Tunisia's National Intelligence
Why "Rogue Elephants"
Fail to Reform

Noureddine Jebnoun
With a Foreword by George Joffé

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Introduction

Tunisia's popular uprising, which erupted unexpectedly following an altercation between a street vendor and a municipal policewoman in December 2010, has propelled Tunisia's security sector to the center stage of the country's political transition. This transition has occurred in the aftermath of the overthrow of the country's autocratic ruler of 23 years, Zayn al-ʿAbidīn Bin ʿAlī (1987–2011). Interestingly, the public debate on security sector reform (SSR) since 2011 has failed to define the framework, objectives and outcomes of such reform. Rather, SSR has become just one narrative among others in the transitional process, used by both international actors advancing their own agenda in a "tyranny of experts"[1] often disconnected from locally grounded realities[2] and Tunisian policymakers who seem primarily concerned with the consolidation of their power and their cynical political calculus.

The upsurge of security challenges amidst rising violence within Tunisia and across the Middle East has fortified the government's counterterrorism agenda and reduced pressure on the security sector to reform. Moreover, the legacy of more than five decades of authoritarianism—punctuated by serious violations of human rights—and the absence of transparency with regard to the structures, legal mandate, mission and operations of security forces, are all major impediments to the development of any comprehensive reform. Although scholars agree that SSR is critical to the success of the country's transition to democracy, they have not given any attention to the subfield of intelligence reform as one of the key prerequisites for the consolidation of democracy in Tunisia. This missing piece could be explained by the lack of reliable data in the

realm of intelligence and the difficulty of shedding light on the role played by the intelligence and security services in the regime's dark web of coercion in strengthening its authoritarian resilience under the rule of Habib Bourguiba and Bin ʿAlī. The ambiguous role of Tunisia's intelligence and security services in the post-uprising era is far from being an independent professional instrument of citizen protection and is even less of an informative tool for public authorities in an imperiled time of uncertainty and anxiety. The absence of mechanisms of accountability and oversight of the intelligence and security apparatus constitutes a deficit in democratic control over such services and throws into question their effectiveness and compliance with the law. Increasing dysfunction, abuses, and unlawful activities have turned Tunisia's intelligence services into rampageous "rogue elephants."

The US Senator Frank Church first used the expression "rogue elephants" during his examination of American intelligence agencies in the aftermath of the Watergate affair to describe the illegal domestic spying activities of the CIA, NSA and FBI. In 1975, the Senator led the eponymous Church Committee, which disclosed a broad range of illegal intelligence actions and found in "three days of hearings on the intelligence agencies' illegal mail-opening program … that the CIA had opened more than 200,000 letters and had photographed the outside of 2.7 million pieces of mail sent to and from the Soviet Union during its nearly twenty year program. The FBI had operated a similar project."[3] Although the scope of flagrant violations committed by the American "rogue elephants" is incommensurable with those inflected by their Tunisian counterparts on Tunisian citizens, Tunisia's intelligence apparatus' ruthless methods, intrusive security activities, abuse of power, and unaccountable questionable practices nevertheless suggest that Church's metaphor of "rogue elephants" is relevant to investigate Tunisia's national intelligence architecture.

Drawing on extensive fieldwork and original data,[4] this book is intended to fill the gap in the overlooked field of intelligence reform and democratic security governance in post-authoritarian Tunisia. The first chapter lays out its theoretical framework on intelligence in comparative case studies and discusses the democratic control of intelligence. The prerequisites of such control entail a clear defini-

tion of intelligence services: their mandate, power and competence; their supervision and oversight; their professionalization based on the respect of the rule law; and their protection of human rights and accountability. The second chapter sheds light on the dynamics of intelligence and security services in Tunisia's post-independence era and focuses on their growing political function as a means of regime control and suppression of dissents. The third chapter highlights the role of intelligence and security services under the fallen regime, showing that the latter had manipulated the intelligence security apparatus to the extent that it created a *de facto* police security state[5] that sought to inhibit any democratic alternative to it. Finally, the fourth chapter investigates the factors delaying the reform of the intelligence sector and demonstrates that intelligence in the Tunisian transitional context is experiencing more of a mending than a "democratic reform" process per se. This process has so far meant bolstering the capabilities of the intelligence services rather than holding them accountable to citizens and new institutions.

Chapter One

A Comparative Theoretical Framework on Intelligence and State Violence

The role played by military institutions—and to some extent the security apparatus—in the wave of upheavals that struck the Arab world in 2010–11 has generated a new literature on civil-military relations that differs from the social science literature on that topic from the 1960s and 1970s. The earlier literature emphasized the potentially positive involvement of the military as an agent of social change in the state-making process in countries such as Egypt, Syria, Algeria, and Libya in the post-independence era.[6] In contrast, the current literature tries to investigate and assess the Arab military's behavior in the face of massive popular mobilizations under authoritarian regimes and to highlight their critical role in negotiating the ongoing political transition.[7] While the post-Arab uprisings have witnessed a growing volume of literature on SSR, the role of intelligence services has been virtually absent as a topic in academic studies, as scholars have largely disregarded the impact of such services on both the resilience of authoritarianism and on the disquiet of the transitional process.[8] Instead, scholarly research has been directed toward police reform in the Arab world as a major component of the internal security apparatus.[9]

Needless to say, further research on the role of intelligence within Arab autocracies is crucial, as theoretical literature on the topic is not particularly well developed. Western literature tends to conceptualize intelligence as a "subset of civil-military relations"[10] because "military still plays a predominant role in intelligence," whether in emerging or full-fledged democracies.[11] This literature also makes an analogy between civil-military relations and civil-intelligence relations. Such a comparison includes the civil democratic control

over both the military and intelligence, the definition of the roles and missions to perform, and the effectiveness and professionalism of these organizations.[12] Although this comparative approach may be relevant in a liberal democracy, it seems somewhat problematic within the Arab context, as civil-military relations and its intelligence subset are embedded within regime patronage networks and "shaped by communal or regional loyalties, making their cohesion and effectiveness hostage to those loyalties."[13] These patterns are discernible in most of the memoirs published by many former Arab senior military officers, security officials, ministers, and diplomats after leaving office, and mainly following the death or ouster of the leader under whom they served. These memoirs, as Sassoon demonstrates, are fascinating accounts that begin to lift the thick veil of secrecy within the inner circles of several Arab authoritarian regimes by shedding light on internal power dynamics, the decision-making rationale, and, most significantly, the functioning of their coercive apparatus.[14] Few retired intelligence professionals in the Arab world have written their memoirs, and those that do exist are of little value for scholars of democratic control of intelligence as they are very selective often biased in recording their experiences, and prone to political amnesia.[15]

In fact, the history of the Arab intelligence (also known as *mukhābarāt*) raises, as Sirrs points out, the "paradox" of power. Arab regimes seek to "project strength and fear" through their secret services that aim to intimidate or harm political dissents. At the same time, these services "reveal their profound weaknesses, such as lack of popular legitimacy."[16] These same services engage in coup-proofing strategies by employing, among other means, "informant rings" as "the most dedicated" and "powerful defenses against insurrection" and conspiracies.[17] Intelligence agencies are the most secretive dimension of these states, where lawlessness, systematic repression, and abuses against the regimes' own people are the tools of governing,[18] the exact opposite of the principles of a democratically controlled intelligence sector. In most Arab countries, torture is the preferred tool utilized by the intelligence services for the "extraction of [useful] information" from those considered "the die-hard enemy of the nation." Intelligence services employ a wide range of techniques that include, among others, "mutilation,

emasculation, eye-gouging, and amputation of arms and legs."[19] In addition to the regular use of torture, intelligence services work tirelessly to infiltrate the state, its bureaucracy, and institutions at all levels, and to monitor the armed forces and each other in order to ensure the regime's survival and durability. They exert endless effort and means to penetrate and manipulate political parties, civil society, universities, and the media in order to ensure maximum control over society. Intelligence services can also infiltrate target groups as a means of manipulation by manufacturing false flag violent activities, seeking to further drag them into violence while weakening their cohesion and discrediting them among their grass-roots supporters. Allegedly, Algeria experienced the same manipulation scheme during its civil war in the 1990s, as was claimed by a former defector from the country's Department of Intelligence and Security (DRS). The former official openly accused the DRS of systematically infiltrating and manipulating the Islamic Armed Group (GIA) to commit massacres against civilians.[20] In short, Arab intelligence services have a reputation of being a "state within a state," since "no man can stay in power without their support."[21] The pervasiveness of Arab intelligence services, which is a key pillar of the centralized "security complex,"[22] has contributed not only to shaping state-society relations but also to defining, to some extent, the political identity of the state itself.[23]

Lack of accountability, infringement on people's fundamental rights, and large-scale intrusion into their private lives and all spheres of society are not specific to Arab intelligence services. The abuses of secret services under the then communist totalitarian system are legendary, yet "the problem of evil" has not been completely confronted.[24] Still, there is an abundant literature delving into the culture of repression and impunity that was the principal *modus operandi* of these services.[25] Since 1989, however, post-communist countries have followed generally positive paths of transitions. They have developed a variety of constitutional mechanisms of intelligence oversight and strived to depoliticize secret services and state bureaucracy to prevent misuse of intelligence. One should acknowledge that Western regional organizations such as the European Union (EU) and NATO played key roles in this process as they designed the criteria for former communist countries seeking

membership, chief among them the reform of their intelligence services.[26]

In contrast, Latin America experienced the National Security State (NSS) or the so-called "garrison state,"[27] which shaped its history during the Cold War as a security paradigm that was inspired by, and exported from, America in the post-Second World War. The NSS under the United States' global banner of anticommunism orchestrated covert operations through coups and counter-coups, death squads, extrajudicial killings, human rights abuses, and genocidal violence.[28] In this crusade, intelligence turned into a key element of Latin American governments' NSS doctrine. This was clearly corroborated by Mares:

> … the national security doctrine highlighted the ability of the internal threat to hide among the population and spread the revolutionary message among students, within unions, and to landless peasants. In this context, intelligence became an important tool to fight against subversion. French and US counterinsurgency doctrines emphasized the fundamental importance of timely intelligence to defeat the internal threat. Secret US CIA and Army training manuals were revealed which advocated and trained in the use of abduction and assassination as well as medical, chemical, and electrical techniques during interrogation.[29]

Notwithstanding the tragic implications of NSS for Latin America and the changes within the security sector, the "third wave" of democratic transitions has severely weakened the excesses of secret services. Indeed, countries such as Brazil and Argentina have undergone substantial structural reform of their intelligence services, and have achieved major progress in terms of demilitarization, civilianization, oversight, and accountability as a part of the ongoing democratic consolidation.[30]

In Africa, the intelligence sector has traditionally focused on regime survival aimed at securing the clientage of its Cold-War sponsors. The proliferation of military coups across the continent strongly impacted the structures and purposes of the African intelligence apparatus by highly militarizing their organizations and politiciz-

ing their missions. African post-coup military juntas reshuffled these services to maintain loyalty, secure the new regime, and pre-empt further coups.[31] Despite the persistence of "coup syndrome" in shaping Africa's security,[32] many African countries succeeded in overcoming this syndrome by moving away from regime-centric security and developing new democratic norms governing intelligence. One might point to the case of Ghana, where the Security and Intelligence Agencies Act of 1996 (Act 526) governs all of the country's intelligence actors. In this example, intelligence was established by legislation rather than by executive order. It is independent from the military and the police, has a specific role in policymaking processes, and is subjected to civilian democratic control and judicial and parliamentary oversight.[33] In this same vein, South Africa's intelligence services went through immense restructuring (though not without challenges), shifting from an apparatus designed to defend a white minority and supremacist regime in the context of Apartheid to more accountable bodies serving within the framework of a new legitimate constitution.[34] Despite the establishment of the 1994 Intelligence Service Act regulating the country's intelligence community, the heavy legacy of the Apartheid era is still alive in the public mindset. Yet, this charged legacy of violations was "an opportunity to accelerate reforms" and "overcome the difficulties of transformations." [35]

Interestingly enough, intelligence abuses are not a characteristic exclusive to authoritarian regimes, be they in Africa, the Middle East, former people's democracies of Eastern Europe, or former military dictatorships in Latin America. In established democracies such as the United States, intelligence regarding the assessment of Iraqi weapons of mass destruction (WMD) was distorted and politicized, on the eve of the invasion of Iraq.[36] The "Global War on Terror" has shown the public the dark side of American intelligence, which relies on a broad range of ruthless techniques. The CIA has reportedly used waterboarding, rectal rehydration, rectal feeding, confinement, sleep deprivation, sexual humiliation, arbitrary detention in undocumented "black sites,"[37] rendition, abduction to pursue its mission. The 525-page executive summary released by the U.S. Senate Select Committee on Intelligence portrayed these methods as "enhanced interrogation techniques" to avoid using the

word torture.[38] The report showed how the organization impeded internal as well as Congressional and executive oversight. It misled the judiciary body and engaged in systematic misinformation campaigns with the media on the torture issue. These cases illustrate the constant tension between democracy and intelligence, freedom and security, and prove that institutional reforms are necessary but insufficient. Without active citizen awareness and support, "rogue elephants" will continue to operate above the law and without any control or accountability.[39]

In the above surveyed literature on intelligence, there is a strong consensus that "most intelligence services have more than information; they have guns as well."[40] Tunisia is not an exception, as intelligence under the fallen authoritarian regime lacked any legal framework and acted in a gray era of lawlessness. This is still the case with the emerging democratic system. The main features of Tunisia's current intelligence services are violations of human rights; brutality by security services; corruption; and opacity with regard to the structures, the legal mandate, the budget, and absence of oversight over the missions and operations. Yet strands in the literature tend to conceptualize intelligence as a subfield of civil-military relations because of the military's hegemonic role in countries in transition to democracy. This is a serious shortcoming in existing investigations of Tunisia's intelligence, as the role of the military within the intelligence architecture is marginal in comparison to the civilian intelligence and security bureaucracy. Thus, it is imperative to research the country's intelligence from the SSR perspective. Although SSR does not substantially differ from civil-military relations, as both focus on state security and civilian control and oversight, it reflects some levels of inclusiveness with regard to "human" and citizen security as opposed to state-regime centered security. The Organisation for Economic Co-operation and Development (OECD) defined SSR as a "security system" that consists of

> **Core security actors**: armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; and reserve or local security units (civil defense forces, national guards, militias).

Management and oversight bodies: the executive, national security advisory bodies, legislative and legislative select committees; ministries of defense, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget officers, financial audit and planning units); and civil society organizations (civilian review boards and public complaints commissions).

Justice and the rule of law: judiciary and justice ministries; prisons; criminal investigation prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems.

Non-statutory security forces: liberation armies, guerrilla armies, private security companies, political party militias.[41]

Reform of intelligence services in Tunisia cannot be addressed separately from the above security puzzle, as it constitutes a critical component of SSR and has the potential either to move reform forward or to fall behind. The OECD inclusion of a variety of actors in SSR shows that the debate on intelligence cannot be confined to the narrow loci of demilitarization, civilianization and professionalization. Like democratization, intelligence reform is a continuing process that involves every political, economic and cultural aspect of society, and intelligence is a dimension that impacts all of these areas.