shows that of the 1,700 legal texts in this area, a considerable number have been kept secret (i.e. they have never been published). The database is accessible online at: http://www.legislation-securite.tn/fr.
clearly specifying their tasks. Accounts of Tunisian police officers interviewed by this author suggest that the country’s internal security system was generally characterized by a high degree of arbitrariness, due to the lack of a clear legal framework in most areas of police work and organization, and as a result, by widespread cronyism and corruption, the principle of “blind obedience” to the superior, as well as the constant interference of the President or individuals close to him in the daily work of policemen, while enforcing the law was of only secondary importance. One former police officer described it as follows: “our activities were determined mainly by direct orders of Ben Ali or members of important families; enforcing the law was not very relevant for us.”

There was a similar lack of transparency regarding the size of Tunisia’s police forces, as the Ben Ali regime never published any figures on the number of police officers in the country. Tunisia was commonly considered to be one of the most heavily policed states in the world, with estimates of human rights organizations putting the number of policemen at anywhere between 130,000 and 200,000. This would have meant that Tunisia had a ratio of police officers to inhabitants of between 1/50 to 1/76, which is three to four times higher than even the most densely policed countries in Europe. While after the fall of Ben Ali, these figures turned out to be vastly exaggerated, the commonly held perception of such overwhelmingly large police forces is in itself telling. It highlights that the police in Tunisia was seen as

22 The most detailed and publicly available legal document on the organization of the interior ministry is Decree No. 84-1244 of 20 October 1984. However, under Ben Ali the decree was modified by several other decrees which have not been made public. See DCAF database (note 21) at: http://www.legislation-securite.tn/fr.

23 Author interview with Tunisian police officers, Tunis, 19-20 April 2012. The principle of “blind obedience” is also enshrined in the law. According to the Law on the General Status of Internal Security Forces (Law No. 82-70 of 6.8.1982) the principal duty of police officers is to obey orders of their superiors (Art. 46). Contrary to police codes of (most) liberal democratic states, the law does not provide for any possibility of refusing to carry out orders in the event that these are (manifestly) unlawful.

24 Author interview for former Tunisian police officer, Tunis, 21 April 2012. A similar account has been given by a former National Guard officer, in: Tahar Ben Youssef, Les snipers dans la révolution tunisienne et la reforme du system sécuritaire, Tunis, 2011.


26 The most heavily policed country in Europe is Italy with a ratio of 1/211.
practically omnipresent, closely monitoring the population, and suppressing any (potentially) suspicious activity. Moreover, in controlling the citizenry, the police was also supported by a broad range of unofficial “informers”, in particular members of the ruling RCD party, but also “ordinary” civil servants, professional associations, as well as public and even some private companies.  

As Ben Ali’s principal instrument of repression, the police was certainly the most feared institution in Tunisia, and abuses committed by the police were widespread. As has been reported by numerous human rights organizations over the years, these have included practices such as arbitrary arrests and detention, harassment of political opponents and anyone considered politically “suspicious”, as well as the regular use of torture and other forms of inhuman or degrading treatment. Especially in the name of the “fight against terrorism”, the Tunisian police, and in particular the so-called Directorate of State Security (Direction de la sûreté d’Etat), or “political police”, has been accused of using torture and of committing other serious human rights violations, not only against effectively dangerous individuals but also—or even primarily—against political dissidents, in particular Islamists, or people merely suspected of being opposed to the regime.  

While information on Tunisia’s police forces has been scarce, even less is known about the country’s intelligence services. The country has several intelligence agencies, some of which fall under the responsibility of the Interior Ministry whereas others are attached to the Ministry of Defense. However, there is no publicly available information on these bodies, and they seem to have operated in a total legal void. One former high-ranking police officer described the situation as follows: “there have been no laws or regulations on intelligence operations, and so basically anyone could do whatever he wanted”. Moreover, in this area as well, it has been commonly known that Tunisia’s intelligence agencies have been concerned

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30 Author interview with former Tunisian police officer, Tunis, 20 April 2012.
first and foremost with fighting political opponents, and in particular (suspected) Islamists, rather “real” terrorist suspects.\textsuperscript{31}

The intimate relationship between the police and the Ben Ali regime was also shown during the popular uprisings of late 2010/early 2011. Whereas the military, as argued above, practically took the side of the protesters against the regime and refused to move against the demonstrators, the Tunisian police have been accused of serious human rights violations, and in particular of using disproportionate force in suppressing the anti-regime uprising. According to UN estimates around 300 people were killed and more than 700 injured during the protests, with the large majority of victims assumed to have died from gun shots fired by the police.\textsuperscript{32}

\textit{Instrumentalised justice system}

Another element of the Tunisian security sector which was thoroughly instrumentalised by the Ben Ali regime is the judiciary. From an SSR perspective, a country’s judicial system should be independent and operate strictly on the basis of the rule of law. There should thus be a clear separation between the judiciary and the other powers of the state, i.e. the legislative and executive powers, and the latter should not intervene in the workings of the courts.

The Tunisian justice system under Ben Ali, by contrast, was tightly controlled by the executive power, i.e. the Presidency and the Justice Ministry, and it was widely perceived as rife with cronyism and corruption. Not unlike the police, the judiciary was an important pillar of Ben Ali’s authoritarian regime, in that it served both to neutralize political opponents and to secure the financial interests of individuals close to the Tunisian president. The justice system played a key role in sentencing dissidents, in particular suspected Islamists, to harsh prison sentences under the country’s sweeping anti-terrorism legislation, and courts were also regularly manipulated by big businessmen close to Ben Ali to protect their shoddy financial deals.\textsuperscript{33}

The main institutional mechanism through which the regime exercised its control over the judiciary was the Supreme Council of Magistrates (\textit{Conseil supérieur de la magistrature}), which is its highest oversight body responsible for appointing, promoting

\textsuperscript{31} US Diplomatic cables published by Wikileaks describe Tunisian intelligence services ‘“obsession” with fighting political opponents, and how this has hampered intelligence sharing efforts with western countries, See US Embassy to Tunisia, “European envoys vent frustration with Tunisian government”, 11.12.2009 (Wikileaks - 09TUNIS901).


\textsuperscript{33} Hibou, \textit{op.cit.}, pp. 116-123.
and sanctioning of judges. While in a liberal democratic states this would be an independent institution composed (mainly) of elected judges, the Tunisian Supreme Council of Magistrates was entirely dominated by the executive power. The Council was presided by Ben Ali himself, and the majority of its members were either members of the government or nominated by the government. Moreover, the Tunisian President had the authority to appoint judges, based on recommendations of the Council. Given that there have been no objective criteria regulating the promotion of judges, their careers were entirely dependent on the extent to which they served the interests of the regime, and judges who dared speak out against the country’s leadership were severely punished.

**SSR challenges in the post-Ben Ali period**

What have been the main security sector reform challenges in Tunisia after the fall of the country’s dictator? As mentioned previously, the prospects of reforming a country’s security sector also crucially depend on the nature of the political system more broadly, and in particular the extent to which it is governed by democratic principles. Since the departure of Ben Ali, Tunisia has undertaken some significant steps towards democratization, the most important of which has been the holding of the country’s first free elections in October 2011 at which a Constituent Assembly was elected. The Constituent Assembly, whose main task is to draft a new Constitution, also put in place a new (interim) government under the leadership of the moderately Islamist party Ennahda, which gained the largest share of votes (41%). However, as Ennahda failed to achieve an absolute majority, it has formed a governing coalition—the so-called troika— with two secular centre-left parties, CPR (Congrès pour le République) and Ettakatol. The elections were monitored by several international and non-governmental organizations, and were widely perceived as having been fair and transparent. Even though Tunisia cannot yet be described as “consolidated” democracy, and the nature of the Tunisia’s future political system remains unclear at this point, including the extent to which its security sector will be subject to civilian and democratic oversight, it can

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34 Article 6 of Law No. 67-29 of 14.7.1967.
35 Article 10 of Law No. 67 of 14.7.1967.
nevertheless be said to have successfully achieved its “transition” from authoritarian to democratic rule.\footnote{Alfred Stepan, “Tunisia’s Transition and the Twin Tolerations”, \textit{Journal of Democracy}, vol. 23, no. 2 (April 2012), pp. 98-103. Stepan lists the following four criteria for a successful transition to democracy: (1) an agreement on procedures to elect a government, (2) the election of a government through free and fair elections, (3) the government’s de facto authority to generate new policies, and (4) the elected authorities’ ability to rule without having to share power with other institutions, such as military or religious leaders. Tunisia can be said to fulfil all of these criteria.}

In the following the main SSR-related efforts in post-Ben Ali Tunisia are discussed, looking again at three key elements of the country’s security sector: the military, the police and the judiciary.

\textit{Military reform}

Given the largely apolitical nature of the Tunisian armed forces and its distance from the former regime, military reform has generally not been seen as an urgent need in the post-Ben Ali period. In the immediate aftermath of Ben Ali’s departure there were, however, some concerns that the Tunisian military might be tempted to exploit the ensuing instability to its advantage by assuming a stronger internal role. Since the downfall of the Tunisian dictator, the armed forces have indeed become much more visible; during the first weeks after Ben Ali’s overthrow, when the police largely disappeared from the streets, security was mainly provided by the military. Subsequently, the army was also called out to deal with the refugee crisis from neighboring Libya, and to ensure public security during the parliamentary elections of October 2011. However, even though the military has remained present in the streets of Tunis and elsewhere, and General Ammar has practically achieved the status of a national hero in Tunisia, there have been no signs that the armed forces would seek a more prominent domestic role. Indeed, both the transition government and the military leadership have publicly declared that the armed forces were not interested in political power, and that they would remain strictly within the framework of the Tunisian constitution.\footnote{« Apparition du Général Rachid Ammar place de la Kasbah », \textit{Tunivision}, 24.1.2011 ; « De fausses informations qui portent préjudice à l’ordre public », \textit{La Presse}, 6.5.2011, and « Tunisie : l’armée nationale n’est pas intéressée par le pouvoir », \textit{Investir en Tunisie}, 10.5.2011.}

Notably, the relatively uncontroversial and apolitical nature of the Tunisian armed forces has also been manifest in the fact that the only minister not to be assuming a stronger internal role. Since the downfall of the Tunisian dictator, the armed forces have indeed become much more visible; during the first weeks after Ben Ali’s overthrow, when the police largely disappeared from the streets, security was mainly provided by the military. Subsequently, the army was also called out to deal with the refugee crisis from neighboring Libya, and to ensure public security during the parliamentary elections of October 2011. However, even though the military has remained present in the streets of Tunis and elsewhere, and General Ammar has practically achieved the status of a national hero in Tunisia, there have been no signs that the armed forces would seek a more prominent domestic role. Indeed, both the transition government and the military leadership have publicly declared that the armed forces were not interested in political power, and that they would remain strictly within the framework of the Tunisian constitution.\footnote{« Apparition du Général Rachid Ammar place de la Kasbah », \textit{Tunivision}, 24.1.2011 ; « De fausses informations qui portent préjudice à l’ordre public », \textit{La Presse}, 6.5.2011, and « Tunisie : l’armée nationale n’est pas intéressée par le pouvoir », \textit{Investir en Tunisie}, 10.5.2011.}
replaced throughout the transition period, and even after Ennahda’s electoral victory in late 2011, has been the minister of defense, and that there has been no (significant) reshuffling of the military hierarchy since the departure of Ben Ali.\textsuperscript{39}

In line with their image as “la grande muette”, the Tunisian armed forces have themselves thus far not made any public statements regarding their role under the future Tunisian Constitution. However, it can be assumed that they would be unlikely to oppose the establishment of civilian and democratic control over the armed forces, given the military’s inherently “republican” self-understanding, and given that this would hardly change its position within the Tunisian political system. As mentioned above, even under Ben Ali (and Bourgiba), the armed forces were subject to a form of civilian control, even if this control was not democratic in nature. Indeed, the Tunisian military seems to view the establishment of greater accountability and transparency vis-à-vis the civilian authorities also as a way to improve their precarious material situation, as the insufficiency of their current financial resources and equipment would become more apparent.\textsuperscript{40}

While the armed forces have thus remained silent with respect to their position under the new Tunisian constitution, some retired military officers have expressed themselves on the topic, possibly acting as unofficial spokesmen of the military.\textsuperscript{41} They have called in particular for enshrining the role of the armed forces in the Tunisian constitution, in order to prevent its instrumentalisation by the political leadership, and for more consultation of the military on national defense and other military issues.\textsuperscript{42} One proposal put forward by a former deputy chief of staff of the armed forces has been to create consultative bodies composed of high ranking military officers which would advise the political authorities

\textsuperscript{39} Throughout the transition period, Abdelkrim Zbidi has held the post of minister of defense. Zbidi even (briefly) occupied a ministerial post (minister of health) under Ben Ali in 2001. General Ammar was promoted by the first transition government to the post of Joint Chief of Staff of the Tunisian armed forces for his role during the popular uprising, and has remained in this position under the Ennahda-led government.

\textsuperscript{40} Author interview with DCAF representative in Tunis (by telephone), 2 July 2012.

\textsuperscript{41} « Boubaker Ben Kraiem », 	extit{Maghreb Confidential}, No. 988, 6.10.2011.

\textsuperscript{42} « Quelle place pour l’armée dans la constitution tunisienne », 	extit{Afkar}, 30.3.2012 ;  « Vers un rôle constitutionnel élevé de l’armée », 	extit{Le Presse}, 31.10.2011. The (former) Tunisian constitution contains only three articles on the armed forces, which stipulate the President’s powers to hire military personnel (Art. 45) and to declare war (Art. 49), as well as his position as Supreme Commander of the Armed Forces (Art. 46).
on military and national defense issues.\footnote{Boubaker Benkraiem, “La spécificité de l’armée tunisienne (II)”, \textit{La Presse}, 15.10.2011.} While this would arguably imply a stronger implication of the military on decisions related to national defense—compared to its sideling under Ben Ali—the author of the proposal has himself underscored that ultimate authority on these matters should be vested in the democratically elected civilian authorities, and that the armed forces would play a merely consultative role.\footnote{Author interview with former Deputy Chief of Staff of Tunisian Armed Forces, Tunis, 19 April 2012.}

It is also noteworthy that while security sector reforms in most states of the MENA region would require a downsizing of the armed forces, which are often overblown, and a limitation of economic and other privileges of the military establishment, in Tunisia practically the opposite has been the case. As mentioned previously, the Tunisian armed forces have been kept lean by the Ben Ali regime, and their manpower has generally been considered too small to deal with the challenges of the post-Ben Ali period. Efforts have thus been made by the transitional government to attract more military recruits by offering higher wages.\footnote{“L’armée tunisienne offre une prime au recrutement », \textit{Magharebia}, 16.6.2011.} Moreover, the salaries of professional military officers have also been increased, as they have been considered too low by the transition government.\footnote{Author interview with Tunisian military officers, Tunis, 18-19 April 2012.}

\textit{Police reform}

While military reform has thus not been a major issue in Tunisia after the fall of Ben Ali, the opposite is true of the country’s internal security system. Given the oppressive nature of the Tunisian police and its centrality to the Ben Ali regime, reforming the country’s internal security apparatus has commonly been seen as one of the key challenges of the post-Ben Ali period. Both the initial transitional government under Béji Caïd Essebsi and the Ennahda-led government have, at least in principle, committed themselves to transforming the Tunisian police into a “republican” police force which would serve the interests of the nation and its citizens rather than the regime in power, and which should operate strictly on the basis of the rule of law. Moreover, the Tunisian government has also established partnerships with international agencies such
as the United Nations Development Program (UNDP) and Geneva Centre for Democratic Control of Armed Forces (DCAF) in the area of internal security reform.

International actors involved in this area typically point out that reforming Tunisia’s police forces will require changes at at least three levels. First, at the legislative level, there is a need to establish clearer regulations for practically all areas of police work and organization, as well as to abolish repressive laws of the former regime. Second, at the institutional level, reforms should focus on the establishment of greater transparency and accountability of police forces. Finally, there is a need to change the “culture” of police forces from a culture of repression and abuse with impunity to a culture of the rule of law and respect of citizens’ rights. Thus far, however, reforms of the Tunisian police have remained rather limited, and events since the demise of Ben Ali have also shown the difficulties in transforming the country’s internal security apparatus.

An initial impetus towards reforming Tunisia’s internal security system was given by the first transitional government when it nominated the politically independent magistrate Farhat Rajhi—commonly referred to as “Monsieur propre” (“Mister Clean”)—to the post of Interior Minister. However, Rajhi was quickly confronted with fierce opposition from within the Interior Ministry: only a few days after his appointment a mob of some 2,000 – 3,000 youngsters invaded the Interior Ministry, threatening Rajhi, who reportedly only narrowly managed to escape. In response, Minister Rajhi, who blamed the attacks on supporters of the old regime within the Interior Ministry, sacked 42 high-level officials from his ministry. Shortly thereafter, Rajhi also announced the dissolution of the aforementioned “political police”, although observers, including Tunisian police officers themselves, have suggested that this has been a largely symbolic act, given that under Ben Ali practically the entire Tunisian police acted as a “political police” in that a key task was to collect information on political opponents.

47 An often-mentioned law in this regard is the Law on Public Meetings (No.69-4 of 24.1.1969), which gives the authorities wide-ranging powers in forbidding and suppressing demonstrations.

48 Author interview with DCAF representatives, Tunis, 21 April 2012.


50 “Farhat Rajhi, ministre de l’Intérieur dévoile une dangereuse situation de défaillance sécuritaire dans le pays », Tunisia Watch, 2.2.2011.

51 Author interview with Tunisian police officers and human rights activists, Tunis, 19-21 April. It is also noteworthy that no formal regulation on the dissolution of the political police has been issued by
Rajhi’s reform efforts, however, came to a rather abrupt halt when he was forced to step down after a mere two months in office, apparently as a result of both resistance within the Interior Ministry, and a lack of support from Tunisia’s interim prime minister Essebsi for Rajhi’s reform efforts. \(^{52}\) Rajhi’s replacement by Habib Essid, who held several high-level positions under Ben Ali, including within the Interior Ministry, seemed to suggest a backtracking on police reforms by the interim government. \(^{53}\)

Apart from these dismissals of high-ranking officials (and the dissolution of the political police), reforms of the country’s internal security forces by the first interim government have been rather limited, and some changes have seemed more cosmetic in nature. In late March 2011, for example a strategy aimed at improving communication between the police and the citizens, including a facebook page, was launched, and a new uniform was introduced in an effort to improve the public image of the police. \(^{54}\) Under Interior Minister Essid, a white book on police reform was, however, drafted. The white book, which is entitled “Security and development: towards security in the service of democracy” (“sécurité et développement: vers une sécurité au service de la démocratie”), was intended as a roadmap for transforming the police from an instrument of authoritarian repression into an institution at the service of the citizens. It focuses on a number of aspects of police reform, including better training of police officers, the introduction of a police code of ethics, greater transparency of police work, a clearer regulation of disciplinary measures, decentralization of the police, and a stronger control and accountability of the country’s intelligence agencies. \(^{55}\) However, the white book has never been made public, and none of its recommendations seem to have been implemented so far. \(^{56}\) Moreover, the current Ennahda-led government seems to regard it

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56 Author interview with Tunisian police officers and interior Ministry officials, Tunis, 19-21 April 2012.
largely as a product of the old regime, and is thus unlikely to give it much attention.\textsuperscript{57}

It is also noteworthy that the challenge of police reform in the post-Ben Ali period has turned out to be of a somewhat different nature from what might have originally been expected, in the sense that the commonly held perception of the Tunisian police as an oversized and all-powerful “Moloch” has proven somewhat misleading. While it is of course true that the police served as Ben Ali’s main instrument of repression, the extent to which policemen themselves—at least below the higher echelons—were oppressed and exploited by the former regime has become increasingly clear, as they have begun to speak out about their working conditions during the Ben Ali period.\textsuperscript{58}

The aforementioned estimates of the number of policemen in Tunisia are telling in this respect. Rather than counting 150,000 or even 200,000 police officers, as was commonly assumed, the transition government discovered that the real number of policemen in Tunisia was much lower, around 50,000.\textsuperscript{59}

The massive overestimation of their numbers seems to have been mainly a consequence of Tunisian police officers’ excessively long working hours and very arduous working conditions. According to interviews conducted with Tunisian policemen by this author, police officers worked on average 12 or even more hours per day, whereby they typically fulfilled various functions, ranging from traffic police to public order tasks to monitoring political opponents, during the same day.\textsuperscript{60} In addition, police officers in Tunisia were poorly paid, with an average salary of around 230 USD per month, which was less than the wage of a bus driver, and only around half of that of a lower-level bank employee.\textsuperscript{61} Thus, instead of downsizing the police, the transition government rather recruited an additional 10,000 police officers in an effort to relieve their workload, and policemen have also received a (modest) pay rise.\textsuperscript{62}


\textsuperscript{58} One such account is Tahar Ben Youssef, \textit{op.cit.}.

\textsuperscript{59} The figure of 50,000 was first announced by the interim Interior Minister Rajhi, see « Farhat Rajhi, ministre de L’Intérieur dévoile une dangereuse situation de défaillance sécuritaire dans le pays », \textit{Tunisia Watch}, 2.2.2011.

\textsuperscript{60} Author interview with Tunisian police officers, Tunis, 18-21 April 2012.

\textsuperscript{61} « Quels salaires gagnent les Tunisiens ?», \textit{Business News}, 29.1.2010.

Given their difficult working conditions, there seems to have been widespread dissatisfaction among the Tunisian police, at least below its higher echelons, and little identification with the Ben Ali regime. As recounted by one former National Guard officer: “the majority of policemen were very dissatisfied under Ben Ali, and they enforced orders against their convictions”. Tunisian police officers’ anger with the former regime was expressed for the first time in public only a few days after Ben Ali’s departure, when the first ever demonstration by policemen in Tunisia was held. Chanting “policiers opprimés, policiers sacrifiés” (“oppressed policemen, sacrificed policemen”) in front of the transition government, policemen called for better working conditions, higher wages as well as the right to form unions. The first two police unions were indeed established in the course of 2011, and they have themselves become vocal advocates of reforms of the country’s security sector. One of these unions, the National Union of Tunisian Security Forces (Union nationale des syndicats des forces de sureté tunisienne), for example, has submitted its own roadmap for reforming the country’s internal security system to the Interior Minister. The Union has demanded in particular the establishment of a clearer legal framework for all aspects of police work, ranging from recruitment, promotions, training, remuneration to the carrying out of police operations, as well as the drafting of a police code of ethics. Another organization which represents mainly the higher cadres of the Tunisian police, and which has also been a vocal actor in the police reform debate is the Tunisian Association for a Citizens’ Police (Association tunisienne pour une police citoyenne). One of the main demands of this organization has been to enshrine the principle of police neutrality in the new Tunisian constitution, in order to prevent the police from being instrumentalised by the political leadership of the country.

While the initial transitional government has thus not undertaken any major overhaul of the country’s internal security system, the same can thus far be said of the Ennahda-led government which came to power in late 2011, despite the fact the many of its

63 Ben Youssef, op.cit., p. 96 (author translation).
65 “Pour son nouveau syndicat, la police tunisienne ne doit pas être le bouc émissaire », Afrik.com, 12.5.2011.
67 Author interview with Head of Association tunisienne pour une police citoyenne, Tunis, 20 April 2012.
members are former political prisoners and have themselves experienced severe abuses at the hands of the police. The Interior Minister Ali Larayedh, for example, spent 15 years in jail for his membership of the Ennahda movement, ten of which in solitary confinement, where he was tortured and suffered other forms of serious mistreatment.68

Unsurprisingly, the relationship between Interior Minister Larayedh and his ministry has been an uneasy one, given that one of the Interior Ministry’s main missions under Ben Ali was to fight Islamist movements such as Ennahda. This became evident only shortly after Larayedh took office when a video purportedly showing Larayedh having homosexual intercourse while serving his prison sentence was posted on YouTube and other sites. It is commonly believed that the video was fabricated and released by Ben Ali loyalists within the Interior Ministry with the aim of discrediting Larayedh.69 Moreover, Larayedh, as well, has faced stiff resistance from within his ministry against efforts to purge officials close to the former regime. When in January 2012 Larayedh tried to sack the Head of the so-called Intervention Brigades (Brigades d’intervention), Moncef Laajimi, who has been accused of issuing orders to fire upon protesters during the anti-regime uprising, as well as during the earlier Gafsa revolt of 2008, several hundred of Laajimi’s supporters staged a sit-in in front of the Interior Ministry.70 In response, Larayedh backtracked considerably: instead of dismissing Laajimi, he promoted him to the position of deputy chief of Cabinet within the Interior Ministry.71 Moreover, it is commonly agreed among both police unions and human rights organizations in Tunisia that several Ben Ali cronies remain in important positions within the Interior Ministry, including at its highest levels.72

70 “General Director of Security Units Moncef Laajimi is Dismissed”, Tunisia Live, 10.1.2012.
72 Author interview with Tunisian police officers and representatives of human rights organisations, Tunis, 19-20 April 2012. The names most commonly mentioned officials include Nabil Abid, who is Director of National Security (Directeur de la Sûreté Nationale) and thus No. 2 of the Interior Ministry, and Taoufik Dimassi, the Head of Public Security (Sûreté Publique). See also “Tunisie. La police s’insurge contre... le gouvernement”, Kapitalis, 6.9.2011.
Even more importantly, however, the Ennahada government has thus far not undertaken any broader, structural reforms of the country’s internal security apparatus, nor set out a (publicly available) roadmap on how such reforms would be achieved, even though Interior Minister Larayedh, too, has publicly highlighted the need to bring Tunisia’s internal security system in line with the requirements of a democratic regime. To be sure, there have been at least some improvements in the field of transparency, for example. Apart from the aforementioned facebook page, the Interior Ministry has recently also launched an official webpage, although the information it provides remains very rudimentary. Moreover, Minister Larayedh has regularly been called to testify in front of the Constitutional Assembly on important events or developments related to the country’s internal security situation, suggesting at least an element of parliamentary oversight and accountability in this area.

Nevertheless, despite these improvements transparency of the Interior Ministry remains limited. For example, none of the secret decrees regulating the organization and activities of the police have thus far been made public. Moreover, Tunisian civil rights activists argue that the involvement of civil society in the reform process has generally declined under the Ennahda government compared to the first transition government, when there was at least a certain degree of exchange between the Interior Ministry and civil society organizations on security sector reform issues. Finally, it should be noted that repressive laws of the previous regime, including for example, the Law on Public Meetings (Law No. 69-4 of 24.1.1969), which gives the government far-reaching powers in forbidding and suppressing public gatherings, as well as the State of Emergency remain in place.

There are at least two possible explanations for the Ennahda-led government’s cautious or hesitant approach to reforming the country’s police apparatus so far. On the one hand, the government might be wary that more far-reaching reforms could lead to a destabilization of the country’s internal security system, during a time in which Tunisia is already going through a considerable degree of internal turmoil, and

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76 Human Rights Watch, Tunisia’s Repressive Laws. The Reform Agenda, November 2011.
the lack of security is a major concern among the population.\textsuperscript{77} As a consequence, the Ennahda government has decided to proceed very slowly with security sector reforms, pursing it more as a long-term objective.\textsuperscript{78}

On the other hand, a more negative explanation, which is not without plausibility, has been suggested by a number of stakeholders in Tunisia, including civil rights organizations and even the police unions. They argue that the Ennahda-led government has entered into a kind of alliance or at least an accommodation with remnants of the old regime within the Interior Ministry, which is to the advantage of both parties: for the

\textsuperscript{77} Opinion polls conducted in Tunisia during the transition period do not give a clear picture on the population’s perception of the country’s security situation. According to polls carried out by the International Republican Institute, there has been a clear improvement since the fall of Ben Ali: whereas in March 2011, 70\% of respondents mentioned “internal security” as one of the country’s biggest problems, by January 2012, the figure had dropped to 16\%. See, International Republican Institute, “Survey of Tunisian Public Opinion, 5-18 March 2011, and 24 December, 2011 - 6 January 2012, available at: \url{http://digest.electionguide.org/2012/03/11/ri-survey-on-tunisian-public-opinion/}. However, according to a poll conducted by SIGMA in April 2012, a majority (57\%) of respondents considered that the current government has not been able to establish security and stability in the country. See “Sondage – 100 jours du Gouvernement Jebali – Chômage: C’est l’échec pour 85,8\% des personnes interrogées », Direct Info, 3.4.2012.

\textsuperscript{78} This explanation has been suggested, for example by the International Crisis Group, see International Crisis Group, \textit{Tunisie : lutter contre l’impunité, restaurer la sécurité}, Rapport Moyen-Orient/Afrique du Nord Report N°123, 9.5. 2012, p. 14-17.

Ennahda government leaving the former regime’s internal security apparatus largely intact allows it to use Ben Ali’s “machinery” for its own purposes, while old regime figures are able to maintain at least some of their former privileges.\textsuperscript{79}

Whichever explanation is correct, the absence of far-reaching reforms of the country’s internal security system thus far seems to have been manifest in the behavior of the Tunisian police since the downfall of the country’s dictator. As has been documented by both international and Tunisian civil rights organizations, human rights abuses committed by the police have continued on a considerable scale into the post-Ben Ali period. These have included in particular the use of disproportionate force in dispersing demonstrations, but also arbitrary arrests and even torture seem to remain a common

\textsuperscript{79} Author interview with representatives of Tunisian police unions, as well as of \textit{Ligue Tunisienne des Droits de l’homme, and Centre de Justice Transitionelle}, Tunis, 19-21 April, 2012. The role of the Tunisian businessman Kamel Eltaief, who was once almost viewed as the country’s second president, until he fell out with Ben Ali after his marriage with Leila Trabelsi, is often seen as key in the post-Ben Ali period. Eltaief has traditionally maintained close ties to the interior ministry, and several current high-level officials are said to be closely connected to Eltaief. See “Questions over Eltaief’s murky role”, \textit{Maghreb Confidential} No. 971, 12.5.2011; “Abid seeks arrangement with Islamists”, \textit{Maghreb Confidential}, No. 1019, 24.5.2012; Sami Ben Abdalla, “Confidentiel: Le Rôle de Kamel Eltaief sous le gouvernement de Beji Caid Essebsi”, at: \url{http://www.samibenabdallah.info/2012/04/17/confidentiel-le-role-de-kamel-eltaief-sous-le-gouvernement-beji-caid-essebsi/}.
practice. One widely publicized incident of a violent crackdown on a peaceful demonstration occurred in early April 2012, when the Tunisian police forcefully intervened against a gathering commemorating “Martyrs’ Day” on avenue Bourgiba which—ironically—had been the main theatre of the Tunisian revolution. In the event, at least 15 demonstrators were wounded by security forces, and many have viewed the incident as a return to the practices of the old regime.

Moreover, observers have also pointed to a renewed bias, and even a political instrumentalisation, of police interventions since Ennahda came to power. This has concerned in particular the seeming tolerance by the police of violent acts committed by radical Islamists (Salafists). Salafist-inspired violence has generally been on the rise in the post-Ben Ali period, involving, for example, attacks on restaurants selling alcohol, harassment of journalists and artists or, most recently, an attack on the US Embassy in Tunis. The Ennahda government has repeatedly stood accused of not doing enough to prevent such acts, even though it has verbally condemned them. Second, human rights organizations have denounced the police for the increasing harassment of women for “indecent” clothing or other purportedly “immoral” behavior. This too has been seen at least by some as indicative of Ennhada’s efforts to instrumentalise the police for its own purposes.

On the other hand, it would also be an exaggeration to argue that nothing has changed in the relationship between the police and the citizenry since the fall of the former regime. Clearly, the Tunisian population has become (much) more assertive in dealing with the police, and there is no longer the same degree of fear of the formerly all-powerful

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82 The last event occurred in the context of the widespread outrage across the Arab world against the film “Innocence of Muslim”, an excerpt of which was posted on Youtube.

83 One widely publicised incident took place in September 2012, when a young woman was allegedly raped by three police officers. Even though the three police officers have subsequently been charged with rape, the Tunisian Interior Ministry has justified their behaviour arguing that they found the woman together with her fiancé in an “immoral position” in a car. Moreover, the woman herself has subsequently been charged with committing “indecent behaviour”. See “Tunisia: Woman allegedly raped by police faces prosecution”, Amnesty International, 27.9.2012; “Tunisie : Ennahdha responsable des agressions policières contre les femmes?”, Jeune Afrique, 27.9.2012.
police officer. One manifestation of this new attitude towards the police among the population can be seen in the considerable number of attacks against policemen which have taken police in the post-Ben period, some of which with deadly consequences. According to statistics released by the Tunisian Interior Ministry, since the departure of Ben Ali fifteen policemen have died and almost 1,500 severely injured as a result of aggressions committed against the police.84

Judicial reform and transitional justice

Another important SSR challenge of the post-Ben Ali period has been the reform of the country’s justice system. It is commonly agreed that an independent judiciary which is free of cronyism and corruption would be an essential element in Tunisia’s transition towards democracy, and both the Ennahda-led government and Tunisian judges themselves have declared the establishment of an independent judiciary as a key objective.85 In contrast to the field of police reform, the Ennahda government has also laid out a relatively detailed roadmap covering various aspects of judicial reform over the next four years.86 The EU, as well, has long been involved in justice reform projects in Tunisia, and in the aftermath of Ben Ali’s overthrow the EU has stepped up its activities in this area.87 However, also in the field of judicial reform achievements have thus far been rather modest, and not unlike police reforms, have focused mainly on purges rather than on structural reforms of the judiciary.

Since the departure of Ben Ali Tunisian magistrates have also created their first ever union, the Union of Tunisian Magistrates (Syndicat des Magistrats Tunisiens), which represents the interests of magistrates vis-à-vis the authorities, and which similarly to the police unions, has became a vocal advocate of reforms of the judiciary, in particular of the principle of judicial independence. The most important institutional change which would be needed to strengthen the independence of the Tunisian justice system and loosen the executive’s grip on the judiciary would be the reform of the aforementioned Supreme Council of Magistrates. However, even though the Ennahda-led government has in principle agreed to replace the former Supreme Council of Magistrates with an

84 “Que de revers pour nos policiers !”, Le Presse, 22.8.2012.
87 In 2012, the EU launched an additional 15 million EUR programme aimed at modernizing the Tunisian justice system.
independent institution, by mid-2012 such a body had still not been created.

On the other hand, the Ennahda government has in some ways acted in manners reminiscent of the old regime in that it has ordered a large number of transfers and dismissals of judges, reportedly without consultation of the magistrates concerned. Thus, according to the Tunisian observatory of the Independence of the Judiciary (Observatoire tunisien de l’indépendance de la justice) between December 2011 and April 2012, the government transferred 100 judges to new positions, whereby in the large majority of cases (70%), this was done without taking into account the views of the affected magistrates. Moreover, in late May 2012, the government sacked 81 judges who were considered corrupt, again however without notifying them in writing nor specifying the allegations against them. When in response to these dismissals the Union of Tunisian Magistrates declared a general strike, the government however agreed that the dismissed judges would be able to defend their cases individually. 

Thus, not unlike police reforms, reforms of the judiciary have thus far been largely limited to purges rather than transformations of the system as such, and they have been carried out to a large extent unilaterally by the executive power, thereby—ironically—repeating the practices of the former regime.

Linked to the issue of judicial reform has been the one of transitional justice, the objective of which is to redress human rights violations by the former regime, both prior and during the popular uprising of late 2011/early 2012. Needless to say that without a truly independent judiciary, no meaningful and credible prosecution of crimes committed by the former regime would be possible. Also in this regard, the Ennahada-led government has, at least in principle, declared its commitment to achieving transitional justice, as evidenced in particular by the creation of a separate Ministry on Human Rights and Transitional Justice, arguably the first of its kind. A decree providing for compensation of the so-called


90 “Les magistrats tunisiens mettent fin à leur grève », Kapitalis, 30.5.2012.

martyrs of the revolution (and their families), i.e. people killed or injured during the popular uprising, has also been enacted, and a special committee responsible for establishing an official list of “martyrs” has been set up. In May 2012 the committee submitted its final report, according to which 338 persons were killed and 2,147 injured during the anti-regime uprising. However, there have so far only been very few trials against officials considered responsible for the killings of demonstrators. In May 2012, two policemen received 20-year prison sentences for the shooting of a protestor, and subsequently Ben Ali himself, as well as his last Interior Minister Rafik Belhaj Kacem, were sentenced (Ben Ali in absentia) to 20 and 12 years respectively for complicity in the killings of demonstrators.

An even more daunting transitional justice challenge will be to address the widespread human rights violations committed by officials prior to the anti-regime uprising, during Ben Ali’s more than 20 years in power. It is not known how many people were tortured and otherwise mistreated by the country’s security forces under Ben Ali’s reign, but torture victims of the former regime certainly number in the thousands. So far, however, there has been only one significant trial against officials for torture committed during Ben Ali’s reign, the so called Baraket Essahel case. This concerned an alleged coup attempt in 1991 by army officers, who after being arrested, were severely mistreated by Tunisian security officers. A number of high-level officials of the former regime have been sentenced for torturing the army officers, including Ben Ali himself, the Interior Ministry at the time, Abdallah Kallel, and the then-Head of State Security, Mohamed Ali Ganzoui. Notably, however, while Ben Ali received a five year prison sentence, the two others were jailed for merely two years, which given the severity of the crime, seems like a rather lenient sentence.

Another important issue in the context of transitional justice has been the disclosure of the archives of the “political police”, which

92 “La Comission Bouderbala présente son rapport final: elle a recensé 338 morts et 2147 blessés”, Leaders, 4.5.2012.


94 For the period 2003-2008 alone, the two Tunisian human rights organizations Association de lutte contre la torture en Tunisie and the Comité pour le respect des libertés et des droits de l’hommes en Tunisie have documented more than 1250 torture victims under the country’s anti-terror legislation. See Association de lutte contre la torture en Tunisie and Comité pour le respect des libertés et des droits de l’hommes en Tunisie, La torture en Tunisie et la loi «antiterroriste» du 10 décembre 2003 (Tunis/Paris, 2008).

95 Baraket Essahel affair : Tunisia ousted president loses appeal », Middle East Online, 7.4.2012.
could serve as documentary evidence for the human rights violations committed by the former regime. In November 2011, an international conference was held in Tunis with the participation of both civil society organizations and the Tunisian Interior Ministry, where experiences on how to deal with such archives of other countries which have transited from authoritarian to democratic rule were discussed. Even though the Ennahda government has underlined the importance of opening up the archives of the political police in order to shed light on the abuses committed by the former regime, by mid-2012 the fate of these archives remained unclear, and there has been growing popular frustration about the government’s lack of concrete measures in this area. Thus, while at least some steps towards dealing with the human rights violations committed by the former regime have been undertaken since the fall of Ben Ali, also in this regard progress has been rather slow, and civil rights organizations have increasingly expressed their doubts about the Ennahda government’s true commitment to achieving transitional justice.

Conclusions

It seems clear that security sector reform is a key challenge in the current transformations which are sweeping across much of the Arab world, or what is commonly referred to as the Arab “spring” or “awakening”. Given the crucial role security institutions have played in sustaining authoritarian regimes in the region, any transformation towards more democratic rule will necessarily also have to include these countries’ security sectors. Without bringing security forces under civilian and democratic control and accountability, and subjecting them to the rule of law, any progress towards democratization would be incomplete.

While this is true for all countries of the MENA region, the specific security sector reform challenges differ considerably from one country to the next. The discussion of the case of Tunisia suggests the main SSR challenge since the fall of the country’s dictator have been the reform of its internal security system and the judiciary, while in contrast to most other countries of the region, the need for military reforms in Tunisia seems limited. Another specificity of the Tunisian case is, arguably, that security sector reforms


are not really about the downsizing of security forces, as would be the case in many other countries of the MENA region which have overblown security establishments. Neither Tunisia’s military nor—at hindsight—even its police can be said to be oversized; on the contrary, they rather seem too small and under-resourced to deal with current challenges, and efforts have been made in the post-Ben Ali period to expand these forces. Finally, the Tunisian example also highlights that SSR is not only about better protection of citizens’ rights vis-à-vis security forces, but that ensuring the rights of the members of these security institutions, especially at their lower levels, can also be an important concern, as shown in particular by the plight of the Tunisian police under the Ben Ali regime.

A further conclusion of the preceding analysis is that in both the internal security apparatus and the judiciary there are formidable obstacles to reforms. As both institutions were key instruments of Ben Ali’s authoritarian regime, and given that many of the higher-level officials within these institutions owe their positions largely to their loyalty to the former president, there is an inherent resistance to reforms. Moreover, the fact that Ennahda is in charge of the reform process, i.e. a movement which used to be one of the main targets of the country’s internal security apparatus as well as of its judiciary, possibly adds a further difficulty in achieving security sector reforms.

These internal obstacles are certainly one of the main reasons why security sector reforms in Tunisia have been slow so far. On the other hand, it can also be argued that the Ennahda-led government has thus far not yet demonstrated a true commitment to reforming the country’s security apparatus. While purges have been carried out both in the police and the judiciary, structural reforms which would focus on issues such as the establishment of a clearer legal framework, the strengthening of transparency and accountability or institutional reforms, have so far been very modest. Even though it is of course still early days, and the jury on the Ennahda government’s willingness to reform the country’s security sector is still out, the (growing) suspicion that Ennahada, now that it is in power, is more concerned with using the security apparatus for its own purposes, as opposed to genuine reforms, is not entirely without foundation.

Nevertheless, even though security sector reforms carried out in Tunisia so far have been limited, they are still rather unique in the Arab world, and the prospects of achieving effective SSR are arguably better in Tunisia than in any other country of the region. Again, it is too early to make a final
judgment, but Tunisia is not only the sole Arab country which can be said to have achieved a successful transition from authoritarianism to democracy, but it has also undertaken at least some initial steps towards achieving real reforms of the country’s security forces. However modest so far, there has to date been no other Arab country which has even embarked on such a reform path. Even in the other countries which, in the wake of the Tunisian uprising, have overthrown their authoritarian leaders, the prospects of achieving SSR are much bleaker. Egypt, for example, has effectively been under military rule since the overthrow of Mubarak, and even though the country, too, has held its first free elections of a Constituent Assembly and, more recently of a President, the Egyptian military seems intent on retaining far-reaching powers under the country’s future political system. The establishment of civilian democratic control over the armed forces thus seems like a very distant prospect in Egypt. Libya, for its part, remains in a state of considerable chaos more than one year after the overthrow of Qaddafi. While also Libya has held its first free elections in half a century, the new authorities are still not in full control of the country, with regular clashes between rival militias, jockeying for power in the post-Qaddafi period. Tunisia, by contrast, has not only moved further than any other country of the region towards democratization, but there is now a vibrant debate among numerous stakeholders, both within and outside the security sector, on SSR issues, and at least an acknowledgement among all major political forces that reforming the country’s security apparatus is key to the consolidation of Tunisia’s emerging democratic regime.