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Republic of Tunisia

Head of state: **Beji Caid Essebsi (replaced Moncef Marzouki in December)**

Head of government: **Mehdi Jomaa**

A new Constitution adopted in January contained important human rights guarantees, but the authorities continued to restrict freedoms of expression and association. There were new reports of torture of detainees and at least two people were victims of apparently unlawful killings by police. The new Constitution contained improved safeguards for women's rights but failed to end legal and other discrimination against women or to address violence against women. A new process was established to address past human rights violations; however, a military appeals court significantly reduced the sentences of former senior officials convicted of responsibility for hundreds of unlawful killings during the 2010-2011 uprising. Tunisia kept its borders open to refugees fleeing fighting in Libya. Armed groups carried out attacks and killed members of the security forces. At least two people were sentenced to death; there were no executions.

Background

Following the political crisis in 2013 sparked by the assassinations in February and July of two left-wing politicians, Chokri Belaid and Mohamed Brahmi, Tunisia's political parties reached an agreement that resulted in a new Constitution and the appointment of a new interim government in early 2014. The new government lifted the state of emergency, in force since 2011, on 5 March.

On 26 January, the National Constituent Assembly (NCA) adopted a new Constitution by a large majority after months of deadlock and an agreement by NCA members to reach a consensus on the most contentious issues. Three days later a new interim government took office pending legislative elections in October and presidential elections in November. The new Constitution guaranteed key human rights, including freedoms of expression and assembly; freedom of association, including the right to form political parties; freedom of movement; the right to citizenship; and the right to bodily integrity. It also guaranteed freedom from arbitrary detention, rights to fair trial and to political asylum, and prohibited torture and the use of any statute of limitations to prevent prosecutions for torture. Other articles, such as one prohibiting "attacks on the sacred", were more problematic, carrying a potential threat to free speech. The Constitution failed to abolish the death penalty.

Counter-terror and security

The government submitted a new 163-article draft law to amend the 2003 Anti-terrorism Law to the NCA, which began discussing it in August. The new law aims to remove some of the most draconian features of the 2003 law.

In October, Prime Minister Jomaa said that the authorities had arrested over 1,500 suspected "terrorists" since the beginning of the year.

Torture and other ill-treatment

There were new reports of torture of detainees in police custody, mostly in the first few days after arrest and during interrogation. There was at least one suspicious death in custody. The law allowed police to hold detainees in pre-arraignment detention for up to six days without access to lawyers or relatives.

Following a visit to Tunisia in June, the UN Special Rapporteur on torture expressed concern that torture and other ill-treatment was continuing, and noted the low rate of successful prosecutions of perpetrators.

In 2013, the NCA adopted legislation to create a 16-member National Body for the Prevention of Torture, empowered to inspect detention facilities without first obtaining consent, except when urgent or compelling reasons prohibit it. By the end of the year, however, the National Body had yet to be established.

The death in hospital on 3 October of Mohamed Ali Snoussi, nine days after his arrest, drew renewed attention to police violence against suspects and the authorities' continuing failure to address it. Witnesses saw him being dragged from his house in handcuffs, beaten, stripped naked and taken away by masked police officers, who were heard to say that they belonged to the Brigade 17 police unit. Mohamed Ali Snoussi's wife said that she briefly saw him once in police detention, when he had visible marks of beatings but appeared too afraid to say how he had sustained them. When his family received his body it bore bruises and other injuries to the head, shoulders, back, testicles and feet. The Ministry of the Interior said that he had been arrested on drugs charges and that an autopsy concluded that his death was not caused by violence, but failed to give the autopsy report to the family despite their requests.

Excessive use of force

Police officers shot and killed two women, Ahlem Dalhoumi and Ons Dalhoumi, on the night of 23 August as they drove home in the city of Kasserine with family members. The shooting occurred when police officers dressed in black, whom the car's occupants apparently assumed were armed robbers, signalled to them to stop, then opened fire as they drove on, killing the two women and injuring a third. The authorities said that police officers opened fire when the car ignored their order to stop and sped towards them. The surviving car occupants said the police did not identify themselves and opened fire without warning. The Ministry of the Interior stated in October that it had not suspended the police officers nor opened an administrative investigation, despite public announcements to the contrary.

Transitional justice

Following the adoption of a Transitional Justice law in December 2013, a Truth and Dignity Commission was established in June to investigate human rights violations and arbitrate on cases of official corruption since 1 July 1955. An independent body, the Commission was also mandated to provide both material and symbolic reparations to victims and to draft recommendations to prevent the recurrence of human rights violations and the misuse of public funds and to promote democracy.

The Commission, which has a four-year mandate extendable for up to one year, began its work in December after developing its rules and methods of operation.

The Transitional Justice law also provided for the establishment of Special Judicial Chambers to investigate and prosecute human rights violations committed by state agents between July 1955 and December 2013. In March, the Ministry of Justice appointed a technical committee to draft a decree on how these specialized chambers would function.

In April, the authorities released some of the former senior officials imprisoned in connection with the unlawful killings of protesters during the 2010-2011 uprising after the Military Court of Appeal amended the charges on which they had previously been convicted by military courts and reduced their sentences. Those released included former Minister of the Interior Rafiq Haj Kacem, whose 12-year sentence was reduced to a three-year term, including time spent in custody awaiting trial. Several family members of people killed or injured during the uprising went on hunger strike in protest.

Freedoms of expression and association

The authorities restricted freedoms of expression and association on counter-terrorism grounds following an armed group attack on 17 July that killed 15 government soldiers in Mount Chaambi, near the border with Algeria. The authorities ordered the immediate closure of all unauthorized radio and television stations, mosques and social media websites, suspended the activities of organizations deemed to have links with terrorism, and threatened to prosecute anyone who called Tunisia's military and security institutions into question. On 22 July, a government spokesperson said the authorities had suspended 157 organizations and two radio stations for alleged links to terrorist groups and for promoting violence. The executive authorities took this action despite Decree Law no. 2011-88 of 2011, which states that organizations may only be suspended pursuant to a judicial decision.

Jabeur Mejri, a blogger sentenced to a prison term in 2012 after being convicted of posting material online deemed insulting to Islam and the Prophet Mohamed, was released on 4 March. In April, he received a new eight-month prison sentence arising from an argument with a court official, but was released on 14 October under a presidential pardon.

Women's rights

Discrimination against women continued in law and practice. Tunisia officially lifted its reservations to CEDAW on 23 April; however, the government maintained a general declaration that it would take no organizational or legislative action required by CEDAW if it conflicted with Tunisia's Constitution.

The new Constitution adopted in January provided improved safeguards for women's rights, but women remained subject to discrimination under laws relating to family matters such as inheritance and child custody.

Article 46 of the Constitution afforded women greater protection against violence, but the Penal Code remained problematic, particularly its Article 227bis which allowed men who rape girls or women under the age of 20 to escape prosecution if they marry their victim. In June, the Secretary of State for Women and Family said that the government planned to draft a framework law combating violence against women and girls with the assistance of an expert committee.

In March, a court sentenced two police officers to seven-year prison terms after convicting them of raping a woman in September 2012; a third police officer was sentenced to two years' imprisonment for taking her fiancé to a cash machine and trying to extort money from him. During the trial, defence lawyers accused the victim of indecency and offering sexual favours to the police after they found her alone with her fiancé. She lodged an appeal against the sentences on account of their relative leniency. In November the two officers convicted of rape had their sentences increased to 15-year prison terms on appeal; the third officer's sentence was confirmed on appeal.

Refugees' and migrants' rights

Thousands of Libyans and other nationals reportedly crossed into Tunisia in July and August to escape fighting between rival armed militias in Libya. The authorities kept Tunisia's border with Libya open while warning that they would close it if the security or economic situation deteriorated. Properly documented Libyans were allowed to enter and remain in Tunisia but nationals of some other countries were allowed to enter Tunisia for transit only.

Death penalty

The death penalty remained in force for murder and other crimes; no executions have been carried out since 1991. At least two people were sentenced to death and at least three prisoners had their death sentences commuted during the year.

In November, Tunisia voted for a UN General Assembly resolution calling for a worldwide moratorium on the death penalty.

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