

OP-ED_ THE JUSTICE SYSTEM'S APPROACH TOWARDS CONVICTED VIOLENT EXTREMISTS IN TUNISIA

Wathek Ltifi;

Nizar Ben Salah;

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IDRC Grant/ Subvention du CRDI: 108479-001-Countering youth radicalization in Tunisia through inclusion



TACKLING YOUTH RADICALIZATION THROUGH INCLUSION IN POST-REVOLUTIONARY TUNISIA



Maghreb Economic Forum

OP-ED

The Justice system's approach towards convicted violent extremists in Tunisia

Author: Wathek Ltifi
Junior researcher at MEF

Review: Nizar Ben Salah
Research leader at MEF

*This project is carried out with the technical and financial support of
International Development Research Center of Canada*



International Development Research Centre
Centre de recherches pour le développement international

Canada

Tunisia's fight against terrorism is being carried in multiple fronts. Even prisons and rehabilitation institutions have proven to be fragile and significant sources of violent extremist behaviors. Since Tunisia started accepting foreign fighters back from conflict zones, two major problems have plagued these establishments across the country: first, infrastructure that is unable to host a continuous flow of detainees; and second, an outdated penal code and incoherent anti-terrorism laws putting more people in cells for unjustified reasons.

After the attacks in 2014 and 2015, Tunisia established a national strategy to counter terrorism that proved to be successful primarily in the security level. This strategy is based on four pillars: prevention, protection, pursuit, and response¹. This strategy is implemented in accordance with the anti-terrorism law ratified in 2014, international treaties and human right regulations, and the Tunisian constitution.

On a practical level, the Ministry of Justice and the prison and rehabilitation institutions face major challenges and dangers. There is the internal danger of allowing some individuals to pursue recruitment efforts for their terrorist cells. Recruitment does not only affect fellow inmates, but potentially prison guards and staff members. Moreover, there is the danger of being a target of terrorist attacks toward the establishment itself or toward its officers.

To mitigate these risks, several approaches have commenced:

- The security approach: prisons and rehabilitation institutions improved their equipment capabilities and human resources. Staff readiness has been enhanced to better react in such dynamic and interactive environments. This approach has also improved intelligence measures and encouraged cooperation with other security agencies. Lastly, even though the infrastructure is not quite up to standards, prisons now use a classification mechanism for inmates, taking in consideration the danger of their behaviors and their needs. This classification approach attempts to separate recruiters and influencers from the less violent extreme inmates and assists in selecting and training staff members to interact with the prison population appropriately.
- The human rights approach: While stories of torture inside prison cells still surface on news networks, their frequency has decreased significantly. The Ministry of Justice is trying to humanize the relationship with the inmates in its facilities under the principle of treating all inmates as equals. This approach trains guards and personnel on proper ways to behave with and among inmates and treat them with respect to their human dignity. Moreover, new programs to engage inmates in cultural, athletic, and social activities involving their family members whenever possible, are taking place in all incarceration facilities. Some of these

¹ <http://www.cnlct.tn/wp-content/uploads/2018/11/strat%C3%A9gie-nationale-2016-FINALE-2-8-sept-2016-pdf.pdf>

facilities installed special infrastructure to specifically hold these events, namely: Sfax, Beja, and Siliana state prisons. The Ministry of Justice has also launched program 'Tawasol' which aims to help prisoners reintegrate post incarceration and provide financial and moral support to reestablish their lives. This approach is meant to help inmates rebuild their belief in the state of law, enforce their sense of citizenship and belonging, and help properly reintegrate them into society.

- Scientific approach: The Ministry of Justice recognizes that its officials are not privy in terms of research in the field of terrorism and criminology. The ministry announced the creation of a research center for prisons and rehabilitation institutions, and the launch of a master's degree program in criminology. These facilities and programs aim to better evaluate the risks and distinguish discrepancies in Tunisian incarceration institutions.

Even though Tunisian incarceration institutions have developed their own means and methods, its infrastructure is completely unable to support the flow of detainees convicted of terrorism crimes and separate them effectively in support of counter terrorism strategies. The cells are overcrowded, offering recruiters for terrorist organizations the perfect fragile environment to carry on their efforts. The prisons director at the Ministry of Justice, Mr. Sami Ennar, confirmed these discrepancies and risks, asserting that infrastructure projects need time and money to reach the prescribed standards. Terrorism, however, will not halt efforts to recruit and commit atrocities while the government builds new state prisons, or extends annexes in older buildings.

The Tunisian penal code and anti-terrorism law must ease the pressure on prison capacities and put less people in cells. According to Judge Amor Weslati, an expert on hate speech crimes, the penal code, anti-terrorism and money laundering laws require immediate revisions. Some articles in the Tunisian Penal Code have not been ratified since 1927, such as Articles 14, and the only major ratifications and amendments happened in 1957, after Bourguiba took charge of the country, and in 1989 with Ben Ali. The code is obviously outdated and neither follows the changes in society nor the changes in the economy. Some fines are so absurd they even encourage people to commit infractions, rather than follow the slow bureaucratic system.

The Anti-terrorism law was discussed when Tunisia was under the pressure of multiple bloody terror attacks, such as the attack on Tourists in a Sousse hotel in 2014, or the attack on the Bardo museum, meters away from the Parliament in the same year. The law gave more leeway to law enforcement agents in order to investigate any related terrorism activity. At that time, it may have seemed appropriate to take such measures, overstepping the boundaries of human rights in some cases. Today, however, some articles of this specific law clearly violate human rights, such as freedom of expression and freedom of movement. While it is true that this subject is very controversial, it is however unfair to throw people in jail for a simple 'like' on Facebook or put them on lists such as the 'S17' without a prior notice. We are pushing these individuals straight to the lion's den. The Ministry of Justice and the Ministry of Interior should cooperate in this matter and seek alternative ways of investigations and punishments to better secure its prisons and institutions. Meanwhile, the parliament needs to amend the codes and laws to keep up with the demands of our society and limit the pressures on the incarceration institutions.

Prison cells should provide a safe environment from the dangers of terrorism and a facility for rehabilitation programs to reduce the risk of recidivism among former terrorists. Experts in the field of terrorism still debate to the day about the different strategies used to deal with detained terrorists. Luke Bertram for example argues that the “isolation from the common prison community is likely to allow for continuation of commitment to extremism”². Neil Ferguson, however, argues that prisons provided former terrorists “with the *space to think* and develop their ideas and begin to explore non-violent alternatives”³. Tunisia’s approach is combining the different ideas through its classification mechanism. It is seeking the safety and security of its institutions in the first place and an implementation of a rehabilitation program on a second plan.

Mitigating the risk factors inside prison cells is essential to fight terrorism. While infrastructure takes time to conform the standards and facilitate the application of the strategies, the penal code and the anti-terrorism law must be updated. Law makers need to explore alternative punishments in order to decrease the pressure on the cells’ capacities, and to reinforce the sense of belonging and citizenship on its people. More research that takes into consideration the specificities of the Tunisian context need to lead the security and rehabilitation approach inside the prison cells and cooperate with authorities to recommend best practices and evaluate program results.

² Bertram, Luke. "How Could a Terrorist be De-Radicalised?." *Journal for Deradicalization* 5 (2015): 120-149.

³ Ferguson, Neil. "Disengaging from terrorism: a Northern Irish experience." *Journal for deradicalization* 6.1 (2016): 1-28.