



TUNISIA 2019

ANNUAL REPORT

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The work of the Truth and Dignity Commission ended with the publication

At least 78 trials, which concerned grave human rights violations, began before these chambers during the year. Families of people who died at the hands of the police in recent years continued to await justice. There were reports of torture and other ill-treatment. Steps were taken to advance a bill to end discrimination against women with regard to inheritance but stalled. A new complaints mechanism for women victims of violence received tens of thousands of submissions. Bloggers and social media users were prosecuted for the peaceful expression of their views online. Authorities used excessive and occasionally unnecessary force, as well as prosecutions, against peaceful protesters. Refugees and asylum-seekers were detained for irregular entry into Tunisia. Dozens of lesbian, gay, bisexual, transgender and intersex (LGBTI) people were arrested and imprisoned for consensual same-sex sexual relations. Death sentences were handed down; there were no executions.

Background

President Béji Caïd Essebsi died on 25 July. Mohamed Ennaceur took over as interim president. On 13 October, after presidential elections, Kaïs Saïed was elected president. Following parliamentary elections on 6 October, a new parliament met for the first time on 13 November. On 16 November, Kaïs Saïed tasked former minister Habib Jemli with forming a government, but the process was still ongoing at the end of the year.

The Constitutional Court, which had been due to be set up since 2015, remained unestablished as Tunisia's parliament again failed to elect the first third of its members.

The authorities renewed the nationwide state of emergency eight times; it had been in place since November 2015.

Protests continued over the lack of employment opportunities, poor living conditions and water shortages, particularly in marginalized and underdeveloped regions.

Transitional justice

In March, the Truth and Dignity Commission (Instance Vérité et Dignité, IVD) published its final, 2,000-page report on human rights violations committed by Tunisian authorities between 1957 and 2013. Its recommendations included reform of the judicial and security sectors, the creation of an independent body to monitor the work of the security forces, the harmonization of laws with the Constitution, measures to establish accountability for crimes committed and other steps to strengthen the rule of law. The government failed to publish the report in the official gazette or present a plan to implement the IVD's recommendations, as required by Article 70 of the Transitional Justice Law. The parliament had yet to establish a specialized parliamentary committee to oversee implementation of the recommendations.

By the end of its mandate, the IVD had transferred 173 cases to specialized criminal chambers after receiving more than 62,000 complaints from victims. At least 78 trials, involving cases of torture, extrajudicial executions, enforced disappearances, wrongful convictions and excessive use of force against peaceful protesters, began before these chambers during the year. Among the accused are several former interior ministers, security chiefs and government officials under former President Zine El-Abidine Ben Ali and before him Habib Bourguiba. Progress was slow due to repeated postponement of trial sessions and the frequent non-appearance in court of accused police officers, politicians and former government officials. The largest trade union for the security forces asked its members not to appear in court, saying that the trials were vindictive. The Ministry of Interior appeared reluctant to implement court subpoenas of indicted suspects to the hearings.

Unlawful killings, torture and other ill-treatment

Families of people who died at the hands of the police in recent years continued to await [justice](#). In November, 14 police officers were indicted for involuntary manslaughter and failure to assist a person in danger following an investigation into the death of 19-year-old football supporter Omar Labidi in the southern suburbs of the capital, Tunis, on 31 March 2018. However, they remained on active duty. Omar Labidi drowned after police pushed him into a river despite his protests that he could not swim. He was fleeing police who were chasing football fans involved in clashes. The investigation into the killing of 19-year-old Ayman Othmani, whom customs officers shot dead during a raid on a warehouse in Tunis in October 2018, failed to progress. According to his family and lawyer who saw the forensic report, he was shot in the back and upper leg.^[1]

Suspicious deaths in custody were reported. In June, police arrested Abderrazek Selmi in the region of Kairouan. Around two hours later, the police called an ambulance, but he died on the way to hospital. The

General Prosecution acknowledged that his death was suspicious; the Ministry of Interior later stated that he had died of a heart attack. The investigation into the death was ongoing at the end of the year.

Dozens of detainees reported being subjected to torture or other ill-treatment by the police or the National Guard. In many cases, police denied detainees the right to call their lawyer or a family member or denied them a medical examination.

Women's rights

In February and May, a parliamentary committee ran two sessions with representatives of the presidency and the Justice Minister to discuss a bill to end discrimination against women with regard to inheritance. A significant number of members of parliament considered the bill to be contrary to Islam. The parliament failed to resume discussions on the bill during the year.

In August, the Minister of Women, Family, Children and Seniors announced that the Justice Ministry had received around 40,000 complaints from women who had experienced domestic violence during the first seven months of the year. The complaints were submitted in line with the Law on Eliminating Violence against Women, which came into effect in 2018 and established a complaints mechanism for victims of violence. However, the government failed to establish a national observatory to prevent violence against women as required by Article 40 of the law.

Women were severely underrepresented in the presidential and parliamentary elections, with only two women among the 26 presidential candidates and only 56 women among the 217 members of parliament elected in October, compared to 68 women elected in 2014.

Freedom of expression and assembly

Bloggers and social media users were prosecuted on criminal charges under the Penal Code and the Communications Code for the peaceful expression of their views online.

In April, the Court of First Instance of Gafsa sentenced Ahmed El-Jedidi in his absence to one year's imprisonment for "insulting others through a public communications network" after criticizing a female parliamentarian in a Facebook post. The sentence was overturned on appeal in May.

In October, the Court of First Instance of Manouba convicted blogger Aymen Ben Khassib of "insulting others through the press" for a Facebook post in which he named two members of the municipal council responsible for a controversial project in his neighbourhood. He was fined 1,000 Tunisian dinars (around US\$350).

Authorities used excessive and occasionally unnecessary force against peaceful protesters as well as prosecutions to restrict freedom of assembly. Peaceful protesters were prosecuted on charges of "disturbing freedom of work" or "obstructing freedom of movement" in connection with protests over high rates of unemployment and poor living conditions. In Gafsa alone in 2019, at least 20 protesters were tried in their absence in various trials before the Court of First Instance following [peaceful protests](#).^[2]

In June, police and National Guard officers used excessive force, including tear gas, to disperse a peaceful protest by asylum-seekers in front of a centre in the town of Medenine run by UNHCR, the UN Refugee Agency. The police chased the protesters, beating them with batons, and arrested 25 of them. In July, 18 of the asylum-seekers appeared before Medenine Court of First Instance on charges that included “obstructing freedom of movement”, “disturbing a public road” and “insulting a public official”. The case was dismissed in October.

In July, police forcibly entered the medical technology institute of Tunis El Manar University and used unnecessary and excessive force to end a peaceful student sit-in. They used batons and fired tear gas at close range, including against three visually impaired students. Police officers later charged six students with “assaulting a public officer while performing their duty”

In September, police arbitrarily detained 18-year-old activist Maissa al-Oueslati while she was filming a protester threatening to set himself on fire in front of a police station in Jbel Jloud, a suburb of Tunis. They also arbitrarily detained her 16-year-old brother. The siblings were held overnight and interrogated without a lawyer. Both were charged with insulting and assaulting a public officer before being tried and acquitted later the same month.

Refugees, asylum-seekers and migrants

On several occasions, the National Guard detained refugees and asylum-seekers for irregular entry into Tunisia. Two refugees interviewed in August by Amnesty International in the refugee centre in Medenine said that they had been held for 17 days in the detention and orientation centre in Ben Guerdane upon their arrival in Tunisia. They said they were not informed of the reasons for their detention.

On 3 August, the security forces arrested 36 Ivorian migrants – 22 men, 11 women and three children – on suspicion of planning an irregular crossing to Europe by sea. The Ivorians were transferred to a closed military zone near Ras Jdir, a coastal town near the Libyan border, and left there. Three days later, the Tunisian army gave them some bread and milk, but left them without access to humanitarian assistance. On 8 August, the authorities allowed the group to leave the military zone and remain in Tunisia.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

LGBTI people continued to be arrested and prosecuted under laws that criminalize consensual same-sex sexual relations, “indecent” and acts deemed “offensive to public morals. According to DAMJ, the Tunisian Association for Justice and Equality, Police arrested at least 78 men under Article 230 of the Penal Code, which criminalizes “sodomy”, and conducted anal examinations as part of their investigations to determine whether they had engaged in same-sex sexual relations. Such examinations violate the prohibition of torture and other ill-treatment. At least 70 men were convicted under the article and sentenced to between four months and a year in prison.

Death penalty

Courts handed down dozens of death sentences, and there was an increased use of capital punishment in terrorism-related cases. No executions have been carried out since 1991.

^[1] Amnesty International, *Tunisia: Investigations into deadly police abuses must deliver long awaited justice* (Press release, 4 April 2019), <https://www.amnesty.org/en/latest/news/2019/04/tunisia-investigations-into-deadly-police-abuses-must-deliver-long-awaited-justice/>

^[2] Amnesty International, *Tunisia: Hundreds of peaceful protesters tried in their absence in Gafsa* (MDE 30/0380/2019), <https://www.amnesty.org/en/documents/mde30/0380/2019/en/>.