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# SPECIAL REPORT

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## ABOUT THE REPORT

The U.S. Institute of Peace Security Sector Governance Center is engaged in a funded study of the prospects for security sector reform in North Africa. In January 2012, Querine Hanlon, Daniel Brumberg, and Robert Perito traveled to Tunisia, Libya, and Egypt. This report is the first in a series of country-focused reports on security sector reform in North Africa.

## ABOUT THE AUTHOR

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*Querine Hanlon*

## Security Sector Reform in Tunisia

### A Year after the Jasmine Revolution

#### Summary

- In the year since its revolution, Tunisia has achieved what no other Arab Spring country has managed: peaceful transition to democratic rule through national elections widely viewed to be free and fair.
- The legacy of the previous regime remains, however: a complete lack of transparency, no real parliamentary or government oversight, and unchanged rules of engagement and training.
- Reorienting the mandate and institutional culture of security institutions is imperative.
- Most in need of reform are the police and gendarme and the Ministry of Interior.
- Tunisia's internal security services are feared by the population and are themselves fearful of fulfilling their basic police tasks.
- How the ministry and its forces engage with citizens and with the executive and the legislature is also in urgent need of reform.
- Restoration of police services will help restore the confidence of the police and the public trust in the government.
- Tunisia needs no lessons about subordinating the military to civilian control.
- Security sector reform is critical if Tunisia's transition to democracy is to succeed in the long term.

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SPECIAL REPORT 304

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#### CONTENTS

Why Security Sector Reform?	2
Mapping the Security Sector	3
Policy Recommendations	11
Conclusion	13

#### Introduction

Mohammed Bouazizi's altercation with a policewoman in the dusty town of Sidi Bouzid on December 17, 2010, was ordinary for its arbitrariness but extraordinary for what it sparked. After spitting in and slapping his face, a local policewoman confiscated his vegetable cart—and all its goods bought on credit—and so doing threatened his livelihood and the

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sole means of support for his entire family. Bouazizi tried to appeal to the local municipal officials, but they refused to see him. With no education or prospect of another job, the twenty-six-year-old man set himself on fire in front of the municipal headquarters building. He succumbed to his wounds in the hospital on January 4, 2011, ten days before Tunisian President Zine El Abidine Ben Ali was forced to step down.

Bouazizi's tragic protest struck a chord of discontent and frustration that sparked public demonstrations throughout Tunisia. What had begun as an outpouring of frustration and protest over poor economic conditions, and particularly high youth unemployment, rapidly escalated into an unprecedented challenge to Ben Ali's twenty-three-year rule.

The internal security services—the police and the National Guard—responded in force. Some protests were largely peaceful, but others turned violent. Police opened fire on crowds and arrested protestors, journalists and opposition party members, lawyers, and rights advocates. But the police response failed to quell the protests. On January 13, Ben Ali made a last ditch attempt to save his rule. On national television, he pledged to step down when his term ended in 2014, offered new parliamentary elections, and vowed to end state censorship. But with the carrot came the stick. He deployed the military to buttress the internal security forces, and on January 14 declared a state of emergency that prohibited gatherings of more than three people. He also authorized the use of force against any individuals who ignored the ban.

And then General Rachid Ammar, chief of staff of the army, struck a mortal blow. He said, "No."

The military's refusal to fire on the demonstrators left Ben Ali with no means to forcibly quash the demonstrations, and he fled to Saudi Arabia that same day.<sup>1</sup> In the immediate aftermath of his departure, numerous reports circulated of violence between the police or the National Guard and the Tunisian Army. Elsewhere the police fled, and the army was deployed to maintain order on the streets, assuming the internal security tasks of securing the population, manning checkpoints, and protecting strategic sites and public buildings.<sup>2</sup> Unlike the case of Egypt, however, the Tunisian military chose to stay at the critical margins. In a rare public address on January 24, General Ammar promised to uphold Tunisia's revolution and to guarantee stability until elections were held.<sup>3</sup> This critical decision to eschew an overtly political role in the transition left the task of creating a new political order to the civilian bureaucracy, nascent political parties, and civil society groups.

More than 90 percent of registered Tunisian citizens participated in what was Tunisia's first truly competitive election since it declared independence from France in 1956. The previously banned Islamist Ennahda Party won a plurality of 89 of the 217 seats in the National Constituent Assembly. Ennahda combined with the secular Congress for the Republic Party and the left Ettakatol Party to form a caretaker government to run the country during the year-long period in which the Assembly is charged with drafting a new constitution.<sup>4</sup>

Tunisia's new government faces major challenges to dismantle Ben Ali's security regime and to ensure the transition to democratic rule with civilian oversight over the instruments of force. The abuses of Tunisia's internal security institutions and the impunity with which they acted against ordinary citizens served as a catalyst for the protests that ended Ben Ali's rule. Reforming or otherwise dismantling this large and complex sector will be no easy task. But it is an essential component of constructing a new social contract in Tunisia.

## Why Security Sector Reform?

Security sector reform (SSR) is a comprehensive tool for fixing the dysfunctional security sectors in fragile states that are emerging from conflict, developing capacities to meet the human security needs of their populations, or transitioning from authoritarian rule.<sup>5</sup>

Tunisia is well positioned to undertake SSR. With a small territory and relatively homogeneous population, Tunisia features a large and educated middle class, a liberalized economy, a youth bulge that is diminishing, and a history of encouraging socioeconomic freedoms, particularly for women.<sup>6</sup> Additionally, despite the significant constraints on voice and protest, Tunisia under Ben Ali featured legal and illegal opposition parties, and a range of civil society groups that engaged in muted opposition to the government.

Tunisia is also a legalistic society. It has a vibrant legal community, a bar association, a lawyers union, and civil society groups, many of which were active even under Ben Ali. Tunisia also has a well-developed legal code that, in principle, proscribes the functions of the government. Some 1,700 laws and amendments govern the security sector. No legislation addresses the intelligence sector. Although the extent to which these laws are still in effect is unclear, they do provide a foundation on which to reform the security sector and the oversight mechanisms of it.

Tunisia also has significant security capacity. Although small in size relative to other Middle East and North Africa (MENA) states, the armed forces have ably filled the vacuum created by the collapse of Ben Ali's security apparatus and the defections of police across the country. The armed forces clearly ascribe to the concept of civilian oversight of the military, and although they are currently fulfilling a number of internal security tasks, they have publicly, and repeatedly, stated their intention to return to the barracks when the police can again fulfill their security functions.

One of the most striking features in Tunisian society, even a year after the revolution, is the veritable explosion of public discourse and debate. As one senior military officer noted, "We never used to talk about politics. Now we talk about politics all the time. We have so much freedom now. We almost don't know what to do with it." Every evening Tunisia's three television stations devote their evening programming to debates on every subject imaginable. Recently, for example, a long debate between the president of the Tunisian League for Human Rights and a salafist student addressed the right to wear the *niqab* at school. "Tunisia has become a debating society," Radwan Masmoudi, director of the Center for the Study of Islam and Democracy, observed.

Another metric of change is the number of political parties and civil society groups. Under Ben Ali, Tunisia had five official political parties. During the October 2011 election, 111 competed. Civil society has also burgeoned. Some 2,000 new civil society groups have emerged in Tunisia since the revolution. A civil society activist observed that "all Tunisians are learning what democracy is and how it really works. We don't really have political parties, and the parties we have don't really know yet how to act like parties or what role they should play in the opposition."<sup>7</sup> Yet these parties competed for seats in the National Constituent Assembly in Tunisia's first national elections that were widely heralded to be free and fair.

Although the prospects for SSR in Tunisia are perhaps better than in any other MENA state following the Arab Spring, substantial challenges remain.<sup>8</sup> The *raison d'être* of Ben Ali's security institutions was to protect the regime, not the population. The transition to democratic rule will require a fundamental reorientation of the mandate and institutional culture of the labyrinth of security institutions that constitute the Tunisian security sector. SSR will be critical for building trust in the government and its security institutions and central to the construct of a national narrative that undergirds a new social contract between the people of Tunisia and its government.

## Mapping the Security Sector

What are the prospects for security sector reform in Tunisia? What progress has been made in the year since the fall of the Ben Ali regime? What gaps remain, and how best can these

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gaps be addressed? To answer these questions, we first map the security sector in Tunisia—the armed forces, the internal security forces, the intelligence agencies, the Ministries of Defense, Interior, and Justice, and the National Constituent Assembly, and assess the status of reform efforts currently underway.

### ***Armed Forces***

The Tunisian Armed Forces (*Forces Armees Tunisiens*) are small, well disciplined, and widely respected for their refusal to follow orders to use lethal force against their countrymen. Their inaction makes them stand out in comparison with their counterparts in other MENA nations. They are unique in the region for other reasons as well. The Tunisian military, unlike the armed forces of other MENA countries, is subordinated to the government and controlled by it. Consequently, the Tunisian armed forces never played a political role, nor did they legitimize the former regime.<sup>9</sup> Additionally, Tunisia’s armed forces are not economically invested in the old regime. Unlike the Egyptian military, Tunisia’s armed forces did not receive any special compensation or material advantages for their service to the state.<sup>10</sup>

Senior members of the armed forces openly admit that in Ben Ali’s hierarchy of security institutions, they were at the bottom. “We were always last,” one senior officer noted. “The regime did not like us,” another said. Indeed, the military’s distance from the regime was deliberately created by President Bourguiba, who feared a possible coup and sought to institutionalize the military’s distance from the center of power.<sup>11</sup> Ben Ali, who was himself a former interior minister, continued this policy while buttressing the capabilities and size of the MOI security forces.

Both Bourguiba and Ben Ali kept the armed forces deliberately out of the center of power. Conscript-filled military ranks were deployed to less populated regions of the country to do public works projects. Deployments were chiefly for peacekeeping missions in Africa, which kept the armed forces engaged elsewhere. And the military was kept small, between 40,000 and 43,000 forces.

The Tunisian Armed Forces include the army, navy, and air force. The army numbers only 27,000 forces, and the navy has no deep water ships. The air force has fewer than twenty working helicopters.<sup>12</sup> Yet the army’s experience participating in UN peacekeeping missions gave it the essential experience to fill the void left by the security forces as Ben Ali’s government collapsed. The armed forces quickly moved to protect key infrastructure, restore law and order, and maintain security and stability. In addition to assuming traditional internal security functions, the armed forces also face serious challenges along Tunisia’s land and maritime borders. Some 1.6 million refugees from Libya’s civil war crossed into Tunisia and some 30,000 Tunisians fled to Europe.<sup>13</sup>

The stark contrast between the impunity of the internal security services and the measured restraint of the armed forces is reflected in how the two organizations are publicly viewed. Whereas the security forces are reviled and hated, the armed forces are viewed as belonging to the people. “The army is one of us!” has been a rallying cry at demonstrations.

Compared with other MENA nations, the Tunisian Armed Forces were also funded at much lower levels in both absolute and relative terms as a percentage of GDP. For example, in 2009, Tunisian military expenditures were 1.2 percent of GDP, whereas Libya and Egypt’s military spending was 2.8 percent and 3.3 percent, respectively.<sup>14</sup> Ministry officials noted that both Bourguiba and Ben Ali had kept the military’s capabilities small, but “sufficient for our mission.” A year after the revolution, this assessment remains unchanged. Ministry officials rank the priorities of the Tunisian government to be economic, with national security—particularly the control of borders—as being subordinate. When asked whether the Tunisian military has enough equipment to accomplish its expanded mission since the

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revolution, the response was a surprising affirmative. “We have the manpower we need. We managed to go through the revolution and do all that we do with what we have. . . . We do not need expensive weapons or aircraft.”

In a formal ministry brief, senior military officers noted that “the reform of the defense and the security sector requires a political system based on good governance.” In addition to a commitment to transparency, officials noted that the armed forces must be open to different political and social actors, and that its budgets must be available for public scrutiny. They also embraced the concept of democratic oversight, noting that it is “imperative” that there be parliamentary oversight of reforms of the ministry and of the progress of those reforms.<sup>15</sup>

In minimizing and sidelining the military, Ben Ali created a professional, apolitical institution that was little known—and little feared. When General Ammar emerged a national hero, he was an unknown. Yet his actions propelled the Tunisian Armed Forces to a position of preeminence—the institution that protected the Tunisian state, not the corrupt regime, and protected the Tunisian people. Having expressed a preference for the barracks over politics, the armed forces emerged as one of the only respected institutions of the ancien regime.

The unique attributes of the Tunisian Armed Forces—its credibility, commitment to return to the barracks, and its skill and willingness to assume an internal “peacekeeping” mission suggest that the scope for reform of the military is very small. There will be challenges adjusting to a democratic system of governance and parliamentary oversight. Yet the need for oversight is recognized and welcomed by senior officers as being essential to democratic governance. Another task will be a strategic one—military officers are keen to engage in the drafting of national strategies now that the exercise is no longer top down by fiat. Indeed, senior military officers seek to expand their role as subject matter experts and to support civilian decision makers in the Ministry of Defense, as their counterparts do in most democratic nations. The armed forces appear well poised to tackle these tasks.

One senior military officer observed that the reform of any one ministry is closely tied to the reform of other ministries, and that the reform of the Ministry of Interior (MOI) will be critical for determining how quickly the armed forces can return to the barracks. But until the legitimacy and capacity of the MOI is addressed and improved, the armed forces will likely continue to provide an internal security function, although increasingly in a supporting role.

### ***Internal Security Forces***

As much as the armed forces are admired as the heroes of the revolution, the police are widely reviled for keeping Ben Ali and his family in power, for the imprisonment and torture of Tunisians who ran afoul of that regime, and for shooting civilians during the protests. The unpopularity of particular ministries, some believe, can be measured by the amount of barbed wire around their buildings. A year after the fall of Ben Ali, the MOI is still surrounded by concertina wire a few layers deep—more to protect those inside than to barricade the ministry. Army tanks also stand guard. The impression is of a ministry under siege.

The internal security forces controlled by the MOI include the police, the National Guard, the Judicial Police (which operates in the Ministry of Justice and the courts but is controlled by the Ministry of Interior), the Intervention Forces (SWAT forces), and the Presidential Guard Forces (PGF). The internal security forces are almost byzantine in their complexity, and the organizational chart of the MOI remains classified, which complicates the task of mapping the internal security structures controlled by it, as well as the oversight mechanisms within the ministry.

It is also difficult to establish the size of the security forces. There are no officially published statistics, and the ministry website offers no details—it is the only ministry on the

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Tunisian government website with an empty tab. Media reports have estimated the security forces to number from 150,000 to 200,000, although subsequent ministry announcements acknowledged that those figures were deliberately inflated. Actual internal security forces are estimated to number between 40,000 and 80,000 forces, approximately half of which are part-time augmentation forces or paid informants. The higher figure accords with the ministry payroll.<sup>16</sup> According to Mohammad Lazhar Akremi, the minister delegate to the minister of interior in charge of reforms under the previous transitional government, internal security forces (police, National Guard, and civil defense forces) numbered 49,000 before the overthrow of the Ben Ali regime. The police subsequently recruited an additional 12,000 forces, bringing the total to 61,000.<sup>17</sup> New recruits were needed to inject new untainted officers into the force, to manage the rise in crime and trafficking, and to replace the forces that disappeared after the fall of the regime. However, the training program for these new recruits has not been reformed.

The police include both the regular police and the political police, which were reportedly disbanded during the transitional government of Beji Caid Essebi in March of 2011. The political police were fully integrated with the regular police but operated under a parallel hierarchy. The political police maintain the secret files, and two copies of each are currently kept at the Ministry of Interior, where ministry officials claim they are safe. However, individuals who have left the police or the MOI have reported that files have been burned. Tunisian law currently prohibits publication of these files for fifty years. Although not as extensive as the Stasi files, they contain a great deal of potentially damaging and possibly false information. Who actually controls the files is unclear.<sup>18</sup> The release on January 18, 2012, of a video on YouTube and Facebook depicting the newly appointed minister of interior, Ali Laarayedh, reportedly engaged in a sexual act in a prison cell suggests that it is not the minister of interior.<sup>19</sup>

Whereas the police operate mostly in urban areas, the National Guard operates in the coastal and rural areas where the revolution began. Described as a paramilitary organization or a gendarme, the National Guard numbers approximately 12,000 forces.

The Judicial Police are part of the Ministry of Interior but work within the Judiciary. They are the investigative arm of the internal security forces and are responsible for collecting evidence, conducting investigations, and writing formal investigation reports for cases before the courts. The Judicial Police do not have the tools to do professional investigations. According to Judiciary lawyers, the Judicial Police do not have the capacity for fingerprinting, DNA, or other means of collecting evidence. Their investigations rely solely on confession. The confession becomes the basis for the investigation report, which is the sole means by which evidence is submitted in the court before the judge. Under the Ben Ali regime, the Judicial Police used violence and torture during their interrogations both to extract confessions and to force the accused to sign the confession. There is no provision for the presence of legal counsel from the moment of arrest to the conclusion of the investigation.<sup>20</sup>

The Presidential Guard forces are also part of the Ministry of Interior. Their principal duty was to protect the president and his family. During the demonstrations in January 2011, the Presidential Guard reportedly fired on demonstrators and battled the Tunisian armed forces.<sup>21</sup> Testimony of Ali Seriati, the former presidential security chief, during the trial for his role in the deaths of protesters, revealed that the PGF had not only snipers, but also water cannons and other crowd suppression capabilities.<sup>22</sup> This testimony suggests that the PGF's mandate under Ben Ali was quite broad.

A strong current in Tunisian society seeks justice, if not revenge. Many police fled as the government collapsed, and others have remained in their homes or elsewhere with family, fearing retribution for their roles both before and during the revolution. Some 250 to 300

police stations were burned, and in several towns in the interior of Tunisia the attacks took a more personal turn with the burning of policemen's homes.

The police are fearful that they will be targeted for revenge or prosecuted for their roles in Ben Ali's security apparatus. This fear has limited their ability to perform their normal police functions. The sudden reversal from a position of power and respect to one of weakness and derision has generated frustration, fear, and anger. Police syndicates have organized strikes to draw attention to their plight and to call for government protection while on duty and improved working conditions. These strikes have sparked large counterdemonstrations with protestors shouting, "Go Back to Work," and carrying placards with slogans like "People Want to Purge the Ministry of Interior."<sup>23</sup> Adel Jebali, a member of the National Union for Security Forces (one of the police syndicates) noted that "people perceive us to be criminals."<sup>24</sup>

Tunisia police capacity is substantial. Senior officers are often highly educated, and many have attended police training academies in Europe. Educational standards are also quite high for entrance into the police force. The police infrastructure is solid—police stations, communications equipment, vehicles, uniforms. Training is standardized, and even rules of engagement have been established. The problem is that these have not changed from the Ben Ali regime. Under Ben Ali, the police were responsible for serious human rights violations, including illegal and arbitrary arrests, torture, and extrajudicial executions. According to one National Guard officer, "The competence was there but the climate was terrible."<sup>25</sup>

The current minister of interior, Ali Laarayedh, was himself tortured during the sixteen years he was jailed by the Ben Ali regime. He is an interesting choice for the ministry—one that Ennahda was at first hesitant to fill. Some of the party leadership were concerned that the appointment of an interior minister from Ennahda would generate the perception that the party was intent on revenge. But in the run-up to the October elections, two senior members of Ennahda, both of whom had been imprisoned and tortured under Ben Ali, were invited to a meeting with MOI officials and the leaders of the two police syndicates. The meeting had been arranged by the syndicates, and the request was made that Ennahda fill the position of the new minister of interior.

This first meeting was followed by others, and the two senior leaders began to engage regularly with the syndicates. In a conversation over Ennahda's intentions, the two Ennahda leaders reassured the attendees, telling them that despite being among the worst tortured members of the Ennahda party, "We do not hold it against you," "We need reform," they told their audience. "We need to turn the page and look to the future." One of the Ennahda leaders recognized the man who had tortured him in the audience. This man asked his former victim, "Do you hate us?" The Ennahda leader said, "No. You were a screw within the engine. If it wasn't you, it would have been someone else."

In relating this story, the Ennahda leader emphasized that they would "never allow anyone to pursue revenge." Moved to tears, he added, "I do not want compensation for my suffering. . . . The only thing that will save me is to see my country the way I want. It would be a gross mistake if we fail to deliver an inclusive system for everyone."<sup>26</sup>

A few indicators are positive and suggest that reform of the Interior Ministry has been a priority for Tunisia's transitional governments. In May 2011, the MOI reached out to the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) to undertake a preliminary study of the Ministry's communication with the public. The Communication Review, released in September 2011, offers a series of recommendations intended to "restore confidence between citizens and security forces."<sup>27</sup>

The most comprehensive plan for reform of Tunisia's security sector is the Ministry of Interior white paper *Security and Development: A White Paper for Democratic Security in Tunisia*.<sup>28</sup> The report was released by Tunisia's interim president, Foued Mebazaa and Mohammad Lazhar Akremi, the minister delegate to the minister of interior in charge of reforms. Akremi

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was nominated to the ministry in July 2011 to lead the reform effort and charged by the minister of the interior, Habib El Essid, to draft a white paper with proposals for reform specifically targeted to the needs of Tunisia. Akremi called on experts throughout the ministry and from France, Spain, and Switzerland to participate in drafting the proposal, and the white paper was submitted for review to a seminar in September 2011.<sup>29</sup> The final document contains their critiques.<sup>30</sup>

According to the white paper, the proposed reform of the Tunisian security sector “can be summarized as moving from a police order to a police service that can respond urgently to the new challenges of crime.” The report recognizes and addresses many of the key issues for the reform of the MOI. The opacity of the ministry with regard to its labyrinth security structures and actors is addressed through a reorganization of the security services into three bodies—the National Guard, the National Police, and Civil Protection—and the merger of civilian and uniformed National Police.<sup>31</sup> Recruitment and training are treated extensively in a separate chapter, which recommends the creation of a Tunisian police academy, new salary hierarchies and career management mechanisms, and an overall emphasis on professionalism and ethics in recruitment, training, and advancement. Another chapter is devoted to the public image of the security services. The report notes that no communication plan alone can change a “bad image.” The MOI’s image will only transform “when the professional practices of all its agents are transformed.”<sup>32</sup> Mechanisms to accomplish this transformation include not only new uniforms and open reception areas in police stations and guard bureaus, but also new codes of conduct and greater police transparency.<sup>33</sup> Notable are the calls for reforms of policy custody practices, police intelligence, and techniques for video surveillance and electronic monitoring, and the banning of imprisonment for religious or political ideas.

Currently, the white paper constitutes the only roadmap for reforming Tunisia’s security sector. It clearly acknowledges and addresses the critical challenges in transforming the institution and culture of the MOI. Although the report was prepared by the previous transitional government as an MOI input for the work of the Constituent Assembly, it appears unlikely that the new government will adopt its assessment and recommendations. When asked about the utility of the white paper as a roadmap for reform, members of the Ennahda political bureau acknowledged that although the report contains useful suggestions, it is a product of the “old regime.” Ennahda seeks to draw on the expertise of a wide and inclusive group of experts, including not only Italian and French, but also British, American, Swiss, and South African experts, to develop a new SSR plan. Ennahda also emphasized the importance of the inclusion of Tunisian experts because the model developed must ultimately meet “their aspirations.”<sup>34</sup>

### ***Intelligence Agencies***

The Intelligence Agency is part of the Ministry of Interior, although the Ministry of Defense and the Ministry of Foreign Affairs also have intelligence functions. Information on the intelligence community is not widely available. The white paper, however, devotes a final chapter to intelligence reform. The report cautions that failure to reform the intelligence function will leave “a small minority of decision makers” with a monopoly of “the power of knowledge.”<sup>35</sup> To guard against this situation, the paper recommends creating a National Intelligence Agency with clearly defined objectives and a legal framework under which to operate. The proposed agency would also be subject to strict controls at two levels—ministry control and parliamentary control.<sup>36</sup> Personnel would include both military and civilians. Domestic intelligence collection would be prohibited.<sup>37</sup> The Intelligence Agency would be removed from the MOI and report directly to the president of the republic.<sup>38</sup>

The Intelligence Agency would also have a coordinating function. The white paper proposes that the agency coordinate collection and analysis for a National Intelligence Council.

This council would be chaired by a head of state or head of government as determined by the future constitution and would include two members of the National Assembly.<sup>39</sup> The white paper also recommends creating a parliamentary committee in the National Assembly that would include a few members with special clearances that would oversee the agency's activities and its budget. Two parliamentary committee members would also serve on the National Intelligence Council.<sup>40</sup>

The intelligence sector is not currently governed by any law.<sup>41</sup> A sound legal framework is a precondition for effective, efficient, and accountable security governance, particularly over the intelligence sector. Tunisia will need a legal framework that defines the roles and missions of the intelligence institutions and functions as well as the prerogatives and limits of the intelligence organizations and their members.<sup>42</sup> Equally important will be undertaking reforms with enough transparency to build public trust and confidence in a function intimately tied to the abuses of the previous regime.

### ***Ministry of Defense***

Civilian oversight and governance of the Tunisian Armed Forces is assigned to the Tunisian Ministry of National Defense (MOD), led by a civilian minister of defense. The MOD is an almost entirely civilian organization and has primary responsibility for implementing policy decisions regarding the uniformed services. The chief of staff of the armed forces is the principal adviser to the minister. The chiefs of staff of each of the three services—army, air force, and navy—command each of their respective services but do not serve on a unified general staff. Coordination among the services is the responsibility of the chief of staff of the armed forces. The minister of defense's specific authorities are defined by a 1975 presidential decree, which specifies that the minister of defense serves the president of the republic, who is the supreme commander of the armed forces.<sup>43</sup>

As in the case of the armed forces, the scope of reform of the MOD is quite small. The ministry will need to adjust to a democratic system of governance that will likely involve regular review and oversight by parliamentary committees of the MOD and its budget. This system will require institutionalizing a culture of oversight and adjusting processes and procedures to accommodate external review. Yet the need for oversight is recognized and welcomed by the ministry, suggesting that the MOD will not resist these changes. Another likely reform will involve including civilians and military officers in the drafting of national strategies and strategic planning, a role that military officers did not fulfill during the Ben Ali regime. Senior military officers are keen to fill the role of subject matter experts and to support civilian decision makers, as their counterparts do in most democratic nations.

### ***Ministry of Interior***

The Ministry of Interior is the proverbial black box of Tunisia's security sector. Successful SSR in Tunisia will ultimately hinge on the establishment of real, democratically elected civilian oversight of the MOI. Tunisian human rights activists characterize the current relationship between Minister of Interior Laarayedh and his ministry as "a war."<sup>44</sup>

The standoff between the minister of interior and the director of one of the ministry's subordinate security forces in January 2012 dramatically underscores this point. Laarayedh sought to remove Monsef Al Ajimi, the director of the intervention forces, from his post. Ajimi had been formally accused of firing on crowds in Thala during the revolution. But Ajimi had the loyalty of some 12,000 police from the Bouchoucha Barracks, who physically blocked access to the accused director and then organized a strike in protest of his attempted removal. Across Tunis, key installations were left with no Tunisian security presence. One of the police unions intervened, persuading the strikers that their interests were not being

***Tunisia will need a legal framework that defines the roles and missions of the intelligence institutions and functions as well as the prerogatives and limits of the intelligence organizations and their members.***

served supporting a senior member of the Ben Ali security apparatus—one who had fired on the people. The courts have not yet ruled on the case, and although the strikes ceased, the minister of interior was forced to move the accused director to a consultant position elsewhere in the ministry.

Both the video release and the thwarted attempt to fire the director of the intervention forces suggest that Laarayedh's authority over the ministry—and thus the authority of the civilian transition government approved by the nationally elected Constituent Assembly—is quite limited. It also suggests that ministry officials are likely to resist efforts to reform the ministry, and, as the incident of the intervention forces suggests, that they have the capacity and the resources to do so. According to a legal activist engaged in promoting security sector reform, "senior officers in the MOI do not have the intention to do reform. Those senior officers are not collaborating with the new government. They are resisting any reform and are seeking to protect their interests, their positions, and themselves."<sup>45</sup>

### ***Ministry of Justice***

The Ministry of Justice (MOJ) oversees the application of Tunisian law, the Judiciary, prosecutorial services, and the General Directorate of Prisons and Rehabilitation. The Judicial Police, who conduct investigations and prepare the report for the prosecution, are part of the MOI but operate in the courts. The Ben Ali regime relied on a corrupt coterie of judges, lawyers, and prosecutors to "fix sentences" before trial and protect the regime. In stark contrast to the MOI, however, judges and prosecutors known to be corrupt are beginning to be discharged. This discharge is a promising beginning.

The Youth Lawyers Association and the Lawyers Union have proposed reforms of both the prosecutorial system and the role of the Judicial Police. One recommendation is to allow legal counsel to be present during interrogations conducted by the Judicial Police. In January 2012, association representatives met with the minister of justice, who reportedly told them that it was not possible to move away from an interrogation-based system. Reforming the prosecutorial system and the Judicial Police, as they proposed, would require training the police to conduct real investigations, transferring the Judicial Police to the MOJ, and training lawyers to advocate for their clients during interrogation. The representatives concluded that the enormous institutional obstacles and time constraints limit the will to undertake serious political reform.<sup>46</sup>

No equivalent white paper addresses the MOJ, but some efforts are under way to assess the prospects for reform of key subsectors. The Ministry of Justice appears to be less of a black box than the MOI, although civil society groups such as the Tunisian Human Rights League question whether any of these efforts have produced meaningful reform.<sup>47</sup>

One of the first groups to engage with the Ministry of Justice on prison reform was the Geneva Centre for the Democratic Control of the Armed Forces. DCAF has also worked with the Ministry of Interior to collect and catalogue laws and amendments relating to the security sector. These texts have been uploaded to an electronic database, accessible in both Arabic and French, which was released to the MOI on January 26, 2012. The index includes legislation relating to the traditional security providers (military, police), the justice sector (courts and prisons), as well as the management and oversight of the security sector (government, ministries, parliament, and courts). Legislation governing the work of political parties, the media, and NGOs was also included.<sup>48</sup> This single, easily accessible and searchable resource for all laws and amendments pertaining to the security sector greatly enhances the transparency of the legal framework governing the security sector.

A critical issue for reform will be assessing whether the body of laws and institutional guidelines adequately protect the rights of all citizens and constrain the authority of gov-

ernment entities in accordance with the rule of law. Equally critical will be reforming the institutional and operational culture of the ministry, the judiciary, the prosecutorial services, and the prison system to adhere to these laws and guidelines, to train existing personnel how to operate within these guidelines, and to recruit and train new personnel to fill the mission of the justice sector in accordance with democratic governance and the rule of law.

### ***National Constituent Assembly***

During the transition period, the 217-seat National Constituent Assembly is Tunisia's legislative body. It has a clear mandate to draft a new constitution for Tunisia during 2012. What is less clear is the interim government's mandate for reform. The approval by the Constituent Assembly of the caretaker government headed by Prime Minister Hemadi Jebali does not necessarily confer a mandate to reform the government or the security sector before a new constitution is drafted. In February 2012, Jebali announced that elections would not be held until 2013. Civil society groups and opposition parties have expressed concern over the government's open mandate. Former prime minister Beji Caid Essebi has called for the National Constituent Assembly to respect the mandate to draft the constitution and prepare for elections by or before October 23, 2012.

The Constituent Assembly has made some progress. Its members adopted a "mini-constitution" in December 2011 that defines government and parliamentary authority until the new constitution is complete. In mid-January, members also approved internal bylaws to govern the constitution-drafting process. That transparency rules were adopted is particularly encouraging. According to Article 62, "public information is the rule, secrecy is the exception. It is up to the members of the committee to decide [when exceptions will be made]."<sup>49</sup>

### **Policy Recommendations**

Successful democratic transitions require that four goals are set and achieved.<sup>50</sup> First, enough agreement has to be reached about the political process to produce an elected government. This has been done. Second, the elected government must come to power through a free and fair vote. This too has been accomplished. Third, the government must have de facto authority to generate new policies. This too has been achieved by all three of Tunisia's transition governments. Fourth, the executive, legislative, and judicial authorities of the new government cannot be required de jure to share power with other bodies (for example, the military, or in Tunisia, the police).<sup>51</sup> This too has been accomplished, although in practice the government faces serious challenges asserting its legal authority over key elements of the Ben Ali regime, notably the MOI and to a lesser extent, the MOJ.

These accomplishments are remarkable. Tunisia has achieved in one year what none of the other Arab Spring states have been able to accomplish. This leaves it well poised to undertake serious security sector reform. Reform will be essential for Tunisia's security sector to transition from a black box and a *raison d'être* of protecting the regime to transparent and democratically accountable institutions whose primary mission is to protect the people.

Tunisia's challenges in security sector reform are significant.

- *The first priority is to restructure the internal security services and the Ministry of the Interior.*

The labyrinth of institutions and the lack of transparency over the most basic issues—a ministerial organizational chart, official numbers of interior forces—suggest that reform of the internal security sector must begin with mapping the institutions, forces, and personnel and with assessing exactly what is required for effective reform. The MOI white paper is a good start. The caretaker government should draw on the expertise of Tunisian and international experts to ensure that the mapping and assessment of the internal security forces

***Reform will be essential for Tunisia's security sector to transition from a black box and a raison d'être of protecting the regime to transparent and democratically accountable institutions whose primary mission is to protect the people.***

and the Ministry of Interior is robust and that proposed reforms meet Tunisia's needs. With greater transparency in place, it will be possible to address the three remaining reforms. The first is establishing democratic oversight over the MOI to include executive oversight by the minister and parliamentary oversight over the ministry's practices, budgets, and reform plans. Implementing these reforms will require a fundamental reorientation of the ministry's institutional culture and mission. The second is divesting, reorganizing, and retraining the internal security and police forces to create a new police service that conducts humane, accountable, responsive, and capable policing. The third is resolving the MOI and the police forces' image problem. The white paper suggests new uniforms, new logos, and more welcoming reception areas in police stations. These are important tangible indicators of change. They must be accompanied by real change, that is, fundamental reorientation in how the ministry and its forces engage with citizens and with the democratically elected executive authorities and parliament. The restoration of police services will also help restore the confidence of the police and the public's trust in the government.

- *A second priority is to establish governance and democratic oversight of the security sector.*

The creation of bylaws to govern the constitution-drafting process, and recognition that the process needs to be transparent, are positive developments. As the National Constituent Assembly begins drafting a new constitution, critical issues for SSR include creating the legal framework that establishes permanent oversight by both the executive and the parliament over the security sector. A central element of this framework will be the creation of committees on defense, security, and intelligence. A particular challenge during the coming year is how this oversight, particularly of the reform efforts of the security sector, will be conducted while the new constitution is being written. The one institution with a true electoral mandate during the transitional period is the National Constituent Assembly. Its oversight of the reform process during this transitional year will be important for the legitimacy of SSR in Tunisia.

- *A third priority is to reform the justice sector, including the Ministry of Justice, the Judiciary, and prosecution services.*

Because there is no roadmap for this reform, developing an assessment is a good place to start. Discussions have already begun over prison reform and prosecutor training. The role of the Judicial Police and the apparent lack of investigative capabilities either in the MOI or the MOJ are clear priorities, and international technical assistance and training might be useful to begin addressing these gaps. Like the MOI, Ministry of Justice reform will likely require reorienting the institutional culture and retraining judges, prosecutors, lawyers, court clerks, notaries, bailiffs, and many others. This undertaking is an enormous project that could well stretch more than a decade.

- *The final priority is to manage the difficult issue of transitional justice.*

Although transitional justice is not part of security sector reform, it is intricately connected to it. Transitional justice involves resolving difficult, and often emotional, issues that resonate throughout Tunisia, including whether to prosecute members of the former Ben Ali regime, and if so, who exactly should be prosecuted; whether to purge the ministries and which ones; and whether and how to compensate the victims of the former regime. How transitional justice is addressed in Tunisia will have great bearing on how SSR efforts proceed.

Closely related to transitional justice is how to vet the state administration across all the ministries, but particularly Interior and Justice and the Judiciary. The minister of interior's inability to remove senior officials in the ministry suggests that civilian control over the ministry is a pressing issue. The issue is a delicate one that involves balancing the need to purge certain key positions or senior levels of individuals tainted by the former regime,

against the risk of creating a new aggrieved minority, if the purges are too extensive, or of losing the ability to deliver major services.

Another related question is whether to prosecute those individuals and others for their activities under the previous regime, or to grant them amnesty. Transitional justice can provide a good foundation for longer-term judicial reform. Support from international experts with experience managing transitional justice elsewhere might be useful if the Tunisian leadership should request the expertise. Ennahda's leadership is certainly aware of the challenges, and has taken great pains to emphasize that anything that smacks of revenge will be counterproductive. Ennahda seeks reconciliation, not revenge.

## **Conclusion**

That security sector reform is a highly political process is frequently underappreciated. Any political process has winners and losers, and the potential losers of Tunisian SSR were among the most privileged in Tunisian society. What is frequently overestimated is the value of security. The assumption is that once basic security is restored, "the rest will fall into place." Although Tunisia's relatively smooth transition from revolution to a democratically elected caretaker government is remarkable, much remains to be done. Serious reform of the security sector remains essential if Tunisia's transition to democratic rule is to succeed in the long term.

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