

3.14. Tunisia

After presidential and legislative elections on 24 October 2004, which confirmed President Zine El Abidine Ben Ali, who has been in power since 1987, and his party the Rassemblement Constitutionnel Démocratique (RCD – Democratic Constitutionnel Rally), Tunisia is now preparing for the World Summit on the Information Society (WSIS). The world summit will take place in Tunis from 16–18 November 2005, and is organised by the United Nations and the International Telecommunication Union (ITU). The first summit in Geneva in 2003 adopted a Declaration of Principles and a Plan of Action. Taking into consideration the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, this Declaration of Principles outlines a common vision of the information society ‘where everyone can create, access, utilise and share information and knowledge’.¹ Article 55 reaffirms the signature states’ ‘commitment to the principles of freedom of the press and freedom of information, as well as those of the independence, pluralism and diversity of media, which are essential to the information society’.² As a participating country Tunisia also signed the two final conclusions of the first summit. The goal of the second summit is to review developments since the Geneva summit and give a concise political and operational plan for the future.

However, voices critical of Tunisia’s abuse of the freedom of expression and the limits of free media are not silent. Although aware of the democratic masquerade of the 2004 election campaigns, observers were being asked to believe that president Ben Ali was supported by the whole country, including the official and authorised media. Nevertheless, opposition parties disappeared from the media landscape and out of citizens’ sight. The Tunisian journalist Sihem Bensedrine criticised the choice of Tunisia as host of the second summit in an article on Tunisia, ‘Big Ali is watching the Internet’, for the German magazine *Der Überblick*.³ Furthermore, the Coordination Committee of Press Freedom Organisations⁴ in 2003 signed a resolution demanding the

¹ United Nations: World Summit on the Information Society. Declaration of Principles, Document WSIS-03/GENEVA/DOC/4-E, 2003, p. 1.

² Ibid, p. 8.

³ Bensedrine, Sihem: ‘Big Ali is watching the Internet’, in: *Der Überblick* 4/2003, Hamburg 2003, p. 52-54.

⁴ Coordination Committee of Press Freedom Organisations: ‘Press Freedom Groups Call for Information Summit to Abandon Tunisia’, Paris 2003.

transfer of the summit 'to a country known to respect press freedom, or cancelled altogether'. These well known discrepancies raise a lot of questions about how free the Tunisian media are.

I. General Conditions

Illiteracy and education	With 74.2 per cent of the population over the age of 15 able to read and write in 2003, Tunisia has a high literacy rate. ⁵ The high percentage of literate people between 15 and 24 years (97.9 per cent males and 90 per cent females) is the result of the efforts undertaken to educate young people. ⁶ Through its national development strategy, the government implemented reforms to guarantee 'free compulsory schooling for all children up to the age of 16 and ensuring universal primary education, enhancing the image of vocational training'. ⁷ In this way the government was able to increase the enrolment rate for six-year-olds (from 92 per cent in 1984 to 99 per cent in 2002). Moreover it was possible to reduce the dropout rate in primary education from 5.4 per cent in 1984 to 2 per cent in 2002.
Local media TV	The Etablissement de la Radiodiffusion et de la Télévision Tunisienne (ERTT), a government organisation attached to the Prime Minister, controls two TV-channels ⁸ – Canal 7 aimed at the general public, and Canal 21 designed for young people. Access to Canal 7 is guaranteed only by satellite reception. The origins of the channel's name go back to the bloodless coup d'état of Ben Ali on 7 November 1987. Canal 21 started in 1994 as a cultural and youth station. Its mission was redirected in 1999 to providing national education for young people. ⁹ It can be received by terrestrial antennae. The private channel Canal Horizons, operated by a Franco-Tunisian joint venture (the French media channel Canal+ held 40 per cent of the capital) via terrestrial antennae since 1992, was only accessible through a pre-paid subscription. It stopped transmission in 2000 due to financial problems caused by the increasing popularity of satellite dishes. In

⁵ Central Intelligence Agency (CIA): *The World Factbook 2004*, Washington 2004.

⁶ Organisation for Economic Cooperation and Development (OECD): *Tunisia*, Paris 2004, p. 322.

⁷ Ibid.

⁸ Caccialanza, Elga: *Le système des mass-médias en Tunisie*, Tunis 2001, p. 26.

⁹ Ibid, p. 28.

January 2005 a new private channel, TV Hannibal, will be established which will be accessible through satellite dishes.

Since 1999 the reception of international TV stations has been limited to the Italian RAI Uno,¹⁰ but original news stories are replaced by others if they are too critical. From 1989–99 France 2 also broadcast on terrestrial antennae, but in 1999 it transferred to satellite. The reception of satellite programmes has been growing in significance because the geographical position satellites Eutelsat, Intelsat and Telecom 2 are available in Tunisia. Since 1996 the reception of satellite programmes has been officially allowed through the payment of subscriptions to the state authorities.¹¹

The government has similar influence over radio stations, although the state's control is much stronger because all stations belonged to ERTT until November 2003. There are three national radio stations: Radio Tunis Chaîne Nationale (in Arabic), Radio Tunis Chaîne Internationale (programmes in French, Italian, German, English, and Spanish), and finally Radio Jeune (broadcasting since 1995 in Arabic). There are five regional radio stations: Radio Sfax (broadcasting since 1961 on AM and FM), Radio Monastir (since 1977 on AM and FM), Radio Tataouine (since 1993 on AM), Radio Gafsa (since 1991 on AM) and finally Radio Le Kef (since 1991 on AM). On 7 November 2003 a new private radio station, Mosaique, was launched, broadcasting modern music in particular. Some of the people interviewed conceded that Leila Ben Ali, the wife of the ruling president, supported and is involved in this project.

Passing by a newsstand, demonstrates how rich the press landscape in Tunisia is. According to official statistics there were 245 journals and magazines in 2003/4, compared with 91 in 1987.¹² However, it is very difficult to have an exact overview of the written press, because of fast changes and, as a university researcher said in an interview, nobody knows the exact numbers. There are both national and international newspapers in Tunisia. About nine national titles are published daily. It is characteristic of Tunisia that most of them are published in both Arabic and French versions.

¹⁰ Munzinger Online: Tunesien. Afrika, Nord und Ost, in: Internationales Handbuch - Länder aktuell, Munzinger Online/Länder 23/2003.

¹¹ Ibid.

¹² www.tunisie.com/media/.

Most influential are the journals which support the official government line. With a distribution of 40,000 to 52,000 in French, *La Presse* has to be considered the most influential governmental journal in the French language. The Arabic version is published under the name of *Essahafa* with a distribution of 7,500. The newspaper *Le Renouveau* is part of the mass media run by the Rassemblement Constitutionnel Démocratique, with a distribution of 30,000. *Al Hourria* is also an information tool of the ruling party RCD. Published in Arabic, it has a distribution of 30,000, and carries information about general affairs. In addition, there is *Achourouk*, which has been covering general information in Arabic since 1984, with a distribution of 80,000. Its name in French is *Le Quotidien*, in which language it has a distribution of 30,000. Furthermore, there is the self-described independent newspaper *Le Temps*, which is very close to the government line and has a distribution of 13,500–42,000. Its Arabic version is *As-Sabah* with a distribution of 23,500–50,000. Finally, there is the Arabic *Essarahi*, without a French version. In addition, there are the magazines that are published in Tunisia, like *Réalités* or *Observateur*, and weeklies like *Tunis hebdo*. All of them support or at least respect the government line.

A lot of international newspapers are available in Tunisia, like *Le Monde*, *Le Monde Diplomatique*, or weekly magazines like *Jeune Afrique-l'Intelligent*. However, the Minister of the Interior keeps these publications under surveillance and can confiscate, prevent publication, or prohibit entry of these publications as has happened to international as well as national newspapers or weeklies like *Le Monde* or *Réalités*.¹³ In this way the government not only puts pressure on newspapers in the sense of direct censorship, it also gives them economic problems. Newsmagazines are banned if 'they contain any critical information about Tunisia'.¹⁴ German titles like *Bild* or *Frankfurter Allgemeine Zeitung* can also be bought at newsstands. However, some foreign publications are banned from general distribution in Tunisia, like the French newspapers *Libération*, *La Croix*, *Le Canard Enchaîné*, and *l'Humanité*, as well as some Algerian and Moroccan titles.¹⁵

¹³ Internews Network: *Tunisia*, 2003b, p. 16.
www.internews.org/arab_media_research.

¹⁴ International Media Support (IMS): *Tunisia's Media Landscape. Report June 2002*, Copenhagen 2002, p. 5.

¹⁵ Ibid.

Besides the newspapers belonging to the ruling RCD, there is also an opposition press. There are official opposition parties, represented in the *Chambre des Députés* (House of Parliament) and all of them run their own newspapers, due to a government system of subsidies of up to 50,000 DT a year. The Rassemblement Socialiste Progressive runs the paper *Al Makoef*. The Mouvement des Démocrates Socialistes (MDS) is owner of the journal *El Moustakbal*. The Parti de l'Unité populaire (PUP) publishes *El Wahda*. The paper *Al Watan* supports the ideas of the Union Démocratique Unioniste (UDU). There used to be at least two critical newspapers owned by official opposition parties: the first one was *al-Mawfig* run by the Parti Démocratique Progressiste, while the second one represented the political line of *Attariq Al Jadid*. In 2002 *al-Mawfig* did not receive its state subsidy and was confiscated on newsstands because of a line too critical of the government. In February 2002, one edition of *Attariq Al Jadid* was seized and it was banned from distribution because of a critical article about the national referendum on giving the President a wide range of privileges and the chance of running – at least – once more for the presidency.

Media
ownership

There are also online journals and magazines on the Internet. For example www.afkaronline.org is an e-zine whose opinions are close to the government. However, one can visit several unauthorised local journals which are quite critical and blocked within the country, although it is still possible to visit these sites via proxies (alternatives-citoyennes.sgdg.org, kalimatunisie.com, tunezine.com). Other blocked websites include for NGOs: the Conseil National de Liberté en Tunisie (CNLT), La Ligue Tunisienne de Droits de l'Homme (LTDH) and RAID – Attac Tunisie; for political parties: the government-authorized Parti Démocratique Progressiste (PDP); and for news outlets: the homepages of Tunis News and Réveil News. Blocked websites of international organisations include the Fédération Internationale des Ligues des Droits de l'Homme (FIDH), Reporters without Borders, Organisation Mondiale Contre la Torture (OMCT), Amnesty International and Human Rights Watch.

Internet
media

Another way of silencing these journals is to persecute online journalists, as for example the sentencing of Zuhair Yahyaoui (founder and editor of the online newsletter

TUNeZINE) to two years and four months in 2002.¹⁶ Surprisingly, websites that are normally blocked were accessible within the country during the meeting in June 2004 of the Preparatory Committee for the second WSIS in Tunis.

Media access
Print
Radio
Internet

It is interesting to note that despite the total number of people who have access to daily newspapers, the circulation per 1,000 inhabitants dropped from 31 in 1996 to 19.03 in 2000. Moreover, the circulation of the non-daily newspapers remained constant between 1996 and 2000. In 1998, the number of Tunisians online was approximately between 3,000 and 5,000.¹⁷ Also, in 1997 there were reported to be 2.06 million radios. During 1998 and 1999 the government improved access to the Internet so that the number of users reached 30,000. According to the *CIA World Factbook* there were 630,000 Internet users in 2003.¹⁸ In June 2004, Agence Tunisienne pour l'Information (ATI) reported a total number of 708,000 Tunisians online.

It was in 1998 that the first Internet cafés (*publinets*) opened, reaching a total number of 26 in 1999. About 600 *publinets* were reported for 2001, but it is remarkable that ATI published a reduced total number of 305 cybercafés in 2004.¹⁹ It was not possible to find any reliable explanation for this development.

TV

According to UNESCO sources there were about 1.9 million television sets in 2000. Another source, however, suggests that probably 70 per cent of Tunisian families have access to cable television, a figure which is probably not correct for rural areas. According to national statistics, between 45 and 55 per cent of Tunisian families own a satellite dish.²⁰ However, it seems that in urban areas the rate might be higher.

Media consumption
TV

Concerning the selection of channels, data from Sigmaconseil provides a clear picture. During the first two weeks of Ramadan in 2003, Tunisian viewers were watching TV for an average of three hours and ten minutes. Most of

¹⁶ Arab Press Freedom Watch: *The State of the Arab Media 2003. The Fight for Democracy*, London 2003, p. 138.

¹⁷ Human Rights Watch: 'Country Profile Tunisia', in: Human Rights Watch: *The Internet in the Mideast and North Africa. Free Expression and Censorship*, New York 1999.

¹⁸ CIA 2004.

¹⁹ *Réalités Multimédia* 2001, p. 10; IMS 2002, p. 9; ATI 2004.

²⁰ Munzinger 2003; Internews 2003b, p. 7; IMS 2002, p. 8.

the time viewers spent watching the national channel Tunis 7: 2 hours and 13 minutes, which represented 70 per cent of total television consumption. One explanation for this large audience is the fact that during Ramadan there are a lot of popular daily soaps shown on Tunis 7. But our own experience in the country allows us to generalise this high viewing rate for state TV for the whole year, although the use and influence of satellite channels like Al Jazeera might be much higher than reported.²¹ There is also an Arabic TV station, Al Mustakillah, which is often used by critical Tunisian journalists and is considered to be very dangerous by the government.

As mentioned by International Media Support, the radio plays a minor role [almost never: 1] in the Tunisian media landscape, because it lost credibility 'due to the fact that it is entirely under state control'.²² Tunisia is a country of the oral word, so one can see a preference for the oral form of information exchange: TV and personal exchange are used very often [4], while radio and the written press are used only occasionally [2]. There are considerable differences in the use of print media and the Internet between cities and the countryside. This, and the limited access to free media information, reduces the Internet as a source of information, which is used almost never [1].

Radio

Print

Internet

Regarding the influence of the media on the formation of political opinion in Tunisia, one has to differentiate between uncritical people supporting the party in power and critical minds. It seems that the state-run media have a highly significant influence [4] on the individual political opinion of the first group. For the latter group there is rather little influence [2] on the formation of political opinion in the country because every critical mind knows that the public media are either directly controlled by the authorities or follow the government line.

Media influence on political opinion

State-owned media

In the media landscape of Tunisia the state-owned media have hegemony. Although there are some private media, most influence can be attributed to state-owned media spreading uncritical propaganda for the government [+3]. The first private radio station, Mosaique, mentioned earlier, is significantly influenced by the president's wife, Leila Ben Ali. The same situation can be seen in the written press. All privately run newspapers respect the official government

State-owned media and published opinion

²¹ IMS 2002, p. 9.

²² Munzinger 2003; CIA 2004; IMS 2002, p. 9.

line. Some interviewees said that there are absolutely no free media in Tunisia, which makes it uninteresting to read or follow the national media.

Government press conferences The official news agency Tunis Afrique Presse (TAP) has an extraordinary position: it is the only source that obtains official reports and publishes them.

II. Legal Environment

Freedom of expression Freedom of opinion and expression is guaranteed by the Tunisian Constitution. Article 5 upholds the freedom of personal integrity, conscience and belief. Article 7 addresses the limits of individual rights. According to Article 7, a written law can limit an individual right only if there is a public interest at issue involving 'public order, national defence, the development of the economy, and social progress'. Article 8 guarantees freedom of opinion, expression, the press and publication. However, this article is criticised for completely failing to protect freedom of opinion, because these freedoms are also restricted by statutory limits.²³ Another criticism is that in legal terms the words 'the development of the economy, and social progress' are not precise enough for adjudication.²⁴

Media coverage

Regulation of media coverage

Although the Tunisian Press Code (TPC) of 2004, in Article 1, generally repeats the freedom of expression guaranteed by Article 8 of the Constitution, one can find many articles which restrict the free work of journalists. Article 48 of the TPC protects the personality of the President. Anyone offending him can be sentenced to pay damages of 1,000–2,000 TD or to imprisonment of one to five years. Furthermore, Articles 50 to 53 deal with defamation and protect members of the government, members of parliament, and public officers. According to Article 50 defamation is defined as 'a public allegation or attribution of a fact that harms the honour or esteem (*considération*) of a person or state agency to whom the fact was attributed'. Defamation of 'the public order, courts, army, navy or air-forces, public agencies and public administration' can result in a sentence of 'imprisonment from one to three years and a fine from 120–1,200 TD'. The same punishment is applied to the

²³ Internews Network: *Study of Media Laws and Policies for the Middle East and Maghreb*, 2003a, p. 1b. www.internews.org/arab_media_research.

²⁴ Article 19: *Surveillance and expression. Freedom and Expression in Tunisia*, 1998, www.article19.org/docimages/660.htm.

defamation of members of the government, members of parliament and public officers.

However, Article 49 of the TPC, criminalising the dissemination of ‘false’ information, is most frequently used to silence critical speech.²⁵ As a journalist told us in an interview, the crucial point of this article lies in the interpretation of the term ‘in bad faith’ (*mauvaise foi*). Whenever a journalist has to defend himself in court, it is nearly impossible to counter the state’s accusations on the grounds of ‘bad faith’, i.e. the lack of due diligence on the part of the journalist. Under this provision the penalty can be imprisonment from two months to three years and the payment of damages from 100–2,000 TD.

Article 9 addresses access of the foreign written press to Tunisia. Foreign editors are asked to deliver nine copies of their publications to several state authorities, among them the Secretary of State for Information. If a publication offends these laws, damages of 200–400 TD are payable, with a further fine of 400–800 TD for repeated offences. Moreover, Article 12 of the TPC provides for the confiscation of all copies which are being illegally sold. It is not clear according to which criteria state officials decide to ban periodicals, although the press code points out several possible sanctions.

When looking at the administrative guidelines regulating audio and visual broadcasting one has to take into account the state’s monopoly in this area. Despite modifications of the cable and wireless guidelines in 1977 and 2001, any real liberalisation of radio and TV stations is highly unlikely. Although the first private radio, Mozaique, has started up, and a private channel, Hannibal, is planned for January 2005, it is clear, as a journalist emphasised in an interview, that both are closely connected with President Ben Ali. A possible explanation for this situation is that the ‘state believes that radio and television are important propaganda tools that it alone should monopolise’.²⁶

The press code provides the legal framework for the media and for journalists’ work. In Tunisia, the first press law was enacted by the Tunisian Chamber of Deputies in 1975 with amendments adopted in 1988, 1993, and 2001. While the analysts of International Media Support argue that ‘most of

Changes in
the past five
years

²⁵ Human Rights Watch 1999.

²⁶ Internews 2003b, p. 6.

the changes have been largely cosmetic', a closer look at the changes of 2001 suggests some slight improvements [+1] in the implementation of the law, making the legal system more reliable.²⁷ Nonetheless, implementation remains restricted by extra-legal measures brought about by a system that acts arbitrarily in implementing the rule of law. Thus one can see no change [0] in freedom of the press.

First, Article 51 of the TPC has been modified so that the charge for 'defaming public order' has been deleted. It was deleted because its wording allowed for vague accusations on the basis of varying interpretations. Second, a new Article 8 was adopted, 'simplifying the legal procedure concerning the required deposit of a number of copies of each publication'. Third, as a university teacher told us, the rate of editorial staff holding university degrees was increased from 30 per cent to 50 per cent under Article 15. Fourth, Article 19 paragraph 2 addresses the 'felony of lending the name to the owner or financier of a publication and the crime of accepting a financial amount or any other benefits in order to make a paid advertisement look like a news item'. Fifth, in Article 73 the period of suspension for a penalised daily publication was reduced from six to three months. Regarding the last modifications one may conclude, as the general assembly of journalists did on 11 May 2001, that 'the last amendment of the press law did not fulfil all the aspirations and expectations of journalists'.²⁸

In 1988 the Tunisian parliament adopted some modifications of the TPC to guarantee free access to the media market. Article 15 forbids the formation of monopolies in the written press. According to this article any individual or organisation is allowed to possess, control or lead a maximum of two '*publications périodiques*'. In addition, the article details market regulations. The total circulation of the papers owned by one individual must not amount to more than 30 per cent of the overall circulation of periodicals in the same field.

Censorship
under the
law

According to Article 8 of the Tunisian constitution, every citizen has the right of free expression. However, this right can be restricted by ordinary law, although there is no paragraph allowing any explicit censorship. At the state level, this right is violated by the practices of the police. For example, state authorities collect critical publications

²⁷ IMS 2002, p. 10; Internews 2003b, p. 3.

²⁸ Internews 2003b, p. 3.

directly from the newsstands to prevent the uncontrolled spread of the information they contain. Individuals in particular, as well as organisations, who are too critical of the government, suffer severe consequences, such as major fines, prohibition of publication or physical punishment.

Before anyone can start a publication, she or he has to ask for permission (*récépissé*) from the Ministry of the Interior, which is valid for one year. This requirement allows the state authorities to determine who is authorised to publish. The practice underlines the fact that there are no independent state authorities or impartial bodies to guard freedom of the press. 'There are numerous media cases where receipts of deposit were not received after works were deposited at the Ministry of the Interior. As a result, the depositor lacked proof of his work being deposited, since the proof of depositing is the receipt itself. Moreover, the depositor did not have proof of his work being rejected and, hence, was unable to sue the administration in court'.²⁹ It quite often happens, that the state uses this measure of control to silence dissenting opinions.

Media
licences

According to Article 14 of the TPC it is up to the printer to request the *récépissé* before printing. This guarantees absolute control by the Ministry of the Interior. There are several paragraphs in the TPC that regulate the state's control in advance of publication. For example, under Article 8, which deals with all kinds of periodicals, printers have to deliver 20 copies to the ministry engaged in information. As some observers indicated, 'this required procedure can be time consuming, is labour intensive and effectively facilitates control and censorship by the Ministry of Interior'.³⁰

There are no restrictions on journalists' professional training. Under the law it is possible for anyone to work as a journalist. There is only one limitation, in Article 15 of the TPC, which specifies the details for working in a periodical. Here journalists are required to have a national professional card (*carte nationale professionnelle*). It is difficult to judge if state authorities often restrict journalists in practising their profession. The problem is that on the one hand, most journalists respect the states' limitations by censoring themselves. On the other hand, indirect pressure by intermediate groups is more efficient than taking away

Journalists'
status

²⁹ Ibid, p. 6.

³⁰ IMS 2002, p.11.

licences. According to official statistics there were 973 professional journalists in 2003/4, compared to 639 in 1990, of whom 35 per cent were females and 53 per cent hold a university degree.³¹

Monopolies and cartels Because the government organisation, ERTT, controls two TV channels and eight radio stations there is no question of creating monopolies in the private sector. As already mentioned, the first private radio station, Mosaïque, appeared in 2003, and the private TV channel, Hannibal, will be launched in January 2005. Both are closely linked to the governing family.

III. Political Conditions

There is strong and frequent state repression of journalists, although subtle influence dominates. As will be seen, it is impossible to differentiate between state and non-state repression in Tunisia because of the interconnections between state authorities and the non-state intermediate organisations. For example, one can see non-state repression in Tunisia being carried out by political organisations close to the network in power, like the ruling RCD or the family of the president. State and non-state actions limiting free media expression are designed to confirm the control of the current political system. Beside the legal attacks already described, the political pressure of state authorities and connected non-state groups on the media takes the following forms.

In the visual and audio media, the government has total domination through monopolising transmission and appointments. Given ERTT's total control of most TV and radio stations, no one can expect the media to have freedom of expression. Appointed directors close to the presidential family restrict the process of privatisation, e.g. radio Mosaïque or TV Hannibal. However, there is a rising number of independent papers, like *Le Temps* or *Réalités*, but all of them respect the government line and censor themselves. International Media Support reported a case in which a former government official assumed editorial functions although he was only working as an employee of *Réalités* magazine and not as an editor.³²

³¹ www.tunisie.com/media/ .

³² IMS 2002, p.12.

In general, it is not difficult to find sections of the population unrepresented in the media, because of the authoritarian state system. During the presidential election campaign in 2004, for example, although national TV stations broadcast meetings of the officially approved opposition parties, the selected pictures were manipulated and the real messages were rigged. All in all, the state vigorously fights the opposing views of marginal groups, such as some Islamic groups, which have often moved to France and Great Britain and are banned from the media.

Coverage of
marginal
groups

Due to informal political pressure, self-censorship is widespread in all three forms of the media. Thus, there is little room for manoeuvring over what can be written and how. The members of official state-owned organisations practise it automatically. The privately run media, often headed by someone close to the powers that be, respect the official line so as not to endanger their advertising subsidies.

Self-
censorship

The Tunisian government very often carries out physical as well as non-violent attacks against critical journalists. One of the most prominent cases has been that of the Tunisian journalist and editor, Sihem Bensedrine, in 2002, when the authorities used various means of repression to silence this political opponent.³³ Tactics used to silence her included 'inspection and shut down of her edition, threats against her children, theft of her car's identification number, manipulated pornographic photos in the letter-box'.³⁴ When the speaker of the forbidden National Council for Liberties of Tunisia (CNLT) came back after a trip from London in 2002, she was arrested. Her only mistake was to criticise corruption and torture in Tunisia on foreign TV. Another recent attack against critics happened in May 2004, when European Union grants to the Ligue Tunisienne des Droits de l'Homme (LTDH) were blocked by the Tunisian authorities in the aftermath of a report about '*médias sous*

Illegal state
repression

³³ Lotfi Hajji, general secretary of the Press Syndicate, an organisation that is not yet authorised, has been arrested twice in 2005 after this syndicate had published a report on press freedom in Tunisia. In 2004 and 2005 Zouhair Yahyaoui from TUNeZINE was tried for articles he has written, mentioning the situation in Tunisian prisons. In April 2004 eight young people from the region of Zarzis were sentenced for having had access to certain documents on the Internet. These examples show the extent of the control the authorities have over modern means of communication.

³⁴ Wolf, Kyra: *Artikel 19. Der tunesischen Journalistin und Verlegerin Sihem Ben Sedrine droht wegen kritischer Meinungsäußerungen ein Prozess*, 2002, www.dradio.de/dlf/sendungen/artikel19/156654/.

surveillance (media under observation).³⁵ The international press also suffers from violent state control. For example in May 2002 there was an assault on foreign journalists who had covered the referendum on constitutional reforms.³⁶

Obstacles to Internet access

It was the Tunisian government in 1991 that established the first connection to the Internet on the African continent and in the Arabic world. Since 1996 access to the Internet has been authorised and made possible through the Agence Tunisienne d'Internet (ATI). In accordance with the Internet decree of 1997, the ATI was transformed into a 'public contractor' with the role of supervising 12 companies which are to make sure that individuals can connect to the Internet.³⁷ There were five companies in 2004, e.g. GlobalNet and Planet, which offer this service; they are controlled by persons close to the President. All protocols and the country's only international gateway are controlled by ATI. The Internet decree also requires the approval of the Ministry of Communication for Internet access, the use of encryption and the transfer of the keys.³⁸

The state authorities established various measures for controlling the use of the Internet. For some people it is impossible to get a personal account, or an account is terminated without any explanation. Our own experience in the office of the Konrad Adenauer Foundation in Tunis is that some emails arrive having been marked as already opened. Sometimes emails arrive with a delay of several days. As a Human Rights Watch report in 1999 indicated and our own experiences has proved, there are a lot of web sites critical of Tunisian politics and the human rights situation which are blocked. However, nobody can be absolutely certain whether these websites were inaccessible because of technical problems.

Changes in the past five years

It is difficult to judge whether state repression has increased in this period, because threats are like waves and occur in an arbitrary way. From a long-term perspective most of our partners whom we interviewed told us that there had been more freedom of the media under the former president, Habib Bourghiba (1956–87). Under President Ben Ali, the pattern of state repression of the media can be described as

³⁵ Abou, Georges: *Tunisie: Droits de l'Homme: après le harcèlement, l'asphyxie*, 2004, www.rfi.fr/actufr/articles/053/article_27950.asp.

³⁶ Arab Press Freedom Watch 2003, p. 137.

³⁷ Internews, 2003b, p. 8.

³⁸ IMS 2002, p.10.

unpredictable waves, being more violent during crucial moments in political life such as the referendum in 2002. The authors of the Arab Press Freedom Watch report conclude: "The Tunisian government has persistently moved aggressively against whomever it perceives to be an enemy ... These violations by the government have become more numerous since May 2002 when the constitution was amended."³⁹ In an interview Sihem Bensedrine gave to the German section of Reporters without Borders in 2002, the journalist revealed that there was some hope in 2000 and 2001 about improving media conditions due to concessions Ben Ali made and because of increasing international criticism.⁴⁰ However, 9/11 changed the political landscape, and Ben Ali engaged himself in the fight against terrorism, slightly aggravating [-1] the threat of state repression against critical media and unauthorised opposition.

Finally, government organisations also very often exercise control over the production and distribution of print media. We already noted in the section about legal conditions the control of printers' work. Another form of control concerns the distribution systems, which are rarely reported on. A journalist told us in an interview that if, for example, a critical article had been published and the papers were already on the newsstands, a government representative would drive around in order to buy up all the copies.

Government
control over
print media

IV. Economic Pressures

The limited private media are highly dependant on the state's money, although, as mentioned above, the amendments to the Tunisian Press Code introduced more economic guarantees for a free market. As already indicated, the influence of government economic pressure is only noticeable with the written press because of the strong control ERTT has over the visual and audio media. The Tunisian private press that is allowed to publish is essentially dependent on advertising revenue. The report of International Media Support reveals two methods for publishing advertisements: first there is the Agence Tunisienne pour la Communication Exterieur (ATCE), and

State
subsidies

³⁹ Arab Press Freedom Watch 2003, p.135.

⁴⁰ Reporter ohne Grenzen: *Tunesien. Interview: mit der Journalistin Sihem Bensedrine*. Oktober 2002, www.reporter-ohne-grenzen.de/publik/rep/rep2002/rep3_02.php.

second there are direct contracts with private companies, which are used to a far lesser degree.⁴¹

ATCE was founded in 1990 and has taken on the job of distributing the state's advertising budgets and the accreditation of local and foreign journalists. However, its main mission is making propaganda for the government [+3]. Due to its work, ATCE is connected to the Prime Minister's Office in an informal way. If a private company wants to publish an advertisement, it achieves this through ATCE, because this procedure prevents complications with the government. Moreover, a report concludes, that 'local and foreign business with local representation have been harassed and threatened into suspending their advertising in publications that are deemed critical by the government. This state control and influence over advertising in publications has led many newspapers to financial ruin'.⁴²

Further aspects Apart from this kind of economic pressure there is another measure reported to us by a journalist who works for an international weekly magazine in Tunis. As already described, state authorities can ban the distribution of critical publications. This procedure is used in the following way to cause considerable financial damage. For example on a Monday, the day of publication, the distribution of a critical edition is temporarily banned until Friday. Because that is near the weekend and the next edition, readers do not want to buy the old Monday's edition. In this way the number of copies sold is limited and the publishing house retains its critical, but out-of-date publication.

V. Non-state Repression

Repression by non-state groups As stated in the section about political conditions, it is impossible to differentiate between state and non-state repression in Tunisia because of the interconnections between state authorities and the non-state intermediate organisations. Thus, one can very often see non-state repression in Tunisia caused by political organisations close to the network in power, like the ruling RCD or the family of the president.

Over the past five years one can stress the continued aggravation [-2] of non-state repression. In contrast with the

⁴¹ IMS 2002, p. 5-6.

⁴² Ibid, p. 12.

press restrictions under former President Bourghiba, currently in Tunisia not only are individuals victims of non-state repression but their immediate environments are too. There is now more subtle repression through a system of fear and control. This system nourishes a lack of mutual trust. The events of 9/11 marked a watershed. Up to then there had been rising international criticism of Tunisia, which was silenced when the war against terrorism started. Today Ben Ali is an effective and respected ally in the alliance against terrorism. This permits him to continue to persecute opposing voices, legally and extra-legally.

Changes in the past five years

VI. Conclusions

After examining the situation of the media in Tunisia over the past five years we can conclude that there has been continued abolition [-3] of free coverage by the media. With regard to the current general situation in 2004 we have to realise that there is no freedom of the media.

Evaluation of media coverage

The Konrad Adenauer Foundation in Tunis supports the work of journalists in the following ways. First, the Tunisian office has established very good contacts with journalists. Journalists from the written, audio, and visual media are invited to every event that is directly organised or supported by the Foundation, and they frequently attend. In this way the Foundation integrates journalists into its work and conveys its understanding of free democracy, civil society, and social market order. Second, the office organised an information trip for Tunisian and Algerian journalists in 2004. The aim of this project was to brief journalists on the German political system and recent German developments. Finally, the Foundation is planning a common project with the Institut de Presse et des Sciences de l'Information in order to initiate meetings between young German and Tunisian journalists.

KAF support

We saw in the first section that this is a highly educated society, which has access to a wide range of written, audio and visual media. However, the crucial point is that most of the media are directly connected to state authorities. It is not possible to find any truly independent media because of the close links even private companies have to the president's family and the level of self-censorship. The legal situation also reflects the all-embracing nature of state control, even though the Tunisian Constitution and the Tunisian Press Code provide for fundamental rights regarding freedom of

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expression. Due to Article 49 of the TPC, which deals with false information, every expression of criticism can be silenced. In addition to their legal powers, the state authorities use all kinds of violent and non-violent means to stop critical speech. There is clearly no freedom of the media.

It remains unclear how the government will bridge the gap between the solemn WSIS principles and the continued abolition of free media. Whether or not the principles of WSIS could influence Tunisian politics depends on the advocacy of the limited parts of civil society that are not controlled by the state. Their claims for an effective and universal implementation of the WSIS principles in Tunisia has to be backed up by international pressure.

Major
obstacles

In conclusion it has to be emphasised that Tunisia's media landscape is entirely controlled by the governing authority of President Ben Ali and the ruling party RCD. In this way, the media in Tunisia reflect the circumstances of the whole society, which is organised around the personality of the President, his informal network, and the party in power. In an interview a Tunisian journalist pessimistically said that current Tunisia was on the road to dictatorship and the media were part of that game.

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BIBLIOGRAPHY:

Arab Press Freedom Watch: *The State of the Arab Media 2003. The Fight for Democracy*, London 2003.

Bensedrine, Sihem: 'Big Ali is watching the Internet', in: *Der Überblick* 4/2003, Hamburg 2003.

Caccialanza, Elga: *Le système des mass-médias en Tunisie*, Tunis 2001.

Coordination Committee of Press Freedom Organisations: *Press Freedom Groups Call for Information Summit to Abandon Tunisia*, Paris 2003.

Human Rights Watch: 'Country Profile Tunisia', in: Human Rights Watch: *The Internet in the Mideast and North Africa. Free Expression and Censorship*, New York 1999.

International Media Support: *Tunisia's Media Landscape. Report June 2002*, Copenhagen 2002.