

Saied's Tunisia Is Politicizing Counterterrorism Again

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Brief Analysis

His government is using CT tools to go after the political opposition, but the ongoing lull in jihadist activity may give Washington some breathing room to press him on these issues.

Ever since President Kais Saied's July 2021 coup, the professionalized Tunisian counterterrorism apparatus that emerged after the 2011 revolution has become increasingly politicized, auguring a return to the methodologies of former leader Zine al-Abidine Ben Ali. If this trajectory continues, it will undermine efforts to keep a lid on Tunisia's jihadist movement, which continues to pose threats today even though they are far less acute than those seen from 2012 to 2019 (<https://www.washingtoninstitute.org/policy-analysis/tunisia-turns-corner-against-jihadist-movement>).

Beyond its moral and human aspects, this descent holds sobering implications for U.S. assistance. From 2013 to 2021, Washington sank at least \$30 million into reforming Tunisia's counterterrorism system, much of this coming after the country was hit by large-scale attacks in 2015-16. Another \$20 million was provided for military education and training, along with around \$100 million for law enforcement reform. Tunisian counterterrorism may not be the top-line issue it once was, but the scope of U.S. expenditures lends extra urgency to addressing Saied's backslide.

Tunisian CT From Revolution to Coup

In the wake of the 2011 revolution, the transitional government was much more focused on preparing the country for an election than on counterterrorism issues. Following the election, a troika government came to power led by the Islamist party Ennahda, which believed that a light touch was in order given its own experiences under crackdowns in previous decades. A hardline government approach did not deter them in the past, they argued, so why would it stop the local al-Qaeda branch Ansar al-Sharia in Tunisia?

Yet the resultant light approach provided too much space for jihadist mobilization, creating an acute security

problem not much different from the one seen in the era of harsh crackdowns, when thousands of Tunisians were radicalized into joining the movement. Indeed, terrorist elements had authorities on the defensive from 2012 until 2016, when a new unity government that included Ennahda as a junior partner scored a big victory over the Islamic State (IS) in Ben Gardane.

By 2019, Ennahda led a different and even more splintered unity government, but authorities had successfully overpowered the terrorists. The jihadist movement has since become a manageable threat that does not affect the daily lives of most Tunisians, thanks to years of concerted efforts and learning processes. In particular, the period 2016-21 saw a marked professionalization of the counterterrorism apparatus—gains that are now being eroded by Saied’s authoritarian efforts to shore up his July 2021 power grab.

Trends in 2022

For the past half-decade, Tunisia has seen an overall decrease in jihadist attacks and arrests, and that trend continued in 2022. For the first time since 2011, no attacks were claimed by either IS or al-Qaeda’s remaining local branch Katibat Uqba bin Nafi (KUBN). IS last claimed an attack in February 2021, while KUBN has not claimed one since April 2019, illustrating how much the country’s jihadist movement has weakened.

(/sites/default/files/2023-03/tunisia-terrorist-activity-2022-POL3713-table.jpg)

Tunisian Terrorist Activity and Arrests, 2011-2022			
Year	Attacks	Arrests	Prosecutions
2011	1	2	N/A
2012	4	6	N/A
2013	22	30	N/A
2014	21	32	2
2015	36	162	2
2016	40	260	4
2017	47	403	1
2018	30	520	3
2019	29	132	18
2020	8	227	4
2021	12	192	21
2022	4	132	13

Last year’s decrease in arrests and prosecutions (which in many cases involve multiple individuals) bears watching in the coming year. Does it reflect a broader trend of eroding judicial transparency as Saied continues putting his authoritarian stamp on the system, or is it simply a scheduling anomaly related to when cases come up on the docket? For instance, prosecutions fell in 2020 as well, but that was attributable to restrictions stemming from the COVID-19 pandemic.

As for the challenge of repatriating hundreds of Tunisian foreign fighters and their families from prisons and camps in other countries, the government apparently did not bring any of them home in 2022, a full three years after IS lost its last territorial holdings in Iraq and Syria. The number of Tunisians remaining in Iraq is unknown, while a few are still in Libya (10 women, 21 children) and many remain in Syria (an unknown number of men, likely in the hundreds, plus 100 women and 160 children). This is unsurprising given the lack of political appetite for such measures domestically. As a result, hundreds of hardened Tunisian jihadists remain detained in northeast Syria (<https://www.washingtoninstitute.org/policy-analysis/islamic-state-2023-threat-levels-and-repatriation-questions>), raising the risk of future mobilization or attacks if IS ever breaks them out—including attacks back home in Tunisia. Washington and Tunis therefore have a mutual interest in repatriating more such individuals so that authorities can keep track of their identities, their roles within IS, and their activities. Both governments also have a persistent security interest in ensuring that the country’s counterterrorism apparatus is not compromised by the type of politicization that observers have been warning about (<https://www.washingtoninstitute.org/policy-analysis/tunisian-jihadism-shadow-coup>) since Saied’s coup, and which is seemingly coming to fruition.

Politicizing CT from Ben Ali to Saied

When the Ben Ali regime passed a controversial counterterrorism law two decades ago, it used the legislation to jail around 3,000 individuals (<https://www.washingtoninstitute.org/policy-analysis/your-sons-are-your-service-tunisias-missionaries-jihad>) between 2003 and February 2011, when the transitional authorities implemented a general prison amnesty (<https://www.washingtoninstitute.org/policy-analysis/tunisian-jihadist-movement-ten-years-after-prisoner-amnesty>). Yet only 1,200 of these detainees were actually involved in jihadist activities, whether at home (900) or as fighters abroad (300). In other words, a full 60 percent of those swept up by Tunisia's 2003 counterterrorism law were jailed for political reasons, not terrorism offenses.

These abuses led many Tunisians to view the country's justice and prison systems as illegitimate. Yet a general prisoner amnesty was not a wise solution to the problem; something more targeted would have worked out better. Although many political detainees were justly freed in that manner, the overriding hatred of Ben Ali's regime blinded many post-revolutionary activists to the very real threats posed by broadly releasing certain prisoners who had a history of jihadist and terrorist activities. This misstep eventually provided the manpower and space for Ansar al-Sharia in Tunisia to grow locally, which in turn generated a much larger pool of future recruits for the conflicts in Libya, Syria, and Iraq. It also sowed the seeds of the networks involved in large-scale terrorist attacks inside Tunisia from 2012 to 2016.

The manner in which Ben Ali's political arrests eventually birthed a major jihadist outbreak after his fall shows why a bifurcated approach to counterterrorism is unsustainable. When citizens see their government abuse its authority by arresting political opponents on terrorism charges, they are less likely to lend support when authorities go after suspects truly involved in mobilizing plots and attacks. Yet Saied's government is returning to this pattern of abuses, potentially setting the stage for a future jihadist rebound in Tunisia—a worrisome prospect given that the movement has far more experience and networks today than it did in 2011.

Over the past year, Tunisians have been arrested on illegitimate terrorism charges in at least twenty-two cases, many of them involving multiple individuals. These detainees have included journalists, judges, bureaucrats, security officials, businessmen, unionists, activists, politicians, and bloggers. Islamist leaders from Ennahda have been one focus of these measures, but Saied's crackdown has also swept up individuals from factions as diverse as the Tunisian General Labor Union (UGTT), the Congress for the Republic Party (al-Jumhuriyah), and the National Salvation Front. The pace of these faux terrorism arrests has picked up recently, with twelve occurring in the past month, illustrating the rapid degradation of the country's apolitical counterterrorism apparatus.

Pushback Needed

The current situation puts Washington in an uncomfortable position by pitting civil liberties and freedom against the pursuit of stability and security in a key regional partner. Yet whatever the long-term threat may be, the current jihadist threat in Tunisia is minimal and manageable, so the United States and its European allies have little to lose security-wise by pushing Saied to release political prisoners charged under counterterrorism authorities. They should also consider cutting off any foreign assistance believed to be supporting abuses by security forces.

Alternatively, if Washington maintains its current passive approach, Saied will only expand and consolidate his efforts to abuse state institutions (<https://www.washingtoninstitute.org/policy-analysis/civil-society-tunisia-resetting-expectations>), destroy Tunisia's (admittedly imperfect) democratic gains, and arrest political opponents. As described above, the latter measure stands to undermine the real fight against a domestic jihadist movement that previously seeded terrorist groups such as Ansar al-Sharia, KUBN, and IS. When the Tunisian government effectively degraded this movement between 2016 and 2021, it was only able to do so because two crucial prerequisites were in place: (1) a legitimate process of reform and rule of law backed by funding, guidance, and

training from the United States, Europe, and Algeria, and (2) the support of a population not jaded by politicized arrests in the name of “counterterrorism.” Based on the current trajectory, Saied seems doomed to repeat Ben Ali’s mistakes, and is increasingly unlikely to return to Tunisia’s slow but steady track of post-revolutionary reform on his own accord.

Aaron Zelin is the Richard Borow Fellow at The Washington Institute and founder of Jihadology.net. ❖

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