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Head of state: **Moncef Marzouki**

Head of government: **Hamadi Jebali**

The authorities restricted freedom of expression and prosecuted several people using repressive laws enacted under the previous government. There were new reports of torture and other ill-treatment by police, who also used excessive force against demonstrators. Families of people killed and injured during the uprisings that ousted the former president in January 2011 continued to call for justice and reparations. Some former officials were tried and imprisoned. Women continued to face discrimination in both law and practice. Nine people were sentenced to death; no executions were carried out.

Background

The state of emergency imposed in January 2011 was renewed and remained in force throughout 2012.

The coalition government elected in October 2011 for one year remained in office throughout 2012. In October 2012, the government announced that new parliamentary and presidential elections would be held in June and July 2013. The National Constituent Assembly (NCA), tasked with drafting a new constitution, issued an initial draft in August but said that it could not meet its one-year deadline, which was then extended until February 2013. The initial draft was criticized on several human rights grounds, notably in relation to articles concerning the status of women, the right to life and the criminalization of expression deemed offensive to religion.

In August, a draft bill criminalizing acts considered offensive to "religion and the sacred" was submitted to the NCA by the Ennahda Islamist party, the majority party in the ruling coalition. The bill was still under consideration at the end of the year.

The authorities took steps apparently intended to reform the judiciary and promote judicial independence. The Minister of Justice dismissed 82 judges for alleged corruption in May,

reinstating nine of them a month later, and in September the Supreme Council of the Judiciary (CSM) transferred, promoted or changed the functions of over 700 judges. However, divisions within the NCA prevented the adoption of a draft bill to replace the CSM with a Temporary Judiciary Council; the draft bill lacked adequate safeguards against the arbitrary dismissal or transfer of judges and would have given the executive authorities significant power over the proposed new judicial body. In September, the Minister of Justice appointed himself head of the CSM, a position previously held by former President Zine El 'Abidine Ben 'Ali.

There were continuing public protests and demonstrations by religious groups, people dissatisfied with the pace of reform and harsh living conditions, as well as activists advocating women's rights, media reform and greater freedom of expression. Some of the protests became violent and were met with force – sometimes excessive force – by the police. Nearly 300 protesters and bystanders were reportedly injured during use of excessive force by the police in Siliana, a city south west of Tunis, during demonstrations on 27, 28 and 29 November calling for the departure of the governor of Siliana, economic development of the town and the release of 13 detainees arrested during protests in April 2011.

By contrast, the police were accused of failing to intervene in a timely manner on several occasions when artists, writers and others were violently attacked by groups of religious extremists, mostly alleged Salafists (Sunni Muslims who advocated a return to what they considered to be Islam's fundamental principles). Such attacks were mounted against alleged alcohol sellers as well as art exhibitions and cultural and other events. In September, the US embassy was attacked in relation to an anti-Islamist film posted on the internet.

Dozens of Salafists were reported to have been detained in the aftermath of these attacks. More than 50 of them went on hunger strike to protest against their arrest and detention conditions and two died in custody as a result in November. Most were reported to have ended their hunger strike by the end of the year. In October, after another Salafist was arrested, Salafists were reported to have attacked two police stations in Manouba, resulting in two deaths and injuries to several police officers.

Tunisia's human rights record was assessed under the UN Universal Periodic Review in May. The government accepted most of the UN recommendations but rejected those urging the decriminalization of defamation and same-sex relations, the repeal of laws that discriminated against women, and abolition of the death penalty.

The UN and African Union Special Rapporteurs on human rights defenders both visited Tunisia in September.

Transitional justice

The government created a Ministry for Human Rights and Transitional Justice in January to develop strategies for addressing past human rights violations and to guarantee the future protection of human rights. The following month, however, the new Minister publicly declared that homosexuality was not a human right but a "perversion".

In April, the Ministry of Justice established a Technical Committee composed of officials and civil society representatives to consult people throughout Tunisia on issues of truth, justice, reparation and reform. The Committee prepared a draft law proposing the creation of an independent Council of Truth and Dignity to oversee the process of transitional justice, which it submitted to the President and the NCA in October.

Following his November visit, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern that Tunisia's transitional justice process was not comprehensive and was failing to give equal importance to each of the four elements of transitional justice.

The Fact-Finding Commission on Abuses Committed from 17 December 2010 until the End of its Mandate (known as the Bouderbala Commission) issued its report in May. This described the events during the uprisings which overthrew former President Ben 'Ali's government, and listed the names of those killed and injured. However, it failed to identify the individuals responsible for the use of lethal force and human rights violations.

The authorities provided financial compensation and medical care to those injured during the uprisings and to the families of those killed but were criticized for not taking into account the severity of victims' injuries and other factors, such as their loss of study or employment opportunities. Some families of people killed refused to accept compensation as they felt justice had not been done.

Several senior officials under former President Ben 'Ali were sentenced to long prison terms in connection with the killings of protesters during the December 2010-January 2011 uprisings. Some low- and middle-ranking former officials were convicted only of individual responsibility for shooting protesters, and were imprisoned.

- Former Interior Minister Rafiq Haj Kacem was sentenced to 12 years' imprisonment in June for complicity in the murders of protesters in Kasserine, Thala, Kairouan and Tazerouine by a military tribunal at Kef. Four other former high-ranking officials in the Department of State Security were convicted and sentenced to prison terms of up to 10 years, and six former middle-ranking officials were sentenced to prison terms for murder.
- Former President Ben 'Ali received a sentence of life imprisonment in July after the Tunis Military Tribunal convicted him in his absence over the killing and injuring of protesters in Greater Tunis. Thirty-nine former members of his security forces who were present in court were convicted and sentenced to prison terms of up to 20 years.

Both cases were referred to a military appeal tribunal and had not been resolved by the end of the year.

The process of bringing former officials to justice for crimes committed during the uprisings was questionable on several grounds, notably because trials were held before military tribunals rather than the civil courts. Also, victims, their families and lawyers criticized what they saw as a failure by the prosecuting authorities to conduct thorough investigations, and complained that they were subject to intimidation by those under investigation or accused, some of whom remained in positions of authority.

Torture and other ill-treatment

There were reports of torture and other ill-treatment by police. In August the Ministry of Human Rights and Transitional Justice said that, following a public consultation, it planned to establish a new independent national institution to combat torture. The proposed body would be empowered to visit places of detention and help draft new legislation, and would report annually and operate in line with international standards.

- Abderraouf Khemmassi died on 8 September in police custody in Tunis, 11 days after his arrest for alleged theft. An autopsy attributed his death to a blow to the head and recorded other injuries. Four police officers were subsequently arrested and charged with causing his death.

Freedom of expression

Despite their stated commitment to respect freedom of expression, the authorities took action against journalists, artists, bloggers and critics using articles 121(3) and 226 of the Penal Code, which criminalize expression deemed to threaten public order, public morals or sacred values. In

October, however, they said they would implement Decrees 115 and 116 of 2011 on the Press and Audiovisual Material.

- Jabeur Mejri and Ghazi Beji were convicted of insulting Islam and Muslims under articles 121(3) and 226 of the Penal Code and article 86 of the Telecommunication Code in March, after they posted comments and images on the internet. Ghazi Beji fled the country and was sentenced in his absence. Both men were fined and sentenced to seven and a half years in prison, the maximum permitted. Their sentences were confirmed by the Monastir Court of Appeal on 20 June, following which the case was referred to the Court of Cassation, whose decision was still pending at the end of the year, at which time Jabeur Mejri was being held at Mehdia prison.

In June, Salafists attacked an art exhibition in Tunis, claiming that some of the artworks were offensive to Islam, sparking large protests in other cities. In September, protesters attacked the US embassy after a film deemed offensive to Islam was posted on the internet; four people were reported to have been killed in the violence and others injured.

- Nadia Jelassi and Mohamed Ben Slima, artists associated with the art exhibition attacked by Salafists in June, were summoned to appear before an investigating magistrate on charges of attacking sacred values, offending public morals and disturbing public order. The case was ongoing at the end of the year.
- Ayoub Massoudi was convicted in September of undermining the reputation of the army and defaming a civil servant. He received a suspended prison sentence of four months and was initially banned from travelling abroad. A presidential adviser, he had resigned and publicly criticized the extradition of former Libyan Prime Minister Al-Baghdadi Al-Mahmoudi from Tunisia to Libya in June, accusing the Minister of Defence and the head of the army of failing to inform the President of the planned extradition. He was tried under Article 98 of the Code of Military Justice and Article 128 of the Penal Code.

Women's rights

Women continued to face discrimination in both law and practice. The government rejected recommendations made under the UN Universal Periodic Review to repeal discriminatory laws relating to inheritance and child custody. The Penal Code continued to provide, among other discriminatory measures, that a man who rapes or abducts a female minor can escape punishment by marrying her.

- A woman, aged 27, who accused two police officers of raping her while a third attempted to extort money from her fiancé, was herself charged with intentional indecent behaviour in September after the police said they found her and her fiancé in an "immoral position". The couple were summoned to appear before an investigating judge. They filed charges against the three police officers, who were arrested and faced prosecution. The charges against the woman and her fiancé were later dropped.

Death penalty

The death penalty remained in force. Nine death sentences were reported to have been imposed. In September, the government rejected a recommendation made under the UN Universal Periodic Review calling for the abolition of the death penalty. However, the authorities maintained the moratorium on executions in place since 1991. According to the authorities there were 125 commutations and 179 people on death row at the end of the year.

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