

Chapter 5 Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011–2016

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Introduction

In street marches celebrating the fall of the dictatorial regime in 2011, many Tunisians compared their situation to prisoners breaking out of their gaol and recovering freedom. An iconic image of the Tunisian revolution was a young man, standing in the middle of a demonstration on the main street of Tunis, and brandishing a cage he had opened. Beyond the metaphor, actual escapes from Tunisian prisons occurred at a scale that was so far unheard of. In the days following the departure of the former president Zine El Abidine Ben Ali on January 14, 2011, more than a third of the total prison population broke free.

A revolutionary moment, regardless of its outcome, is a period of a radical challenge to the authority of the state and the ordinary functioning of its coercive apparatus. Breaches in the legal order can appear in diverse ways such as strikes, demonstrations, or the destruction of public administration buildings. Although highly symbolic, prison escapes are a less studied phenomenon of revolutionary moments: the storming of the Bastille is the most paradigmatic, but less notorious escapes have happened during a variety of regime changes; during most recent events labeled the “Arab Spring”, spectacular jailbreaks happened in Tunisia, Egypt, and Libya.¹ Symptoms of a lapse in state control over individuals, prison escapes also question the legitimacy of the vertical power to deprive individuals of their freedom. At the same time, prison escapes bear the ambiguity of the political crisis, when new perspectives open but danger looms at large: escapes are symptomatic of the uncertainty of these moments. Prison escapes bring with them meanings of political emancipation and institutional collapse, freedom and threat of anarchy. Mass jailbreaks trigger hopes and fears about the political and legal order, and contention about its reconfiguration. In *Law and Disorder in the Postcolony*, Jean and John Comaroff observe that states in transition have to sanctify principles of “equitable, just, ethically founded, pacific policies”, and draft new constitutions while having “to deal with moral panics arising from crime waves, imagined or real, and from the ‘popular punitiveness’ of the age” (Comaroff and Comaroff 2006). The South African post-apartheid crime wave became a paradigmatic example of this phenomenon (Comaroff and Comaroff 2004), but similar processes can be observed elsewhere, like in Brazil (Caldeira 2006). While these authors emphasize the role of neoliberal deregulation and economic inequalities in increased interpersonal violence, others emphasize “punitiveness as backlash” in transitional periods when anti-crime discourses are instrumentalized to reshape the meanings of citizenship (Beckett and Godoy 2008). As Laura Piacentini notes about the

Russian prison system, “governance of crime in transitional states in what has been referred to as an anxious age, has become a major focus of inquiry for analysts of crime and criminal justice” (2004: 106). This anxiety can be analysed at the level of the popular demand for punitiveness (Dissel and Ellis, 2002; Godoy, 2006), but also at the level of power techniques aiming at controlling the society and social movements.

Through the examination of political imaginaries of prison escapes in Tunisia after the revolution, I demonstrate that while periods of political transition usually raise enthusiasm for progressive political change and the promotion of individual rights, they are also moments of instability prone to populist security-oriented policies. This research is based on a field study conducted in Tunisia since 2013 on prison reform in a context of political transition.² The core of the research is focused on the international circulation of norms and techniques of “good” punishment: improvement of prison conditions, modernization of the administration, and development of alternatives to incarceration promoted by international standards and “good practices” handbooks of the Council of Europe (Bouagga 2016). Mass escapes appeared accidentally in the research and struck me with their exceptional amplitude. The prison became highly debated as a symbol of the oppressive state power while, at the same time, moral panic over the risk of increased criminality defined escapees as a threat to the revolution. To understand these events and how they shed a new light on the transitional period, I conducted interviews with prisoners, prison guards, and human rights activists. I also collected written testimonies, press releases, and reports by human rights organizations or investigative bodies. Official archives were not accessible at the time of the research and might later reveal new elements for a more accurate description of the events.³ Rather than focusing on institutional change, I intend here to focus on shifting meanings of coercion, reflecting uncertainties of transitional periods considered as “fluid situations” (Dobry 2009), critical and unstable moments during which attempts to redefine and reframe the power structure flourish and conflict. Prison escape as a social phenomenon brings to bear on how the new state defines itself and faces the difficult challenge of drawing the balance between democracy and authoritarianism while reinforcing its repressive apparatus. Rather than envisioning mass escapes only as anomalies, I attempt to explore their political meanings, for prisoners, street protesters, political prisoners becoming leaders, or development agency consultants. Imaginaries of prison escapes are thus explored along different stages. Following Comaroff and Comaroff’s work, I use the term “political imaginary” to refer to a vague body of representations and feelings influencing how power is shaped and conceived. This notion should not be understood as erasing differences among social groups: it is rather a socially constructed result of conflicting positions and interests that comes to be hegemonic at a given moment and is characterized by high volatility. I argue here that prison escapes can be considered as heuristic phenomena to observe political tensions over the moral and practical definitions of power, and how political imaginaries of escapes mirror political imaginaries of the state.

Running Away from the Authoritarian Prison

During the 2011 uprising, Tunisian prisons became an epicenter of social unrest. Riots exploded in a number of prisons leading to many casualties and escapes. Massive amnesty laws decided by the temporary government amplified this movement. The collapse of the old regime entailed a train of reform regarding prison conditions. Prison breaks thus epitomized the political rupture and the end of an era, but mass escapes also created fear of a larger political and social dislocation.

The Storming of Prisons During the Revolution

The departure of President Zine El Abidine Ben Ali from Tunisia on January 14, 2011 marked the success of the first uprising of the “Arab Spring”. Popular protests led to the fall of the regime after a month of demonstrations, riots, and violent repression (Allal and Geisser 2011). Hundreds of protesters were jailed and prisons held up to 31,000 people, a high record for a country with less than 11 million inhabitants. During the uprising that started on December 17, 2010, the incarceration of opponents fueled protests and support for the revolution.⁴ Popular riots had started after the suicide of a street vendor in a central Tunisian town, who claimed he suffered humiliating treatment by the police. The popular mobilization quickly spread nationwide to denounce abuses of power and demand “dignity”—that is, respectful consideration by state authorities (Ayari 2013a, p. 252). While most demonstrations were peaceful, some street protesters also targeted symbols of the authoritarian regime, storming police stations and detention facilities (Hmed, 2015). This demand for dignity broadly resonated with prisoners’ grievances in overcrowded and derelict prisons. Prisoners joined the movement. A hunger strike started in Bizerte prison (north-west Tunisia) on January 7, 2011. A riot broke out in Kasserine (central-west Tunisia) on January 10, 2011, following the harsh suppression and massacre of street protesters.

When televisions announced on January 14, 2011, that the president had left the country, thousands of prisoners attempted to run away. Families came to prison doors asking guards to release prisoners. Enthusiasm, however, was mixed with anxiety. As a prisoner recalled, “when we heard the news the president had left the country, we were not happy, we were worried” (interview, Tunis, 2015). Prisoners were uncertain their safety would be guaranteed after the regime had collapsed; they feared they would be harmed in revenge, or abandoned to starve in prison.⁵ In prison facilities across the country, prisoners managed to destroy walls and doors and to break free. For example, in Mornag prison (north-east Tunisia) the unrest started in the chambers as soon as detainees heard the news on TV: they piled up the beds and used them as battering rams to destroy the prison walls. As dormitories hosted more than a hundred people, and walls were rotten with humidity, the prisoners soon managed to knock them down and break free. A prison social worker recalled that the prison guards were confused: “they did not know if they were supposed to shoot them or let them go: families had come to the prison door, so the guards decided not to shoot and let prisoners escape” (interview, Mornag prison, 2015). In fact, they did not have much choice: many guards had deserted and those remaining were heavily outnumbered. Popular protests and confusion in the chain of command led to a loss of control by institutional agents, and the massive release of almost all of the 900 prisoners of Mornag prison.

The same scenario happened simultaneously in various facilities. Numerous riots were sparked in prison after the collapse of the authoritarian regime, mirroring the continuous popular unrest in the country during the period of the political transition. "It was a complete mess, everything was burning, families would come to the prison doors to claim their relatives, the prison guards were hiding themselves", recalled a manager of the central prison administration (interview, Tunis, 2017). According to an officer of Gabès prison, after the January 15, 2011 riot that destroyed most of the facility, all the detainees ran away, except one young prisoner who had only two months left to serve (interview, Gabès prison, 2015). As a result of the riots, an estimated 11,000 prisoners, more than a third of the total prison population, escaped to freedom. These mass evasions resonated with popular chants in street marches celebrating the people breaking the chains⁶ and "going out of the cage".

However, riots took a dramatic turn in some prisons. In extreme confusion, prison guards fired on prisoners, killing dozens of them.⁷ Borj-el-Roumi prison (north-west Tunisia) was an infamous prison for long-term sentences (including political prisoners). Unrest started on January 13 during the president's speech broadcast on national TV. Prisoners started to shout and demand to go out. The prison director threatened them. The next day they refused their meals and prisoners in one section started to shout, "Allah Akbar",⁸ soon joined by the other sections of the prison. Prison guards left the area and locked the main gates, to prevent escapes. Prisoners began breaking down the doors of their dormitories and managed to go out in the recreational area: about 2500 prisoners were in the recreational area according to guard witnesses. The riot continued the following days with extensive destruction and fires. On January 16, guards shot prisoners: 9 died and 17 were wounded. The majority of prisoners managed to escape: of the total 3100 prisoners, only 970 remained in the facility and were transferred to other prisons.⁹ In Monastir prison (East-Coast of Tunisia), prisoners set their mattresses on fire in an attempt to escape, but the guards refused to open the doors and 49 prisoners died in the blaze. In this turmoil and extreme uncertainty, the institution appeared to collapse and, according to a renowned lawyer, prisoners were in a "state of terror".¹⁰

With 86 casualties of a total of 338 victims of revolutionary events, prisoners paid a heavy price during the revolution.¹¹ However, they do not quite embody the figure of revolutionary martyrdom: their sacrifice bears an ambiguity, as dubious moral characters. This ambiguity appears in the way escapes were quickly feared as a threat to the revolution and a possible plot by the fallen regime.

A Moral Panic Over Escapees

Mass escape caused wide moral panic in the country. Rumors abounded about the intentional release of criminals by prison directors loyal to the former regime to produce insecurity and legitimate an increased use of force. Escapes were suspected to be fabricated as excuses for counter-revolutionary forces to step in to restore public order. Mass prison escapes epitomize the extraordinary nature of the revolutionary moment but also its dangerousness: the elopement of thousands of prisoners immediately appeared as a threat to the democratic transition.¹² Human rights organizations estimated that approximately 500 political

prisoners were incarcerated before the revolution; after the riots and the escapes, the estimate amounted to about 200.¹³ The majority of the escapees were common prisoners and the fear of a wave of crime and delinquency spread rapidly.

Vigilante groups organized to defend their neighborhoods (Allal 2011) and arrested escapees in the street to send them back to prison. They circulated the videos on the Internet and social networks like Facebook¹⁴ to demonstrate their determination to save the revolution from the threat of anarchy and social chaos. In rural prisons, local authorities negotiated with families to convince prisoners to go back to prison, promising no harm would be done to them (interview, Mornag prison, 2015). At the end of January, the Ministry of Justice of the temporary government called for all escapees to return to their cells. Hundreds of escapees turned themselves in. An estimated 2425 had returned by early February.¹⁵

In a revolutionary context, prison escapes evoke emancipation, liberation from oppression, and successful challenges to the established power. The myth of Bastille Day remains pervasive when exploring the situation of prisons during revolutionary periods: the storming of the prison symbolizes the destruction of the ancient rule, the loss of legitimacy of state coercion, and the liberation of the people.¹⁶ Storming the gaol and releasing prisoners appear as the climax of the popular uprising against an arbitrary and unfair power, while mass escapes can express a form of contentious politics.¹⁷ However, the emancipation of common prisoners (as opposed to political prisoners) has never appeared simple in history. Michel Foucault observed that during any revolutionary event in nineteenth-century France, a prison riot would break out in support of the uprising, or revolutionaries would come to the prison to set the prisoners free; however, this connection appeared less systematic during the twentieth century when political movements and movements in prisons were no longer connected (Foucault, 2001). But even in the nineteenth century, revolutionary solidarity toward prisoners was not unequivocal. Studying prison riots during the 1848 Revolution in France, Michelle Perrot shows that solidarity between street protesters and prisoners is common but not systematic; the people's attitude of solidarity was directed mostly toward political prisoners and some categories of delinquents they identified with. Although "any revolution is, to some extent, a challenge to the established laws and rules of the game" (Perrot 1977, p. 325), prison breaks confront prisoners, public opinion, and the state. Interim governments prove to be anxious to keep common-law prisoners, delinquents, and criminals in prison, and prevent any attempt to escape, so as to demonstrate their ability to maintain daily order.

Tunisian street protesters demanded the release of political prisoners, but not the elimination of prisons. On the contrary, escapes raised intense fear among the population. To convince prisoners to go back to their facilities, interim authorities promised them clemency. The second stage of the escape was its institutional reframing as a mass amnesty organizing the official release of thousands of prisoners. Amnesties are common practices in times of political transition: collective pardon is a founding gesture to establish a new social consensus, consolidate peace, and ensure national reconciliation (Joinet 1989). Ben Ali liberally used these measures himself; after the coup overthrowing Habib Bourguiba, the new president pardoned over five thousand prisoners and granted them amnesty between 1987 and 1989.

Similarly, in 2011, only six days after the departure of former President Ben Ali, the “national union government” announced a proposal for the amnesty of political prisoners and the legalization of political parties. The purpose of this amnesty was to redress former violations and officially proclaim the political rupture by reintegrating those excluded by incarceration or forced exile into the political community. The scope of such an amnesty law encompassed all those sentenced under the 2003 Anti-Terrorism Law, which was used by the previous regime to suppress political opponents. The first decree-law of the interim Prime Minister Mohamed Ghannouchi, published on February 19, 2011,¹⁸ benefited an estimated 8700 persons whose former judicial records were erased; several thousand prisoners were released. In addition, 3000 prisoners were released on parole. A total of 5200 prisoners were released in 2011. At the moment of the decision, the amnesty appeared as an instrument to transform the political order, a tool to “conform political practices to main values and principles of the regime” (Gacon 2002, p. 323). In a founding gesture, the temporary government symbolically broke with the former regime, released its prisoners, and vowed to respect human rights.

In the immediate aftermath of the revolution, Tunisia faced a period of unrest: strikes, demonstrations, and roadblocks became part of the ordinary routine. The authoritarian regime had suppressed social movements which were now claiming the respect of labor law and improvement of salaries. The brutal decrease in tourism, on which the economy was highly dependent, caused great stress. In addition to this, the Libyan conflict caused the disruption of Tunisian trade routes with its main economic partner and the influx of hundreds of thousands of migrant workers (Tunisians and foreigners) forced to flee the battles.¹⁹ Informal economy and contraband thrived, destroying local industries (Achcar, 2016). The popular uprising continued in discontent of the temporary government, whose members had to repeatedly step down under pressure from the street and sit-ins in front of the “Kasbah”, the headquarters of the Prime Minister (Hmed 2011).

Prisons were also a stage of unrest. On April 29, 2011, prisoners set fire to their dormitories in Kasserine prison (central-west Tunisia) and ran away: the prison was completely emptied; sources mention a mass escape of 600 to 800 prisoners. The same day, about 300 prisoners escaped from Gafsa prison (south-east Tunisia). A week later, on May 5, 2011, 58 prisoners escaped from Sfax prison (east-coast Tunisia), after setting two dormitories on fire. On August 20, 2011, another 22 prisoners ran away from Gafsa prison after a fight between prisoners and guards. The prison administration was severely impaired by material damage of its infrastructure and equipment. These jailbreaks raised concerns not only about the safety of facilities, but also about the political situation in general: newspapers talked about a “strange series” of “mysterious escapes”²⁰ and pondered whether the movement was a spontaneous rebellion from prisoners or a plot orchestrated by former regime militias to destabilize the country. Videos circulated on the Internet to demonstrate that the action was coordinated from the outside, in a conspiracy to create chaos and facilitate the return of the previous regime. Studying “moral panics”, Stanley Cohen observes that “societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values” (Cohen 1972, p. 1).

Although rumors of a conspiracy have never been confirmed, they shaped a political imaginary of escapees as a major threat to society, symbolizing the dislocation of the institutional structure and the social body.

A feeling of insecurity became pervasive in Tunisia, as the new free media extensively covered various crime stories, from murders to burglaries, robberies in public transportation, and even petty theft. The former regime had based its legitimacy and durability on a “security pact” implemented through the economic control of the society and through the fear of civil war, especially during the “Dark Decade” in Algeria (Hibou 2006): dissent in the neighboring country had transformed into a violent conflict causing dozens of thousands of civilian casualties. Ben Ali’s government used it as a specter to tame Tunisian citizens and legitimate the police state (Camau and Geisser 2003). After 2011, the extraordinary nature of escapes involving hundreds of prisoners marked popular imagination as a sign of state failure, the impotence of law enforcement, and a threatening social disorder.

Another phenomenon added to the sentiment of social chaos: prisoners’ escapes resonate with the general movement of Tunisians running away from the condition they have been trapped in for years. After the revolution, thousands of Tunisian youth crossed the Mediterranean on boats toward Europe, seizing the opportunity of lapses in the border controls that had enclosed them in the country: 30,000 of them were recorded landing on Lampedusa Island (Italy) between January and September 2011 (Fargues and Fandrich 2012). While Tunisian migration toward Europe had been high in the past decades, including irregular migration across the Mediterranean, the numbers increased dramatically: in a 5-day period in February 2011, 5000 Tunisians arrived in Lampedusa, equal to the total migration recorded on Italian coasts the previous year. The island mayor described a “biblical exodus” and Italian authorities declared a state of humanitarian emergency (Bel Haj Zekri 2011).

Irregular emigration (*harga*) and jailbreaks not only share symbolic features, they are actually embodied by the same group of marginalized youth suffering from political and economic disenfranchisement, with few hopes to have their concerns taken into account. In prisons or on the borders, state technologies of control and confinement had weakened enough for people to challenge them. This made attitudes of exit²¹—expressing popular resistance and dissent—possible, but this challenge was short-lived and gave way to stronger coercive apparatuses.²²

Building the Walls of the New Democratic State

The wave of escapes fueled rumors and anxieties and revealed the complexities of the Tunisian transition. After breaking down the prisons, the time came to rebuild them. When studying political transition, what comes to mind is constitutional or parliamentary reform, elections, and multipartisanship. But debates over reforms in the security apparatus, the organization of the justice system, and the improvement of prison conditions are also important aspects of institutional change during periods of political transition (Larkins 1996; Favarel-Garrigues 2002; Coman and Waele 2007). Prison reform has taken on greater

importance in recent decades as development agencies have become more concerned with security issues (Bagoyoko and Gibert 2009). Pierre Lascoumes notes that prison reform is often emphasized in transitional discourses, although in practice actual institutional changes are minimal (Lascoumes 2006). In Tunisia also, prison reform was on the agenda of the new government. However, a growing concern for security soon became a motivation to build newer and safer prisons, on a Western template provided by cooperation agencies. Jailbreaks served as an argument to push for more efficient prisons that would be able to control the disorders of the society and the threats looming over the young regime. This administrative, bureaucratic imaginary of the prison reframed concepts of violence, security, and authority.

Exposing Human Rights Violations and Reforming Prisons

Mass amnesty and the rehabilitation of political prisoners happened in a context of public debate over human rights violations. Since its earliest stages, the political transition offered a unique opportunity for human rights organizations and civil society groups to scrutinize the repressive apparatus and prisons in particular. The “Bouderbala” commission appointed to investigate the abuses and violations perpetrated during the uprising was the first independent body able to report on prison conditions. The report was debated in mainstream media, and special TV shows were held on prison issues. Although the report did not have the immediate impact investigators hoped it would, it did contribute to opening up a public debate on prison issues in Tunisia. The taboo had been broken and testimonies abounded about prisons and prison conditions. The interest of the media, previously banned from investigating prisons, revealed the squalid detention conditions, the corruption of the prison administration, and shameful treatment of prisoners to a broad audience. The temporary government promised to upgrade the prison system to UN standards and signed the Optional Protocol of the Convention on the Prevention of Torture, creating an independent monitoring body.

This official adhesion to a reformist agenda and to the improvement of prison conditions is part of what is ordinarily expected in a period of democratic transition, during which “the democratic norm tends to impose itself as a criteria of legitimation, and orientates perceptions and behaviors of a majority of actors” (Banégas 1993). The body of international human rights law, minimum standards for the treatment of prisoners, good practices, etc. appear as relevant references to the new power. Ironically, it is not different from the former authoritarian power, which instrumentalized the discourse of reform and human rights and even built a model prison to show to the international community: Mornaguia prison, the main prison of Tunis metropolitan area, replaced the “9th April” prison after a scandal of torture. Nicknamed the “ICRC prison”, it was designed for prisoner rehabilitation with its large recreational areas, workshops, and colorful mural paintings. However, only a few dozen prisoners have access to these amenities, while thousands are packed in cramped dormitories. After the revolution, media reportage abundantly showed images of this model prison and the twin facility dedicated to women: Manouba prison. A member of the Bouderbala Commission regretted that TV tends to idealize the prison conditions: “they show Manouba prison with its library and sports room, but prisoners are not allowed to use it!” (interview, Tunis, 2014). Beyond these rosy images, the recurrence of escapes and testimonies

of grim prison conditions that could be freely expressed in the media maintained awareness of the critical situation of the penitentiary system.²³

The first democratic elections in October 2011 brought to power a coalition led by formerly banned Islamist party Ennahdha, whose members had paid a heavy price in the political suppression under Ben Ali. The government included several former political prisoners (like Hamadi Jebali, the Prime Minister; and Samir Dilou, the Minister of Human Rights). The new government promised greater respect for human rights and an improvement of prisoners' conditions. While visiting the infamous prison of Nadhour, the Minister of Justice Nouredine Bhiri (a famous attorney who had defended Islamist political prisoners) promised to close the prison and turn it into a memorial of the crimes committed under the dictatorship. The new President Moncef Marzouki, leader of the secular party Congress for the Republic, who had been forced into exile under Ben Ali's regime, showed deep concern for human rights and ordered several additional collective pardons of prisoners in 2012. As part of the construction of the new democratic Tunisia, the government engaged in transitional justice, and in reforms of the security sector and justice system, including the prison system. Cooperation programs were signed with the United Nations Development Program, the European Union, the International Committee of the Red Cross, Prison Reform International, and others. The government promised to abide by the UN minimum rules for the treatment of prisoners and other human rights conventions related to detention. Justice reform programs promised to reduce prison overpopulation, including through the development of alternative sentences like probation or work-release. The government promised to put the emphasis on the modernization of the justice system and its humanization, through the promotion of rehabilitation projects.

This shift in the punitive culture was not an easy one and was hampered by the strong resistance of the authoritarian legacy and negative image of prisoners, as testified by the difficult reintegration of former political prisoners. The February 2011 "general amnesty" for political prisoners granted compensation to those concerned and indicated that they should be reintegrated into their jobs. The most common form of compensation was employment in public administrations. But the integration of former prisoners was a long bureaucratic procedure, hindered by strong opposition, as many feared Islamists would impose their domination over the country. Former political prisoners had to file an application to the Prime Minister, the Minister of Human Rights, and the Constituent Assembly. It was only after several months of the transitional Ennahdha Government that specific competitive exams were organized and jobs were allocated in various administrations. Former civil servants were authorized to access jobs in the administration but were only marginally included in the functioning of justice, security, or prison systems. For example, I met a receptionist in a small provincial court in Northern Tunisia who was introduced to me by a clerk as "the guy who spent several years in prison". The stigma was still heavy, although Moaz had been jailed in the 1990s as the leader of the Ennahdha branch in his high school. After serving two years in prison under anti-terror laws, he was placed under administrative control, which prevented him from working any regular job. He participated in the 2011 uprising. After applying for compensation under the General Amnesty Law of February 19, 2011, he was granted

employment in the Ministry of Justice. I noticed his colleagues whispered when they referred to him, with caution and wariness, even when expressing appreciation; a clerk explained to me that he was the only man she knew who could properly wipe the floor, because he had learned how to do it in prison (field notes, 2013).

These forms of compensation raised resentment in a country of high unemployment, and especially high unemployment of educated youth.²⁴ Integrating former political prisoners into administrations was not a smooth process, as for years they had been considered as dangerous threats to the nation. The new coworkers were deemed to be incompetent, traumatized by their experience of prison, or agents of a secret attempt by the Ennahdha party to seize control of the entire administration of the country. Although no real purge of the administration had happened,²⁵ fear of retaliation was strong among the agents of the former regime.

In this context, the manipulation of prison stigma was a handy tool to maintain one's position. The atmosphere of suspicion also affected Ennahdha members of the government. Videos of the Minister of the Interior Ali Laraidh circulated on the Internet, showing him while in prison in vilifying postures suggesting homosexual intercourse.²⁶ As political tensions divided the political sphere and public opinion over the definition of the new regime, especially over its secular or religious nature, these rumors portrayed the body of the prisoner as an anti-political figure, the reverse image of the dignified and powerful citizen the revolution had claimed to create. The prisoner's body was at the same time pitiful and threatening; it bore the stigma of the outsider.²⁷

How the Looming Threat of Terror Drove the Construction of Prisons

While periods of political transition usually raise enthusiasm for progressive political change and the promotion of individual rights, they are also moments of instability prone to populist security-oriented policies. In 2011, the Ministry of the Interior reported more than 400 attacks on police stations and 12,000 arrests for looting, assault, or attempted murder (Ayari 2013b). Police forces were disorganized as a result of the regime change, and also internal conflicts, strikes, and a new (and intense) unionization (Kartas 2014). People had reacted to the collapse of law enforcement by organizing in vigilante groups, but other forms of vigilantism appeared when Salafi²⁸ groups attempted to assert their authority on social order. They attacked bars, cultural centers, folkloric pilgrimage sites, or any other location or person they considered a cause of the moral and religious decadence of society. After decades of suppression under the previous regime, Salafi groups organized a number of protests claiming the implementation of rigorist Islamic law in Tunisia. This agitation culminated in September 2012 with the attack on the US embassy. Criticized for being too soft on crime, the Ennahdha Government began a crackdown when unrest appeared out of control. Mass arrests followed the attack on the US embassy and the government used the infamous 2003 Anti-Terrorism Law to suppress Salafis. Prisons filled up with a new kind of political prisoner, leading to ambiguous reactions among human rights advocacy groups.

In November 2012, after weeks of pre-trial detention without charges, Salafi detainees started a hunger strike to claim their right to see a judge. After the death from starvation of the two

leaders, several hundreds of prisoners engaged in a hunger strike in solidarity. In the media, their lawyer explained that they were protesting not in support of the Salafi cause, but against bad conditions of detention and the ill-treatment of prisoners. This collective movement marked an exceptional step in the politicization of prisoners. The hunger strike is an extreme but widespread strategy for social movements in Tunisia (Hmed 2011, p. 14). It is also one of the rare forms of collective action accessible to prisoners, using their own body as a weapon against the state (Feldman 1991; Rhodes 2004; Siméant 2009). Tunisian prison literature contains plenty of tales of heroic hunger strikes by political opponents. While it is common for prisoners to protest through hunger strikes, the deadly outcome is quite rare. The death of the two leaders provoked a crisis in the prison administration and an intense public debate. When the hunger strike took a radical turn, with protesters sewing their lips together, the government accepted the mediation of Tunisian non-profit organizations: a memorandum of understanding was signed, allowing 12 non-profit organizations (most of them human rights organizations²⁹) to visit facilities and monitor the conditions of detention. The protests managed to temporarily open prisons to citizen scrutiny, while the monitoring body provided for in the Optional Protocol to the Convention against Torture was still being discussed in the Parliament.

But progressive reform could not coexist well with the growing concern of terrorism. After the first political assassination of a political leader, Chokri Belaïd on February 6, 2013, it was discovered that the perpetrators belonged to a terrorist group founded by a violent radical who had been released under the 2011 amnesty laws. The same assessment was made for other terrorist attacks in the following months and years (Ayari 2013b). The prisoners' emancipation during the revolutionary period was reassessed as a threat to national security and escapes took on an even more dramatic tone. The cause of prison reform became an issue of safer and more secure facilities. In 2013, following a second political assassination by jihadist groups and the failed crackdown on the jihadi den in Mount Chaambi (central-west Tunisia), security officials, including the head of the prison administration, expressed concerns over the resiliency of prisons to attacks or attempted escapes. While official conferences organized by international organizations and ministries focused on international human rights law, changes in the criminal code, and awareness-raising about the risk of torture, the main issue for staff in the prison administration was the containment of disorder inside facilities, and the reinforcement of prison buildings to prevent escapes or attacks from the outside. Administrators of prisons thus gave a more security-oriented agenda to prison reform: the main issue at stake was to convince foreign donors to fund the reconstruction of damaged infrastructure and restore the administration's capacity to control its population.

The prison infrastructure was derelict even before the revolutionary riots. Most of the country's 28 facilities had been built under French colonization, many meant for other uses than detention (army barracks, or even colonial farms, like Mornaguia prison). When riots happened, in some places it was easy for prisoners to break down walls too old to stand. For lack of alternative places of detention, facilities remained in use despite dramatic material damages. For example, Gabès prison in South-East Tunisia was severely impaired by a violent

riot during the revolution and almost all prisoners escaped. The prison re-opened with no means to repair the destruction and prisoners were crammed into the two spared chambers, suffering horrendous living conditions. Because it was composed mostly of non-violent offenders (debts, inebriation, *zatla*³⁰), the prison had loose rules on keeping prisoners inside, and a number of them were allowed to work outside during the day. After mass escapes the prison administration became more wary and banned outside work leaves. As a result prisoners' daily life worsened and tensions increased. In September 2013, 49 prisoners managed to escape after assaulting a staff member. Even though almost all of them were recaptured the following day, the prison administration pleaded donors for support to improve its infrastructure,³¹ arguing that no reform would be possible in "sieve prisons". The European Union, which had started a program to reform the judicial system and improve prison conditions, agreed to fund the construction of a new unit in the prison. The contract was taken by United Nations Office for Project Services (UNOPS), a UN agency in charge of operations and infrastructure which already had experience in building prisons, for example in Kosovo. Safety standards were upgraded. When I visited the construction site in June 2015, the site manager explained the technical characteristics of the new wing of the prison to me. Large dormitories will include 4m² per prisoner according to international norms. They will be connected to an open-air yard the same size of the room with a 7-meter-high wall: "with these new technical features the prison will be able to manage more dangerous prisoners, and maybe even terrorists", explained a prison officer.

The agenda of reform had been completely reframed on the ground by security concerns and the emphasis on preventing escapes. This discourse permeated cooperation agencies eager to show their willingness to respond to local "needs", especially those fitting their own security concerns. The head of the US International Law Enforcement Agency (INL) explained that his mission in Tunisia was to help the country to modernize its prison system and support its "transition from an autocratic security sector to one more consistent with those of democratic states". The reform program included in training, prisoner classification, and infrastructure: to have "safe, secure and humane prisons" one needed to ensure, first, that prisoners stay inside. The rule of law had to be implemented in orderly, functional, reliable prisons. The new democratic state, it was argued, could not be stabilized in failed infrastructure. Escapes undermined authority and legitimacy. As security concerns for the terrorist threat took priority over human rights and international standards for detention, the prison reform program supported by foreign donors progressively focused on infrastructure and security equipment, considered more strategic. An EU consultant complained that even in conversations about alternatives to incarceration, the prevention of escapes had become the main obsession: "when I talked about electronic surveillance, the prison director told me it would be great to monitor prisoners in case they escape!" (field notes, Tunis, 2014). The EU program of justice reform instead wanted to develop probation and alternatives to prison in Tunisia. However, in parallel, the Tunisian prison administration complained about the lack of specific facilities for prisoners convicted or prosecuted under terrorist charges; the location initially considered for a work-release program was allocated in 2017 for the construction of a high-security unit with the support of the INL. Security concerns had become the motto for

the conservative reform of prisons, advocating for building more walls, bigger and higher. Not only did the prison administration fear escapes, it also feared raids from jihadi groups against prison facilities. After the spectacular fight in Ben Guerdane on March 6, 2016, between the Tunisian army and a jihadi group affiliated with the Islamic State in Libya, the prison administration requested more security trainings and equipment from cooperation agencies to defend the facilities against attacks.

In the meantime, debates about the overpopulation of prisons had appeared in the political arena and even in electoral campaigns, with advocacy groups denouncing the excessive use of incarceration for youth smoking *zatla*, estimated as up to a third of the total prison population.³² In the 2014 elections, Nidaa Tounes, a liberal-conservative coalition, won the elections with a “law and order” program, promising to reform the drug laws to leave more room in prison for real criminals and terrorists. Lascoumes underlined the paradoxical situation of the prison: a symbol of state sovereignty, it is directly connected to the conception and defense of public order. At the same time it resists political change, and political revolutions rarely succeed in implementing profound transformations in the penitentiary system. Lascoumes concludes that it thus reveals that prisons are governed by their administrative structures, and affected by incremental changes conducted by professionals rather than ambitious reforms announced by politicians (Lascoumes 2006). The way escapes were used as an argument for prison officials to promote a security-oriented agenda, that prevailed over more rehabilitation-oriented reforms, demonstrates the relevance of this analysis. However, shifts in the political discourse also need to be taken into account, as well as social conflicts over the definition of public order.

When I interviewed him, Ayman had received the standard one-year sentence for drug consumption from a urine test he was forced to perform after a routine stop and frisk arrest in his neighborhood (interview, Tunis, 2014). He was 20 at the time. He was released from prison after serving nine months for drug use, benefitting from one of the recurrent collective pardons used to regulate the prison population. For him, this measure did not mean his reintegration into society; he said that since he had experienced prison, his only dream was to emigrate to Europe. Living in a popular neighborhood of Tunis area, he could no longer stand being around revengeful policemen stopping youth in the street and forcing them to be drug tested only to ascertain their authority over a territory. It seemed to him an intolerable and humiliating abuse of power, and he no longer believed in social mobilization: feeling impotent to voice his discontent, he chose exits—*zatla* or *harqa*. Ayman embodies disillusionments of the post-revolutionary period when the restoration of the power structure banishes aspirations for social justice and political emancipation. In April 2017, after years of debate, a minimal reform of the drug use law was decided: standard sentence was canceled leaving the penalty to the judge’s discretion. In the meantime, *zatla* continues to be a form of cheap evasion for youth deprived of any perspective, in a context of high unemployment (Lamloum and Ben Zina 2015) and higher emigration costs with the reinforcement of border control. The metaphor of the country as a place of confinement (“the big prison”) continues to be commonly used by these youth lacking opportunities and perspectives.

While jailbreaks participated in reframing a political imaginary of security and reinforcement of state institutions, the notion of escape remains powerful and attractive to those disillusioned by the revolution. The political imaginary of escape is as complex as this transitional period, a fluid situation of hopes and fears, crisis and permanence, transformations and inertias.

Conclusion

A radical challenge to the authority of the state and the ordinary functioning of its coercive apparatus, prison escapes appear as a powerful element of a revolutionary uprising. Political imaginaries of escape, however, not only evoke emancipation and freedom, but also disorder, uncertainty, and the failure of institutions. The story of shifting political imaginaries of escapes helps to trace the tight connections between violence and legal order. It questions the way relations between citizens and the state are negotiated in ambiguous terms, alternating between the denunciation of an oppressive power and demands for security.

Just as revolutionary youth were quickly labeled as thugs, escapees were suspected of being criminal agents of the former government attempting to create chaos in order to facilitate the return of the previous regime under security excuses. Ironically, this moral panic is precisely what brought the former political elite back into power when the democratically elected government proved unable to prevent terror attacks, provide efficient policing, and run escape-proof prisons.

The transitional period is not a reversal of the power structure, and temporary lapses in state control over individuals only indicate a process of re-adjustment. The security apparatus was quickly rebuilt, as its main structure remained in place. Prison reform came to mean reinforcing its infrastructure, and its ability to control individuals and disorders threatening the new regime. The contradictions between this punitive move and democratic aspirations, however, are merely superficial, as long as the bureaucratic imaginary of institutional efficiency, authority, and control over the population remains the hegemonic definition of public order.

Notes

1. See, for example, "Tunisia: Many Dead in Jail Unrest after Ben Ali Exit". *BBC News*, January 15, 2011, sect. Africa. <http://www.bbc.com/news/world-africa-12198396>; Tisdall, Simon "Egypt Protests: Cairo Prison Break Prompts Fear of Fundamentalism". *The Guardian*, January 30, 2011, sect. World news. <https://www.theguardian.com/world/2011/jan/30/muslim-brotherhood-jail-escape-egypt>; Zway, Suliman Ali "Amid Protests, Inmates Escape From Libyan Prison". *The New York Times*, July 27, 2013. <http://www.nytimes.com/2013/07/28/world/africa/libyans-turn-on-islamists-and-liberals-after-killings.html>.
2. This research is part of a collective program on punishment in Africa *Economie de la peine et de la prison en Afrique (ECOPPAF)*, funded by the French National Research Agency-ANR. I also received support for fieldwork from Paris-Dauphine University, the Arab Center for Social Sciences and the Institut de recherche sur le Maghreb (IRMC).

3. Investigations opened in 2016 by the “Truth and Dignity Commission” might provide useful elements.
4. Popular marches during the uprisings (December 2010–January 2011) often included claims to release the prisoners (Salmon 2016), and some were triggered by arrests of prominent figures, like rap singer El General (interviews, 2013).
5. In Messaïdine prison, a prisoner was forgotten in the isolation unit and died of starvation (interview with a prison psychologist, Tunis, April 2017).
6. The last part of the lyrics of the national anthem was the most common slogan in street demonstrations: “When the people will to live/Destiny must surely respond/
Oppression shall then vanish/ Fetters are certain to break”.

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<http://www.aljazeera.net/news/reportsandinterviews/2011/1/25>

Samir Dilou, quoted in *Libération*, “En Tunisie, des détenus dans un état de terreur”, January 24, 2011. Meaning “God is the greatest” this sentence is used both in ritual calls to prayer and as a galvanizing chant, here in demonstration against the prison authority, challenged by the invocation of a greater authority. Source: Interview with a former prisoner (Tunis, 2015) and *Report of the Commission of Investigation on violations and abuses perpetrated since December 17, 2010 in Tunisia (“Bouderbala report”)*, April 2012.

The Tunisian Ministry of Justice lists 79 casualties in prison during the revolution. The 1041-page *Report of the Commission of Investigation (“Bouderbala report”)* covers the period between December 17, 2010 and May 1, 2011 and lists 319 civilian casualties including 86 prisoners, 19 casualties among security forces and the army; 61% of deadly casualties happened after January 14, 2011 (see Hmed 2015, p. 77).

A similar phenomenon happened in Egypt with mass escapes of Islamist political prisoners in January 2011 (http://www.huffingtonpost.com/2011/01/29/egypt-jail-break-700-prisoners-escape_n_815872.html).

Source: Human Rights Watch.

See, for example, <https://www.youtube.com/watch?v=OZGeY7tfB50>. Source: Tunisian Ministry of Justice quoted in : Human Rights Watch, Tunisia: Prison Visit Ends 20-Year Ban, February 4, 2011, <https://www.hrw.org/news/2011/02/04/tunisia-prison-visit-ends-20-year-ban>.

The myth is all the more powerful as the actual event was not of great immediate effect: the

prison was almost empty at the time and out of the seven prisoners released on July 14, 1789 four were put back in jail the following day (Lüsebrink 1992).

See, in this volume, Atreyee Sen, Chap. 5, "Mocking the State: Heroism, Humanity and Humiliation in the Context of Naxal Jailbreaks in India". "General Amnesty Law", n° 2011-1 published in JORT 02/22/2011. See legislation-securite.tn/ar/node/43369.

Ghiles, Francis, "Tunisia's economic fallout" *Al Jazeera*, July 5, 2011.

<http://www.aljazeera.com/indepth/opinion/2011/07/201173173636360487.html>.

"Le climat d'insécurité persiste en Tunisie", *Kapitalis*, May 1, 2011. See also:

<https://www.youtube.com/watch?v=PtMF2FQzVWA>.

21. (See Hmed 2011, p. 20). Described by Albert O. Hirschman in *Exit, Voice, and Loyalty*, the attitude of *exit* is one of the three types of attitudes adopted by individuals facing decline in firms, organizations, and states (Hirschman 1970).

22. In Lampedusa, the detention centers soon re-opened to confine migrants.

23. See, for example, Lilia Blaise, "Témoignages : L'enfer des prisons tunisiennes". *Inkyfada*, January 21, 2016. <https://inkyfada.com/2016/01/lenfer-des-prisons-tunisiennes/>.

24. The national rate of 15% hides wide regional inequalities with a youth unemployment rate of over 30% in some parts of "inner Tunisia" (see Blavier 2016).

25. Some prison directors received administrative sanctions for their behavior during the uprising, but no massive purge of the administration was conducted.

26. (Les Observateurs de France 24 2012). 'Le retour de la porno-politique de Ben Ali', France 24, January 19, 2012. Available at: <http://observers.france24.com/fr/20120119-video-ali-larayedh-retour-porno-politique-ben-ali>.

27. Elias and Scotson demonstrated the role of gossip and rumors in producing antagonistic groups of "established" and "outsiders" (Elias and Scotson 1994).

28. Salafism is a form of rigorist Islam considering that society and politics should follow the Islamic law derived from the Quran and the life of the Prophet Muhammad (*Hadith*). On its origins in Tunisia and rise after the revolution, see Merone 2014.

29. Some of them were close to Ennahdha political staff, like the L'Association Internationale de Soutien aux Prisonniers Politiques (AISPP) headed by the lawyer Saïda Akremi, the wife of the then Minister of Justice Nouredine Bhiri.

30. *Zatla* is the popular term for cannabis; its consumption is a common practice, especially among Tunisian youth, but it is severely punished by a minimum sentence of one year in prison.
31. http://www.huffpostmaghreb.com/2013/09/02/evasion-prison-gabes_n_3854975.html.
32. UNODC, 2015. On the severity of drug laws in Tunisia, see “Inhale, go to jail. Some Arab governments are rethinking harsh cannabis laws”. *The Economist*, April 12, 2017. <http://www.economist.com/news/middle-east-and-africa/21720598-others-use-them-lock-up-restless-young-men-some-arab-governments-are-rethinking>.

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