

December 20, 2000

President Zine El Abidine Ben Ali  
Presidential Palace  
Republic of Tunisia  
*via fax*: + 216 1 744 721

Dear President Ben Ali,

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 to protest your government's continued persecution of Dr. Moncef Marzouki, a professor of community medicine with the faculty of medicine at the University of Sousse. Dr. Marzouki, a prominent human rights activist, is also the spokesperson for the National Council on Liberties in Tunisia (Conseil Nationale des Libertés Tunisienne, CNLT), an independent human rights monitoring organization founded in December 1998. Dr. Marzouki was dismissed from his position at the University in late July, in apparent retaliation for meetings with government officials and journalists in Europe and the United States concerning Tunisia's human rights record. He is scheduled to go on trial on December 30 on charges of disseminating false information with the intent of disturbing public order, and maintaining an unauthorized organization—an apparent reference to the CNLT.

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 the principles of academic freedom and the freedom of expression in the region in connection with the study of the Middle East and North Africa.

As fellow teachers and scholars, we strongly condemn these efforts to silence Dr. Marzouki and to punish him for his outspoken advocacy of democratic rights and basic freedoms in Tunisia. Dr. Marzouki's punitive dismissal from the university and the court proceedings violate Tunisia's obligations under the International Covenant on Civil and Political Rights, which guarantee freedom of expression and freedom of association. The provisions of the press law and the penal code under which charges have been brought are inconsistent with those commitments. Indeed, you have yourself indicated a need to reform the press law on this account. We therefore urge that Dr. Marzouki be reinstated to his university post, and that the spurious politically-motivated criminal charges against him be dropped.

Dr. Marzouki is a founding member and former president of the Tunisian League for Human Rights (LTDH), the first independent human rights organization in the Arab world. In 1994, in reprisal for his human rights activities, the government closed the Center for Community Medicine, which Dr. Marzouki had founded a year earlier. That same year Dr. Marzouki was jailed for four months after he put his name forward as an opposition candidate for president.

Because of constant harassment, intimidation, and threats against Dr. Marzouki and his family, his wife and two daughters moved to Europe, where they still live today. His telephone and fax lines have been routinely and arbitrarily cut by the government, and he was unable to use his university office for telecommunication. For most of the period since 1994, Dr. Marzouki has been deprived of his passport and thus unable to travel abroad for

professional purposes or to visit his family. The government has refused to allow the publication or distribution in Tunisia of many of his writings, including *Introduction to Community Medicine* and *The Sacred Person: An Essay on the Universal Declaration of Human Rights*.

Dr. Marzouki was among the group of Tunisian human rights activists, many of them veterans of the LTDH before it was gravely weakened by government interference, who announced the formation in December 1998 of the CNLT. The organization's attempts to register as a recognized non-governmental organization have been refused by the authorities. Despite this, the CNLT has issued two excellent reports, one on prison conditions in 1999 and the other a comprehensive overview of human rights violations in Tunisia in March 2000. Dr. Marzouki and others associated with the CNLT have been subjected to repeated "investigations" for establishing an "unauthorized" organization. In June 1999, Dr. Marzouki was abducted by plainclothes security personnel and held incommunicado for several days before being released.

In early June 2000, Dr. Marzouki's passport was finally returned to him. At that point he requested a two-week leave of absence from his university post. According to Dr. Marzouki, his teaching and grading responsibilities for the term had been completed, and he had several months of unused leave. His request was nevertheless denied, which he understood to indicate the continued intent of the authorities to prevent his travel abroad by other means. Using a medical doctor's recommendation that he take time off for health reasons, he traveled to Europe and the United States for several weeks in June. During this trip Dr. Marzouki met with government officials, journalists, and human rights activists in Paris, London, and Washington. He returned to Tunis on July 5, 2000.

On July 27, Dr. Marzouki was summoned to appear before the Disciplinary Council of the Ministry of Public Health to answer charges that the medical recommendation he submitted before he left the country was fraudulent, and that he had violated administrative procedures by traveling without permission. On July 28, in a speech to the cadre of the ruling RCD party, you charged that the actions of citizens who criticize Tunisia while abroad "amount to treason." You also stated that, "It is out of the question that in the name of public liberties illegal structures are set up claiming for themselves the status of associations, organizations, or committees." The next day, on July 29, Dr. Marzouki received a notice from the Ministry stating, "This is to inform you that, on the basis of your referral to the Disciplinary Council on 27 July 2000, you have been permanently dismissed from your job." A statement by the Ministry of Health faxed to news agencies on July 31 indicated that "[a]n official inquiry has yielded the evidence that Dr. Marzouki has attempted to mislead the authorities by submitting a bogus medical certificate to justify his illicit absence."

It is our understanding that the Disciplinary Council in fact declined to take any action against Dr. Marzouki, and that the decision to dismiss him was taken unilaterally by government officials. His dismissal is completely disproportionate to the purported offense of traveling without administrative leave, and appears to be based solely on his peaceful expression of views critical of the government. For this reason, Dr. Marzouki should be reinstated without delay.

In early October, Dr. Marzouki attended a meeting in Rabat of the Arab Working Groups on Human Rights, comprising about twenty independent scholars and activists from a number of Arab countries. On October 23, Dr. Marzouki was summoned to appear before an investigating judge on charges that his remarks to the group, which the government had

obtained by undisclosed means, may have violated laws against “spreading false information” and “defaming public order.” On October 19 he was prevented from leaving the country to attend a meeting in Barcelona. He is now scheduled to appear before a court of the first instance on December 30 on charges of maintaining an unauthorized organization—the CNLT—and spreading false news with the intent of disturbing public order. If convicted on both charges, he could face up to eight years in prison.

These criminal charges lodged against Dr. Marzouki are politically motivated and without merit, and are based on provisions of laws that appear to violate Tunisia’s obligations under international human rights law. Tunisia commendably is a state party to the International Covenant for Civil and Political Rights, which explicitly protects individual rights to freedom of association and freedom of expression. Under Tunisia’s constitution, such international treaty obligations take precedence over domestic law in cases of discrepancy between the two. It would therefore be appropriate for the court to assert its independence and dismiss the case against Dr. Marzouki.

The dismissal of Dr. Marzouki from his university position and the attempts to use the courts to intimidate and silence him infringe on fundamental scholarly values of free expression. They are unworthy of a country such as Tunisia, which claims to place a high value on respect for democratic freedoms and the rule of law.

We look forward to your positive response to this urgent and important matter.

Respectfully yours,

Anne H. Betteridge  
Executive Director

cc: Dr. Hadi Mhenni, Minister of Public Health  
Minister of Higher Education and Scientific Research  
Mr. Le Doyen de la Faculté de Médecine, University de Sousse