

July 2015

Tunisia's challenge: combating terrorism without comprising human rights

Asma Nouira*

Terrorism has hit Tunisia's tourist industry again, this time on the beaches of Sousse. Thirty-eight dead. It comes less than three months after the Bardo Museum incident where twenty-one died. In October 2013, a young man in his twenties detonated a bomb in one of Sousse's resort hotels, before detonating another on the beach and killing himself in the process.

Although the tourist industry employs fewer people than other sectors, Tunisians feel that terrorism has hit one of their country's main economic providers- it accounts for 15% of GDP . The choice of the tourism sector as the primary target of terrorist organisations is due to the fact that it is a vital industry for the Tunisian people in general, and for those half a million employed in it in particular. Tourism is also an important source of hard currency. Tourist sites are an easy target, as has been tragically shown.

Aside from the argument that terrorism is spreading and the blame game as to its origin and sources of funding, the question remains as to whether fighting terrorism on the one hand, and respecting human, individual, and public rights as guaranteed by the constitution on the other, is as difficult as some politicians and activists insist it is.

This was one of the main points raised in the debate over the draft terrorism law that the Chamber of Deputies inherited from the National Constituent Assembly, especially in light of the laws relevant to the security sector. Some human rights organisations, such as the Freedom and Equity Association, have repeatedly criticised the draft law, believing that the current government, led by an alliance between Nida' Tounes and the Ennahda Movement, could use the fight against terrorism as an excuse to reinstate authoritarian rule.

Until the delayed law becomes a reality, the National Security Council has approved a number of measures to address the current situation some of which are security-military related while others are legal-political. On the security front, army reserves have been called in to reinforce the security presence in sensitive areas and the government has decided to "intensify the campaigns and raids in pursuit of suspect elements and sleeper cells (...) within the framework of the law."

* Co-founder and President of the Observatoire Tunisien de la Transition Démocratique (OTTD).

However, the proclamation of the state of emergency, based on Law No. 50 of 1978, raises questions as to the authorities' commitment to democratisation. How could a law adopted under special circumstances (the violently-repressed general strike of January 1978) by an authoritarian regime, be now implemented by a regime trying to consolidate its democratic credentials? Moreover, if the proclamation of the state of emergency is justified as being "in time of a public emergency as a result of threat to public order, it will also allow the Minister of the Interior and governors to enforce the "temporary closure of all performance venues, shops that sell alcohol and public meeting halls". The 1978 Law also lets authorities "take all measures to ensure the control of the press and publications of all kinds as well as radio broadcasts, film screenings and theatrical performances" and allows the government to "ban strikes, demonstrations and public meetings...", even if such actions were taken prior to the proclamation of the state of emergency. All the above are in violation of human rights and public freedoms.

There is palpable concern among large swathes of the population and civil society, the guardians of acquired freedoms. The Prime Minister tried to allay their fears whilst proclaiming the state of emergency, saying openly that it was no longer possible to go back on freedom of the press and expression. However, he also called on members of the media to appreciate the current sensitive situation in the country, and referred to high economic price Tunisia has had to pay as a result of strikes and sit-ins.

The political and legal measures announced by the government in the wake of the Sousse incident are aimed at political parties and religious societies that do not comply with the law. These measures seem to primarily target the Al-Tahrir party, who seeks to establish an Islamic caliphate and who condemned the terrorist attack as part of a "Western plot." Many religious societies, for their part, are accused of funding terrorism. The government has seen it necessary to reword the legal text relevant to the organisation of religious societies, especially with regards to their sources of funding.

The decision to close all mosques that do not fall under the authority of the Ministry of Religious Affairs has provoked a wave of criticism in the name of "freedom of religious worship." The fight against terrorism it appears not only relates to the places where terrorists seek refuge, but also the places of worship that propagate *takfiri* (religious extremists accusing others of apostasy) and violent discourses. Every time the state has tried to impose its authority on these mosques and dismiss the imams that do not comply with the law, the voices of some Islamist parties and religious organisations are raised in protest.

The terrorist that carried out the Sousse attack is a young man from a village in the interior of the country and a graduate of one of the city of Kairouan's colleges. This questions the idea that youth disenfranchisement cannot be solely related to levels of unemployment. Likewise, although it is true that terrorism is directly and openly linked to religious issues, it has social, educational, and cultural roots as well. Most regions do not have active cultural centres but

they should be available to the youth for somewhere they can express their creative energy, and serve as places where they learn openness towards themselves and others.

The fight against terrorism also no doubt requires reforming religious institutions, and repositioning religious discourse. It is also necessary to reform the education system so that it fosters a generation of active youth with wider critical instincts, and there should be support for cultural activities across the country.

Above all, the implementation of temporary security measures should happen within the framework of the law. The fight against terrorism should neither be used as an excuse to harm public freedoms and violate human rights, nor should these rights and freedoms become an excuse for defending terrorists and terrorism.

About the author

Asma Noura is a professor of Political Science and Law at the University of El-Manar and an expert on Islamic studies and official religious institutions in Tunisia. Her special field of research is the relationship between the state and religion and religious actors. In 2011, she was appointed as one of the original members of the Committee of Experts to the Ben Achour Political Reform Commission where she worked on different legal projects concerning the democratic transition, such as the electoral code and a media code. She is co-founder and the current President of the Observatoire Tunisien de la Transition Démocratique (OTTD).

About ARI

The Arab Reform Initiative is the leading independent Arab Think Tank founded on the principles of impartiality, social justice and diversity. Our mission is to promote an agenda for democratic change through policy analysis and research, while providing a platform for inspirational voices.

- We partner with institutes on original research, analysis and outreach across the Arab countries as well as globally.
- We empower individuals and institutions to develop their own concept of policy solutions.
- We mobilise stakeholders to build coalitions for change.
- Our goal is to see vibrant democratic societies emerge in the Arab countries.

www.arab-reform.net

The Arab Reform Initiative does not take institutional positions on public policy issues; the views represented herein are the author's own and do not necessarily reflect the views of the Initiative, its staff or its board. Copyright of this publication is held by the Arab Reform Initiative. You may not copy, reproduce, republish or circulate in any way the content from this publication except for your own personal and non-commercial use. Any other use requires the prior written permission of the Arab Reform Initiative.

©Arab Reform Initiative July 2015

contact@arab-reform.net