

## TUNISIA: COMBATING CORRUPTION



Three years ago, the Pontis Foundation started its cooperation with a Tunisian youth organization, formed by students during the anti-regime protests in 2011. During the these three years of working with I Watch, we have together carried out numerous capacity building activities, supported advocacy campaigns and community events in various regions of Tunisia and have even set up a model Constituent Assembly for youth activists. We have organized study visits to Slovakia, as well as to Brussels, have done research on

citizen participation, held numerous public debates about issues of good governance and the fight against corruption, which are aimed at enhancing civic participation and dialogue with the state institutions, on both local and national levels.

In the meanwhile, the organization has grown into a respected Tunisian watchdog. I Watch is now conducting a National Integrity System Assessment of key government institutions, leading the review of Tunisia's compliance with the United Nations Convention

Against Corruption, and is working on the issue of assets recovery and supporting women leaders against corruption. I Watch contributes to the Corruption Perception Index, and sustains its own campaigns, such as Billkamcha.tn, a crowd-map developed to help citizens report cases of corruption, and Essid Meter, an attempt to monitor the performance of the Tunisian Prime Minister Habib Essid and his government by documenting what has been achieved in relation to what had been promised.

Under the auspices of the programme “Building Partnerships for Democracy in Tunisia” I Watch is organizing a unique event to celebrate citizens’ courage – the Whistleblower of the Year Award Night. The Whistleblower Award Night has two main objectives: to support whistleblowers and encourage citizens to denounce varying cases of corruption and to push the government and decision-makers to create a legal framework for the protection of whistleblowers.

The establishment of the Whistleblower of the Year Award came about as a result of cooperation and

exchange of know-how between partners. In autumn 2012, the representatives of I Watch visited Slovakia. During a workshop with representatives of the Fair Play Alliance, our Tunisian partners learned about whistleblower support in Slovakia and their appreciation of it through the White Crow Award (Biela vrana). The first Whistleblower of the Year Award in Tunisia took place three months after the visit.

This year’s award ceremony included the head of the National Anticorruption Committee, Samir Al Annabi, and also Fero Pauliny of Fair

Play Alliance, the NGO, whose project the White Crow Award served as an inspiration for the Tunisian Award.

We have decided to dedicate this edition of the Digest to the work accomplished by whistleblowers, their social, legal and moral support and the protection legislation. We will bring you the story of Samir Feriani, first whistleblower awardee and an interview with Fero Pauliny of the Fair Play Alliance.

We wish you an interesting read!

**Tatiana Žilková**  
Pontis Foundation

## HONOURING COURAGEOUS TUNISIANS SINCE 2012



*“Whistleblowers are those who have chosen to sacrifice their well-being for the good of others and Tunisia. They reveal unjust and illegal activities often related to corruption, in ministries, private enterprises and also organizations.”* Mouheb Garoui, the executive director of I Watch – the largest anti-corruption organization in Tunisia, and partner organization of the Pontis Foundation.

In 2008, Tunisia ratified the United Nations Convention Against Corruption, which encourages countries to incorporate appropriate measures into their domestic legal system to provide protection against any unjustified treatment of those who

expose corruption. However, Tunisian law does not directly provide for the protection of whistleblowers.

In January 2014, legislators in Tunisia adopted the country’s new constitution, which has been celebrated for its progressive nature. However, in matters of freedom of speech, opinion, and information, it contains only a broadly defined mandate on the matter: “Freedom of opinion, thought, expression, information and publication shall be guaranteed. These freedoms shall not be subject to censorship. The state guarantees the right to information and the right to access information and communication networks”.

In relation to the public sector, the Tunisian Code of Criminal Procedure states that a person is required to report any offenses to the State prosecutor, but no protection is guaranteed for anyone who acts in accordance with this legislation. The situation is slightly better in the private sector, where Tunisia’s Penal Code has a provision for the protection for employees who report cases of corruption.

Yet there is still risk involved. With no other whistleblower protection laws in place in Tunisia, those who expose corruption or misconduct may face repression or retribution, whether official or unofficial, in the form of harassment, demotion, or loss of job.

To honour the whistleblowers who were subject to smear campaigns and persecution, but still had the courage to carry on their missions in exposing the corruption, I Watch has been bestowing upon them the annual Whistleblower of the Year Award. The anti-corruption watchdog says that the award, conferred on the basis of nominations and following a public poll since 2012, seeks to encourage whistleblowers to speak out and calls on the authorities to institute laws protecting them

The previous laureates of the award include: Haythem Sghair, a professor at the National Center for Nuclear Sciences and Technologies, who lost his job for publicly denouncing

a corruption case at the center's microbiology unit. Attorney, Faouzia Bacha who denounced a case of corruption related to an international investment in the oil and natural gas sector. Blogger and journalist, Olfa Riahi who published a blog post in which she alleged that former foreign affairs minister Rafik Abdesslem misused public funds by spending several nights at a luxurious hotel in Tunis. Public officer, Mbarka Ksir who condemned a case of corruption within the Ministry of Equipment and Housing. Human rights activist Imen Triki, who has been criticized and bullied for her campaign to expose torture in Tunisian prisons.

In 2012, the first year of the Award history, the Whistleblower of the Year Award went to Samir Feraini, one of the people who faced prosecution for blowing the whistle in the public sphere.

In May of 2011, Samir Feriani, a high-ranking official in the Ministry of the Interior, was thrown into prison on charges of spreading false information to destabilize public order and harming the external security of the state, after accusing the Ministry of Interior of corruption in an open letter to the Minister of Interior, Habib Essid, published in the Tunisian newspapers *Al Khabeer* and *L'Audace*. According to Feriani, officers previously linked to censorship and torture, including connections to the killing of the "Jasmine revolution" anti-regime protesters, were still holding key positions in the Ministry and exercising



influence over the security services. Furthermore, ministry officials have been allegedly destroying sensitive archives following the ousting of the former President, Ben Ali in January 2011, including evidence of human rights violations, and evidence of Ben Ali's regime relations with the Israeli intelligence agency, Mosad.

In response to his arrest, Tunisian activists organized a series of protests and on-line campaigns. Feriani's arrest was condemned by the Human Rights Watch. He remained in prison for nearly four months before being released in September 2011, and was acquitted of most charges in March 2012.

The Tunisian public hoping for a smooth democratic transition were satisfied with the outcome, as they

believed that the verdict was not about one person, but rather about Tunisia as a whole and the right to freedom of expression. A particularly encouraging fact was, that the court proved its independence from political interference and delivered a fair and transparent verdict.

Feriani expressed hopes that his case will mark the start of a deeper investigation into the Ministry of Interior's corruption, and that he will be reappointed to his position within the Ministry. He asserted that he does not regret his actions to help expose the truth. *"All I wanted was to reveal Ben Ali's criminal past"*, he concluded. He perceives the whistleblower of the Year Award, which he received in December 2012, as a great gesture of support, an acknowledgement of his work, and a sign that there is a rising public demand in the country for justice, and the fight against corruption.

While Tunisia is still in the process of establishing a system of politics and has weak protection laws, it has also proven that the people are able to make change happen in the country with enough grassroots support.

Tatiana Žilková  
Pontis Foundation



## INTERVIEW

# Fero Pauliny: a chance of receiving this reward should be given to everyone, even a stranger from the countryside

Fero Pauliny has been working for the Fair Play Alliance for eight years. His work is dedicated to the White Crow award. This award is given by the Fair Play Alliance and VIA IURIS for socially beneficial and courageous civil deeds. The award is given to people who have shown courage in civil affairs and suppressed personal interests in the name of public benefit, values and principles. Besides this, Fero Pauliny oversees anti-corruption events, demanding that politicians disclose their assets and communicate on the web. Four years ago he inspired representatives of the Tunisian NGO, I Watch and the organization followed the Slovak White Crow award. In addition, a group of young Tunisians from I Watch came to Slovakia. This study visit was held within the project of Pontis Foundation, Building Partnerships for democracy in Tunisia.

**How long has the award been around and why is the award given?**

*The idea of the award rose from a belief that those doing good deeds deserved to be acknowledged. In Slovakia there are a lot of people who do good deeds that the whole society benefits from, for example – they reveal corruption, fight against garbage dumps, save trees and prevent abuse of power. Unfortunately,*

*they are often penalized for defending their principles. Society often turns its back on them. We felt that we might have lost these courageous people and in the end we all pay the consequences. That is why we try to find those people to say thanks.*

*The White Crow award was first introduced in the summer of 2008, but the idea had been around long before that. From the formulation of an idea to the*

*real award being granted, only a few months passed, maybe even few weeks. At the very beginning it was a small award given in a small tent during the Pohoda music festival with only 50 people in attendance.*

*Gradually it has grown into a big socio-cultural event. From its second year the award ceremony has taken place on the 17<sup>th</sup> of November, Velvet Revolution day.*

**What is the social importance of the White Crow award?**

*The White Crow, in addition to helping individuals, inspires people, who are in a similar situation and are preparing to stand up for justice. It shows people that it is normal to behave in a courageous and bold manner.*

**Is there any law in Slovakia that helps such people?**

*From this year a new law called the Whistleblower Protection Act (protection of collusion and corruption reporters) has been implemented. We partly contributed to designing this law with a working group, I wonder however, how well it will work in practice. Slovakia has many good laws in place but when compared to a more developed country it's clear to see that Slovakia sometimes falls short in certain areas.*

**The Fair-play Alliance has had a number of valuable experiences in working with whistleblowers. Does Slovakia have anything to offer transitional countries?**

*Of course. I think that is our civil responsibility to offer help and know-how to less developed countries, Tunisia is a very good example of this with their NGO, I Watch.*

**Four years ago a group of Tunisians from I Watch had training in your organisation, during which you had a talk with them about the White Crow. Did you expect that it would have such a big influence on them?**



*I did not expect that at all. I talked about the award for 10 minutes and answered 2–3 questions, then the Tunisians bought a couple of T-shirts with the White Crow logo from us. I thought that that was it. I later learnt that they had started to give a similar award in Tunisia. It's in its third year now. I was surprised that it took off so quickly.*

**At the beginning of the year you took part in the White Crow award ceremony. Did you feel the difference between the Slovak White Crow and Tunisian Whistleblower of the Year?**

*Yes, almost in everything. Tunisia has a different cultural, religious and political context and the award ceremony was influenced by that. The award ceremony looked more like a professional conference and less like a cultural evening for a wide audience. I discussed this with them and they mentioned that next year they would also try to involve popular sportsmen as future ambassadors of the Whistleblower of the year and therefore help make the award more popular.*

**How do people receive the award in Tunisia?**

*I think that it is via newspaper and internet voting. We took a different approach from the beginning – the jury decides on the winners. Now only The Council of the White Crow is in charge of deciding who will be given the award. Also, we think that the award should not be a competition. But the Tunisian approach has something in itself. However, I warned them that if ideological and religious context plays a big role in their country, this can easily be transferred to a voting process. It seems to me that it could easily happen that an award would not be given to a person who deserves it, but to a person who is closer to them in respect to their values.*

*I also warned my colleagues from I Watch against choosing the most popular fighters against the biggest corruption issues. I believe that a chance to have the award should be given to everybody. For example, an unknown person from the countryside who puts the spotlight on local power*



*ties. Otherwise, the ordinary people will think that the fight against corruption does not affect them and they will leave it to professional activists.*

**Simona Gembická**  
Pontis Foundation



*I watch is a young organisation, which was formed during during the Jasmine Revolution and is largely made up of young people to monitor transparency, political accountability and the fight against corruption in their country.*

## INTERVIEW

# Faouzia Bacha: We are not only fighting corruption, we are fighting the poverty it brings

Ms. Faouzia Bacha is a lawyer at the Cassation (Supreme) Court in Tunisia, and a civic activist. She blew the whistle on corruption cases in the natural resources industry field, specifically, on the contracts that the former Prime Minister signed with international oil companies. In addition, she has also sued public figures implicated in corruption in the oil sector in Tunisia. She is the laureate of the 2014 Whistle-blower of the Year Award, awarded by I Watch and the Pontis Foundation.

**How big is the problem of corruption in Tunisia, according to your assessment?**

*The way I see it, the Tunisian revolution was a revolt against state corruption*

*in the country. Corruption affects all sectors of the economy. It has become a source of power. Politicians, businessmen and officials of the state created a network of corruption, which has lasted for more than 60 years.*

**Has anything changed after the revolution? Is there a political will to solve the problems?**

*In the beginning, after the revolution, there was a genuine will to fight corruption. For three years a large amount of work was done to create and establish the Constitutional Instance for the Fight against Corruption.*

*However, the democratic transition process in Tunisia has also, unfortunately, brought many corrupt people to power. After the 2014 presidential and parliamentary election, I have to say, neither the presidency of the state, nor the government have shown real political*





will to fight corruption. It seems they are keener to hinder and slow down the work of the Constitutional Instance for Fight against Corruption.

For instance, a draft Law on Reconciliation has been presented to the National Assembly. The aim of this piece of legislation is to mitigate corruption by granting general amnesty to the perpetrators of all kinds of corrupt practices without any consequences or sanctions. It is a vote of thanks to the people, who financed the electoral campaign of the parties in power.

There is a strong public resistance against this newly proposed law. Citizens of our country demand accountability and heartily oppose impunity, which is one of the major problems of the country right now.

**Is the legal framework of Tunisia conducive to the prosecution of corruption?**

The legal framework itself offers possibilities to do so, but this is not sufficient. Penalties are fixed, but there is a bigger problem of intervention in the decisions of the organs of justice, lack of protection for whistle-blowers and lack of leg-

islation concerning the origin of money, i.e. anti-money-laundering legislation.

Two legislative proposals have been prepared by the Constitutional Instance for the Fight Against Corruption, based on EU and UN principles. The first law concerns the protection of whistle-blowers, the second law concerns the origin of money.

However until now these laws have not been presented to parliament for ratification, as the men in power have obstructed the promotion of these kinds of law.

NGOs and citizens will try to force the government to push these laws through as the main aim of the revolution was the fight against corruption.

**You have exposed corruption linked to the highest level of politics in Tunisia. What are your motivations?**

Tunisia, my country has suffered from corruption for many years, which is the origin and one of the main causes of poverty. During the events of revolution in 2011, 300 martyrs died screaming mottos against corruption in the state, so we must continue on this road, to fight against corrupt persons, pro-

cesses, even the state. In addition, we must support the legacy of the revolution and its martyrs. This is my ultimate motivation.

**Have you experienced any harassment related to your activities? Have you received any support as a whistle-blower?**

I have not experienced any direct harassment. However, last June, during the "Where is the Petrol?" campaign (a campaign challenging the state on the contracts for exploitation of natural resources, comment by author), when I was carrying out many, also media, interventions, I experienced a blockage of my phone number for almost a month. However, I didn't make any official claims against the state or the mobile company,

I have only received support and encouragement from my family, friends and NGOs, as we do not have any legislation in place to protect whistleblowers. As a means of protection, I try not to reveal my visual identity too much and do not appear in broadcast mass media.

But I am not afraid. I like the investigative part of my work; I am very thorough in my research, and background work. I



*dards for the cause, I have invested a lot of my time and energy into this.*

*This process must continue until all citizens are whistle-blowers. Tunisians pay the high price of the corruption as taxpayers. Thus, we are not only fighting corruption, but also poverty. We are a nation of only 10 million people with few resources. These cannot be wasted. Through good governance and management of resources, these can be sufficient and we can be more empowered and better-off.*

*We can do better!*

### **How can Tunisian citizens themselves contribute to the creation of a corruption free environment?**

*I think that if the Tunisian parliament enacts the law on the protection of whistle-blowers, this will encourage many more citizens to report cases of corruption.*

*There are also individuals fighting their own cause, which is an approach we see a lot on social media networks. This helps a lot despite the lack of legal protection.*

*After receiving the Whistle-blower of the Year Award, many everyday citizens, not lawyers, not judges, etc. have approached me with cases of corruption. I now have many sources and even proof of corruption. In my capacity as a lawyer, I am trying to work on these, to resort to the justice process, and file cases in the tribunals.*

*All this makes me think, that if there was the necessary protection, people would be willing to fight corruption. That is the spirit among Tunisians. Tunisians are good people; definitely not all of them are corrupt. It is just unfortunate, that the most corrupt ones are in power.*

**Tatiana Žilková**  
Pontis Foundation

*also participate in a lot of conferences, congresses and other anti-corruption events. I like my work, and will continue my fight.*

### **How do you feel about being awarded a prize for your courage – Whistle-blower of the Year Award? Does public recognition and media attention help in protecting you as a whistle-blower?**

*Receiving the Whistle-blower of the Year Award is a very important achievement for me, personally. I see it as great encouragement, and at the same time, I feel, that popular and media recognition, support and coverage helps, in a way, to protect me, as a whistle blower.*

*I have had very positive feedback on receiving the Award. Moreover, it was important for my friends and family, as encouragement and recognition of their support as well. It is good to see, that you are not alone in your fight, and that someone recognizes your efforts and the time you spend on the cause.*

*It is a good feeling.*

### **What do you think about this sort of activity: awarding, recognizing whistle-blowers?**

*It is a very good initiative, which should encourage a lot more citizens to report corruption, and I am happy to have received it.*

*NGOs should do more in the field of motivation, and in their support of whistle-blowers, as there is no law to protect them. Civil society should encourage them to do more and more work, and look after and recognize them.*

*By displaying and exposing the system of corruption in our country, there is a chance that it will eventually diminish and people will be discouraged from engaging in such practices. We mustn't be afraid of reporting corruption.*

*I encourage you and I Watch to continue this activity and aim at awarding or supporting more people actively look for them, in the various regions it is also very much needed; also the feeling of international support and protection is very welcome...*

### **Knowing your current situation, would you decide to get involved in the fight against corruption again?**

*Yes, of course, I will continue every day, every hour, it's our objective and duty. It is a long-term process which must be continued for our children, our country and our martyrs. Therefore, I can't stop my work.*

*I did a lot of training on how to fight corruption; there are many processes, methods and ways to inform the public, using the media and international stan-*