

May 12, 2000

His Excellency Zine El Abidine Ben Ali
President of the Republic of Tunisia
by facsimile: c/o Tunisia Embassy (202) 862-1858

Your Excellency:

The Committee on Academic Freedom in the Middle East and North Africa (CAF MENA), of the Middle East Studies Association of North America, is writing with regard to the case of Jean-François Poirier. According to information we received, on January 13, 2000, Mr. Poirier, a French national, was summarily dismissed from his position as assistant professor of philosophy at the Institut des Sciences Humaines of the University of Tunis. This dismissal was without apparent cause, in violation of the contract Mr. Poirier had concluded with the Ministry of Higher Education. The decision of your government to dismiss Mr. Poirier appears to have been related to his role as Literary Director of Editions Aloés, a Tunis-based publishing house operated by Sihem Ben Sedrine, who is also a prominent human rights activist. On February 13, Mr. Poirier was given thirty hours notice to leave the country.

The Middle East Studies Association of North America (MESA) comprises 2700 academics worldwide who teach and conduct research on the Middle East and North Africa, and is the preeminent professional association in the field. The association publishes the *International Journal of Middle East Studies*, and is committed to ensuring respect for principles of academic freedom and freedom of expression in the region and in connection with the study of the region.

The actions taken by your government to terminate and subsequently to deport Mr. Poirier appear to have been in reprisal for his exercise of his right to freedom of expression and freedom of association. These are rights guaranteed by international law, and specifically by the International Covenant for Civil and Political Rights, to which Tunisia is a state party. We, therefore, strongly urge you to request that the Institute reinstate Mr. Poirier in his position as assistant professor, with all the rights and duties associated with that position. We also request that your government desist from measures aimed at silencing and intimidating persons merely for the non-violent expression of views that may be critical of the government.

According to Mr. Poirier, on January 13, 2000, Dr. Mohamed Mahjoub, the Director of the Institute, summoned him from an exam he was administering to inform him that the Ministry of Higher Education had reviewed and rejected his employment contract. In a press statement dated February 9, the Institute asserted that Mr. Poirier's contract had been rejected because he only had a Degree of Advanced Studies (Diplome d'Études Approfondies) and thus was not qualified for the appointment. The statement also said that the government had never signed the contract, and therefore could not be considered to be in breach of contract. This statement came after several weeks of public petitions and protests on behalf of Mr. Poirier, particularly among academics and human rights activists in France, and several days before he was ordered to leave the country.

This account, however, is at odds with documentation provided by Mr. Poirier. According to this correspondence, Mr. Poirier was informed by the Director of the Institute in late October 1999 that the Ministry of Higher Education had approved his hiring. On October 26, Mr. Aberraouf Mahbouli, President of the Université des Lettres, des Arts et des Sciences

Humaines of Tunis I, wrote to the Director of the Institute to report that the General Director of Higher Education in the Ministry, Nouredine Dougui, had informed him, in a letter dated October 19, 1999 (correspondence number 4570), that Mr. Poirier's application for the position of assistant professor of philosophy at the Institute for the academic year 1999-2000 was approved. The letter asked that Mr. Poirier be invited to report to the Institute immediately. According to Mr. Poirier, he signed a contract and was told that a confirmation letter would be sent to him after it had been processed.

Mr. Poirier's sudden lack of qualification for this post does not represent a credible explanation for his dismissal, given the ministry's apparent acceptance of those same credentials three months earlier. Mr. Poirier believes that his dismissal may have reflected government unhappiness with critical French media coverage of the October 1999 presidential election, rather than an action directed at him personally. This, if true, would not make the decision any more acceptable or legitimate from an academic freedom standpoint.

Subsequent to his dismissal on January 13, Mr. Poirier wrote to the Minister of Higher Education requesting to be reinstated in his post, or for an explanation as to why this would not be acceptable. He has to this date received no response.

CAF MENA finds it difficult to avoid concluding that Mr. Poirier's dismissal was related to his association with Sihem Ben Sedrine and Editions Aloés, the publishing company she directs and with which he was closely associated. Aloés publications are by all accounts decidedly non-political, and consist of books on philosophy, art, and natural history in the Mediterranean region. It had recently published a historical novel by Ahmed Azouz, a member of the RCD party headed by yourself, and a book on endangered species in the Mediterranean sea. At the time of this incident, it was working on the publication of a collection of essays on Michel Foucault by well-known Tunisian scholars such as Hichem Djait, and a translation of poems by Lorand Gaspar.

Although the publication output of Editions Aloés is non-political, its director, Sihem Ben Sedrine, is a well-known human rights activist. She and her husband, Omar Mestiri, are among the co-founders of the National Council for Liberties in Tunisia (Conseil national pour les libertés en Tunisie, CNLT), a human rights monitoring group that has continued to function despite the government's refusal to accept its application for legal status. Mr. Poirier's living quarters, which were in the same building as the offices of Editions Aloés (at 47, rue Abdelwahab, 1008 Tunis), were ransacked on December 8, 1999. The office of Aloés was broken into on the night of December 30, and its computers and some archives were stolen.

The order deporting Mr. Poirier immediately followed his return from a visit to Sfax, in the south of the country, with Sihem Ben Sedrine and Taoufiq Ben Brik, an independent journalist also active with the CNLT, to investigate police treatment of students following demonstrations on February 4. The office of Editions Aloés, which had become a meeting place for Tunisian writers, artists, and human rights defenders, was forcibly evacuated and sealed by the authorities on April 10, following a gathering to discuss the suppression of press freedoms in Tunisia.

CAF MENA believes that the dismissal without cause and deportation of Mr. Poirier constitutes an infringement of his academic freedom and his right to freedom of expression and association. It is also an infringement of the right of his students to benefit from his scholarly expertise and pedagogical skills. For this reason we request that your government arrange for

his reinstatement in his position at the Institute.

We commend Tunisia for its adherence to the preeminent international human rights treaties, notably the International Covenant for Civil and Political Rights. Under Tunisia's constitution, such international treaty obligations take precedence over domestic law in cases of discrepancy between the two. We, therefore, further request that the government meet its clear responsibility under international law to protect the right of Tunisian academics and others to basic democratic freedoms, including freedom of expression and freedom of association. The government's dismissal and deportation of Mr. Poirier and the campaign of harassment against Editons Aloés infringe on fundamental scholarly values of free expression, and do great damage to Tunisia's international image as a country that values democratic freedoms and the rule of law.

Respectfully yours,

Mark J. Lowder
Acting Executive Director

CC: Minister of Higher Education
President de l'Université des Lettres, des Arts et des Sciences Humaines de Tunis I
Directeur de l'Institut Supérieur des Sciences Humaines de Tunis I
Ambassador Nouredine Medjoub, Embassy of Tunisia in Washington