ISSUE BRIEF   BY **BASSEM BOUGUERRA**

Reforming Tunisia's Troubled Security Sector

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The December 2010 self-immolation of twenty-six-year-old itinerant fruit vendor Mohamed Bouazizi sparked popular protests in Tunisia that rippled throughout the Arab world. Like so many of Tunisia's youth, Bouazizi felt disenfranchised by the Zine El-Abidine Ben Ali regime. For over twenty-three years, a corrupt security apparatus allowed Ben Ali to rule the country with an iron fist. The public avoided criticizing the regime or even mentioning Ben Ali's name for fear of reprisal. During the Tunisian revolution, protesters demonstrated their anger at the security institutions that perpetuated the regime's hold on power by attacking police stations. With the fall of the regime, Tunisians began to publicly voice their opinions on previously forbidden issues such as politics, corruption, and police abuse.

Security sector reform (SSR) is one of the important reforms that ordinary Tunisians demanded. Security is a precursor to political stability and economic development. A corrupt security sector impedes development, deters investment, and perpetuates poverty. As Tunisia contemplates SSR, it is imperative that the government protect the fundamental human rights enshrined in Tunisia's new constitution.

Lasting democratic governance must be supported by public faith in government institutions. SSR is not a zero-sum game in which democratic reforms come at the expense of the system's effectiveness in combating terrorism. As an example, good intelligence is key to effectively fighting terrorism, but public mistrust of the security sector seriously impedes intelligence gathering. A system that operates in the interests of the people can more effectively combat terrorism than an oppressive state that risks spawning extremist reactionaries.

The Tunisian government and the international community must prioritize SSR. This issue brief

examines the numerous security challenges that Tunisia faces and the bureaucratic and political barriers to reforming the country's complex security sector. Finally, the author offers policy recommendations detailing how the Tunisian government, civil society, and the international community can work together to implement the reforms necessary to ensure the success of Tunisia's transition.

Context

Dispelling Myths about the Security Sector. The 2011 revolution exposed the truth about the security sector. As a result of government misinformation, ordinary Tunisians believed that the security forces numbered at least 150,000.[1] However, a 2012 United States Institute of Peace report put the actual number of "internal security forces...between 40,000 and 80,000," and estimated that about half of these were "part-time augmentation forces or paid informants."[2] During Ben Ali's rule, the police force members worked unsustainably long hours, handling enormous workloads to maintain the appearance of a vast network.

Following the revolution, the police struggled to reestablish peace and security with tragic results; the number of people shot dead by police officers in the weeks following January 14, 2011 was five times the

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1   Querine Hanlon, *Security Sector Reform in Tunisia: A Year after the Jasmine Revolution* (Washington, DC: United States Institute of Peace, March 2012), http://www.usip.org/sites/default/files/SR304.pdf, p. 6.
2   Ibid.

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number of Tunisians killed during the December 2010-January 2011 upheaval. In the absence of crime data, it is impossible to give a clear estimate of the rate of criminal activity in Tunisia. However, Tunisians consider security to be the single biggest problem facing the country, according to a study by the International Republican Institute released in May 2011.[3] To address this feeling of insecurity and bolster the security sector's capacity, the Tunisian government recruited close to ten thousand new police officers in one year. Unfortunately, an expedited scale-up meant that training was reduced from nine to three months for about one thousand of them.

> DURING BEN ALI'S RULE, THE SECURITY SECTOR ENJOYED A CULTURE OF IMPUNITY. ACCORDING TO THE UN SPECIAL RAPPORTEUR, FROM 1999 TO SEPTEMBER 2009, ONLY 245 POLICE OFFICERS WERE PROSECUTED FOR MISTREATMENT AND MISCONDUCT.

Mapping the Security Apparatus. The "political police" force was Ben Ali's greatest weapon, used to terrorize and intimidate his political opponents. Unlike in Egypt, there was no specific body that could be identified as the "political police." Instead, Ben Ali's political police force is perhaps best understood as a network of organizations and individuals, inside and outside the government, working together to collect information on anyone who could potentially threaten the regime. Members of Ben Ali's political party, Constitutional Democratic Rally, played a key role, intimidating political opponents by closely monitoring them and reporting back to the Ministry of Interior (MoI).

Multiple intelligence bodies supported the process of surveillance and targeting for purposes of political control. Intelligence in Tunisia was divided into two main bodies: the Directorate General of Special Services (SS), which worked on general intelligence information, and the Directorate General of Technical Services, which provided the same information but through technical instruments such as phone tapping or Internet control. The Directorate of State Security (DSE) coordinated the SS and ST.

After the revolution in February 2011, then-Interior Minister Farhat Rajhi announced the suspension of the DSE, essentially dissolving the political police. This decision was well received by ordinary Tunisians. Many security experts, on the other hand, saw it as a major mistake, since the DSE ensured the smooth functioning of the entire intelligence system by mining the torrent of intelligence data. Critics of the decision argue that the functioning of the whole system has become erratic, with no liaising entity filtering information and providing analysis.

In addition to SS and ST, smaller units within the General Directive for Public Safety—an umbrella organization that includes the traffic police, public safety police, crowd control police, and others—still report on the political activities of citizens, as well as daily activities of diplomats and foreign journalists.[4]

SSR Challenges
A Culture of Impunity and Human Rights Violations. During Ben Ali's rule, the security sector enjoyed a culture of impunity. According to the UN special rapporteur, from 1999 to September 2009, only 245 police officers were prosecuted for mistreatment and misconduct, and "reportedly, only seven criminal convictions for acts of torture and ill-treatment were handed down against law enforcement and prison officials."[5] After the fall of Ben Ali's regime, the public expected arbitrary torture, scenes of police violence, and police impunity to end. A week after Ben Ali's ouster, Tunisians were pleasantly surprised by the televised scene of police officers asking their countrymen for forgiveness, claiming that they had merely carried out their superiors' orders out of fear of reprisal. This created a wave of public compassion, and

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3   International Republican Institute, "Survey of Tunisian Public Opinion: May 14-27, 2011," http://www.iri.org/sites/default/files/2011%20July%20 12%20Survey%20of%20Tunisian%20Public%20Opinion,%20May%20 14-27,%202011(1).pdf.

4   http://nawaat.org/portail/wp-content/uploads/2014/04/ConfMartyrs2. pdf (in Arabic).

5   Juan E. Mendez, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment on His Mission to Tunisia (15 to 22 May 2011)*, United Nations, February 2, 2012, http://www.univie.ac. at/bimtor/dateien/tunisia_unsrt_2012_report.pdf.

most Tunisians anticipated a whole new relationship with the police would be forged.[6]

Regrettably, many instances of police abuse were reported after February 2011.[7] Most, if not all, of these confrontations were not recorded by the police, perpetuating the culture of impunity. Even though the government opened internal investigations, they were lengthy, lacked transparency, and were never published. It became evident that there was no adequate external mechanism to check abuse within the MoI.

The National Constituent Assembly (NCA), established in October 2011 to write a new constitution, created a parliamentary oversight commission for the security sector. The commission was formed in response to a violent police attack on demonstrators during the infamous April 9, 2012 protest, which was fueled by dissatisfaction with the performance of the interim Ennahda government. The commission, headed by a member of the ruling party, was responsible for investigating police misconduct and publishing a report with its findings. A few months after the commission was created, many of its members resigned citing a lack of MoI responsiveness, and the commission report never saw the light of day.

The lack of accountability that was pervasive before the revolution appears to continue within the ranks of the MoI. Although a military tribunal on April 11, 2014, gave Ben Ali a life sentence in absentia for his role in the killing of protesters during the uprising, his top security officials were given extremely light sentences. For example, Ali Sariati, head of presidential security under Ben Ali, was released after serving only three years, reduced from a twenty-year sentence. Despite a tenure marred by multiple police violations and the political assassination of prominent opposition leader Chokri Belaid, Ali Larayedh, the interior minister during the first Ennahda government, was promoted to the position of prime minister during the second Ennahda administration.

General Amnesty. In February 2011, under popular pressure from Tunisians across the political spectrum, then-Prime Minister Mohamed Ghannouchi signed a decree granting general amnesty for the country's political prisoners.[8] Among those released were Tunisians who fought in Iraq, Afghanistan, Somalia,

Yemen, and those involved in the December 2006-January 2007 armed battle with security forces in the Tunisian Soliman region. According to media sources,[9] an estimated three hundred of the released prisoners were charged with terrorism.

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Despite subsequent legislation to help reintegrate the beneficiaries of this amnesty by making them eligible for employment in the public sector[10] and social security benefits,[11] there are widespread fears that the arbitrary release of detained terrorists without an immediate reintegration plan meant that many of them lapsed back into extremism. One prominent example of these released prisoners is Seifallah Ben Hassine, also known as Abou Ladh, the founder of Ansar al-Sharia in Tunisia, which is classified as a terrorist organization by both the Tunisian and US governments.

Terrorism. Concerns about both domestic and international terrorism mean that some within the government are wary of SSR, fearing that it might hinder robust counterterrorism and counterextremism measures. The weakened state of the Tunisian government following the revolution, combined with the general amnesty decree and political polarization between secularists and Islamists, allowed for a resurgence of jihadist groups. Despite multiple instances of violence attributed to these groups, the Ennahda government was only startled into action

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6   Delphine Minoui, "Tunis: quand un policier demande «pardon» à la foule " *Le Figaro*, January 24, 2011, http://www.lefigaro.fr/international/2011/01/23/01003-20110123ARTFIG00244-tunis-quand-un-policier-demande-pardon-a-la-foule8230.php (in French).

7   Asma Ghribi, "Tunisia's Terms of Abuse," *Transitions* (blog), *Foreign Policy*, November 20, 2013, http://transitions.foreignpolicy.com/posts/2013/11/20/tunisias_terms_of_abuse.

8   http://www.legislation-securite.tn/fr/node/29086 (in French).

9   http://goo.gl/0TzRtV (in Arabic).

10 http://www.legislation.tn/fr/detailtexte/Loi-num-2012-4-du-22-06-2012-jort-2012-050__2012050000041?shorten=lmTI (in French).

11 http://www.legislation.tn/fr/detailtexte/D%C3%A9cret-num-2013-3304-du-12-08-2013-jort-2013-069__2013069033043?shorten=lQa1 (in French).

following an attack on the US Embassy on September 12, 2012, and clashes at Mount Chaambi in December 2012, in which over twenty military and police officers were killed.

> # THE JUDICIARY IS ASSERTING A MORE INDEPENDENT ROLE VIS-À-VIS THE EXECUTIVE BRANCH AND NO LONGER ROUTINELY ACCEPTS COERCED CONFESSIONS WHEN REVIEWING CASES.

Tunisia's neighborhood complicates matters. The Algerian terrorist organization al-Qaeda in the Islamic Maghreb (AQIM) is active in Tunisia. Independent rogue groups are engaged in smuggling arms across North Africa, especially from Libya, creating friction with existing cartels (namely those in Tunisia's southeastern region of Ben Guerdan), and inciting violent upheaval in the area.[12] The MoI estimates that 1,800 Tunisians are currently fighting in the Syrian civil war.[13] The government claims to be monitoring the return of these fighters, but there are doubts as to whether the government is doing so effectively. For example, one of the returned fighters, Mohamed Melki, was connected with the assassination of NCA deputy Mohamed Brahmi on July 25, 2013.[14] Furthermore, videos of these fighters are flooding social media networks,[15] propagating what the MoI calls a culture of extremism, something the government, in its current state, has little capacity to address.[16] Restoring public trust in the security forces with effective SSR could bolster intelligence efforts.

Inadequate Training. During the Ben Ali era, the executive firmly controlled the judiciary. Judges commonly accepted as evidence confessions obtained under torture, and forensic assessments were generally either absent or falsified. Without any accountability

mechanisms, these illegal and dishonest procedures went under the radar, and the system projected an appearance of effectively fighting crime.

At home and abroad, many expected police performance to improve following the revolution. One can point to some progress: the judiciary, for example, is asserting a more independent role vis-à-vis the executive branch and no longer routinely accepts coerced confessions when reviewing cases. However, officer performance falls short of meeting rigorous expectations, as policemen lack the training and necessary equipment to conduct the thorough, transparent investigations that are now required by law.

SSR Efforts

Legal Framework. Between 1956 and 2011, the Tunisian government passed 1,700 legislative texts, of which 1,200 are still in force. A large proportion of these were promulgated in the form of presidential decrees, a way to legally bend the security forces and shape their main functions to protect the regime instead of the people.

After the revolution, Tunisian human rights organizations called for a new legal framework to help reshape the relationship between security forces and the public and to redefine the priorities of a security apparatus known for its cruelty. In response, the interim government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the first Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance. On June 24, 2011, Tunisia also ratified the Rome Statute of the International Criminal Court.

On October 9, 2013, the NCA adopted a law establishing the creation of the National Commission against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.[17] Members of this commission are granted access to all detention facilities to document cases of torture or mistreatment (which they have begun to undertake), to instigate penal or administrative investigations, and to offer recommendations on how to stop police violations.

Despite these steps, members of the NCA, under constant pressure from police unions, failed to provide effective regulations and guidelines for the security sector in the new constitution. The only mention of the security sector relates to the security forces in Article 18, which reads:

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12 Moncef Kartas, "On the Edge? Trafficking and Insecurity at the Tunisian-Libyan Border," Working Paper 17, Small Arms Survey, http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-WP17-Tunisia-On-the-Edge.pdf.
13 http://goo.gl/yrh4gu (in Arabic).
14 http://goo.gl/0TzRtV (in Arabic).
15 https://www.facebook.com/photo.php?v=640028562737002 (in Arabic).
16 http://goo.gl/yrh4gu (in Arabic).

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17 http://www.legislation-securite.tn/ar/node/32693 (in Arabic).

"The national security forces are republican forces assigned the duty of maintaining security and public order, ensuring the protection of individuals, institutions, property, and law enforcement while ensuring that freedoms are respected and within the frame of total impartiality."[18]

The drafting of Tunisia's constitution was a missed opportunity to learn from the experience of other nations with histories of oppressive security apparatuses that implemented a system of checks and balances during their democratic transitions. For example, South Africa's constitution devotes an entire section on security oversight and accountability.

The Ministry of Interior. Successive post-revolution governments in Tunisia have lacked the political will and capacity for a comprehensive SSR program. They have worked on a top-down SSR approach, through which MoI leadership has been reshuffled multiple times. Since 2011, the country has had five different interior ministers, two successive secretaries of state in charge of SSR, and one minister within the MoI in charge of security.

Police Unions. Police unions were created in January 2011, during a period in which police officers felt persecuted by the public. When interviewed, founding members of these syndicates highlighted the importance of enhancing the police-citizen relationship and the significance of rebuilding trust with the public.[19]

Police unions advocate for SSR, yet they define reform differently from Tunisian civil society and SSR activists. They argue that reform entails highly equipped security forces enjoying good socioeconomic status, along with legislation that protects them at work. After pressuring the executive branch and members of the NCA for months, they succeeded in helping pass legislation that increased hazard pay[20] and indemnity for work injuries[21] and reversed work termination decisions.

Today, there are over thirty syndicates representing virtually every sector in the MoI. Just like the MoI, most of these unions function with little transparency, making it difficult to assess their real influence. The MoI negotiates only with the three largest syndicates—Directorate General of Intervention Units, National Union of Security Forces Syndicates, and National Union of Interior Security Forces. However, these three syndicates often end up undermining their overall mission through petty competition, including publicly accusing each other of being driven by hidden political agendas.

Civil Society and Media. Civil society is actively engaged in advocating for SSR. There are at least three NGOs—Tunisia Institutional Reform, Democracy Laboratory, and Republican Police, established by police officers—focused strictly on SSR. These NGOs work on research and publications, advocacy and awareness, police training, and police monitoring. Among the more creative projects is Soccer for Reform, which organizes soccer games between police officers and citizens in order to create new channels of communication between them.

As with the syndicates and the MoI, civil society and SSR activists have their own definition of SSR. They are calling for truth commissions, justice for previous cases of torture and ill-treatment, civilian oversight of the police, and an overhaul of the whole security apparatus so that it is more transparent, democratic, and professional.

The media, despite criticism for its lack of professionalism in addressing important issues, is putting a spotlight on the security sector by reporting news on police work and airing debates between MoI representatives and human rights activists.

Notably absent from the discussion are political parties, whose platforms lack any SSR element because most lack knowledge about the issue and hesitate to challenge the MoI.

International Community. The international community is playing a major role in SSR in Tunisia. The Tunisian government has signed partnerships with Spain (to train prison guards),[22] Turkey,[23] Qatar,[24] and the United States, which committed $24 million in criminal justice reform assistance.[25] Japan, Belgium, and Norway financed a United Nations Development Program project to create six model police stations and to establish community policing.[26] The German government spent millions of dollars on another train-

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18   2014 Constitution of the Republic of Tunisia, http://www.aucegypt.edu/ Gapp/CairoReview/Pages/articleDetails.aspx?aid=577.
19   http://www.youtube.com/watch?v=6hEX78uj24U (in Arabic).
20   http://www.legislation-securite.tn/sites/default/files/files/lois/ D%C3%A9cret%20n%C2%B0%202014-889%20du%2028%20Janvier%20 2014%20(Ar).pdf (in Arabic).
21   http://www.legislation-securite.tn/ar/node/32938 (in Arabic).

22   http://www.legislation-securite.tn/fr/node/33514 (in French).
23   http://www.legislation-securite.tn/sites/default/files/Loi%20 organique%20n%C2%B0%202013-38%20du%207%20Octobre%20 2013%20(Ar).pdf (in Arabic).
24   http://www.legislation-securite.tn/ar/node/32040 (in Arabic).
25   US Department of State, "US Government Assistance to Tunisia," December 14, 2012, http://www.state.gov/s/d/met/releases/198355.htm.
26   United Nations Development Program, "Model Police States Launched in Tunisia," June 5, 2014, http://www.undp.org/content/undp/en/home/ presscenter/pressreleases/2014/06/05/model-police-stations-launched-in-tunisia/.

and-equip program.[27] The European Union has not yet begun implementing its security assistance project, but countries such as France,[28] Finland, and the United Kingdom are providing some assistance unilaterally.

All of these international efforts are rooted primarily in programs focused on training and equipping Tunisia's security forces and antiterrorism units. Such an approach provides tangible tools to the forces but is completely divorced from addressing endemic problems such as resource mismanagement and lack of budget transparency. This undermines a more comprehensive engagement with the security sector and SSR, which would include steps aimed at improving democratic governance and transparency in the security sector.

Recommendations

Conditioning Security Aid to Political Will for SSR. Three years after the 2011 revolution, a comprehensive SSR project with clear objectives has yet to be developed. International assistance is focused mainly on building the security forces' capacity, not on meeting public demands for accountability, transparency, and democratic oversight of the police. As time goes on, the window of opportunity for SSR is closing. Absent domestic political will for a robust SSR project, international aid and support to the Tunisian security sector should at a minimum be conditioned on government engagement in SSR.

Think Regionally. Any attempt at SSR will have to take into account the terrorist threat facing the region as a whole. After the Arab uprisings, tension surfaced between neighboring countries, such as Libya and Algeria, leading to minimal collaboration and sharing of security information between governments. Terrorist groups in the region collaborate, communicate, and cooperate with each other. If the governments fighting these terrorist groups do not coordinate effectively, their counterterrorism efforts will be futile.

The international community should create platforms for countries in the region to meet frequently and to exchange information about challenges and opportunities to combat this transnational threat. There is also a need for independent think tanks in Tunisia and elsewhere in the region that focus on regional security challenges.

Train and Equip 2.0. There is a strong preference among international donors for "train and equip" programs

that include a human rights component. Unfortunately, although Tunisian police officers have received these human rights trainings for over a decade, many tend not to take them seriously because they feel the "imported" values promoted in these trainings are not applicable to their daily work. What the current programs lack is a focus on the governance aspects of SSR. A locally inspired and creative approach should be adopted to ensure the effectiveness of such training, and there should be more effort spent on improving security sector governance.

Civil Society and Media. Reforming the security sector goes beyond the walls of the MoI and police officers. Efforts must also focus critically on strengthening the capacity of Tunisian civil society groups to engage with the MoI on key SSR reforms. There is also a clear need to strengthen civilian oversight bodies and to develop the capacity of citizens to deal effectively with security issues. Such measures would ensure channels of communication between the public and the government, which would build confidence and a culture of cooperation and transparency for a comprehensive, sustained, and inclusive approach to SSR.

Additionally, training programs, for instance training journalists on how to conduct investigative work on security issues, are important to establish new forms of accountability for police work and to assess the effectiveness of SSR projects.

Finally, in order to maximize the impact of resources committed by international donors, the United Nations and Tunisia's partners should convene on a regular basis to think collectively about a more holistic SSR approach and to work together in a complementary fashion.

The threat of terrorism, rapidly changing governments, and the lack of coordination between all parties involved in SSR make it a challenging undertaking. SSR, however, is necessary if Tunisia's democratic transition is to succeed.

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27   http://tinyurl.com/orsn2wz (in Arabic).
28 https://www.facebook.com/photo.php?v=773904635970248&set=vb.192 600677433983&type=2&theater (in Arabic).

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