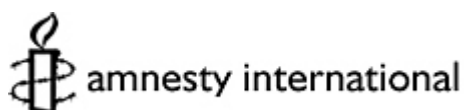


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Amnesty International Annual Report 2012 - Tunisia

Head of state: Moncef Marzouqi (replaced Fouad Mbezaa in December, who replaced Zine El 'Abidine Ben 'Ali in January)

Head of government: Hamadi Jebali (replaced Beji Caid Essebsi in December, who replaced Mohamed Ghannouchi in February)

Death penalty: abolitionist in practice

Population: 10.6 million

Life expectancy: 74.5 years

Under-5 mortality: 20.7 per 1,000

Adult literacy: 77.6 per cent

Some 300 people died and hundreds were injured by the security forces during mass protests in the weeks prior to 14 January, when President Zine El 'Abidine Ben 'Ali was toppled from power and fled the country. Many peaceful protesters were shot dead by security forces using live ammunition. A wholesale process of reform was then begun: political prisoners, including prisoners of conscience, were released; legal restrictions on political parties and NGOs were eased; the Department of State Security (DSS), notorious for torturing detainees with impunity, was dissolved; Tunisia became party to additional international human rights treaties; and a new National Constituent Assembly was elected with a mandate to draft and agree a new Constitution. However, there were continuing human rights violations, with further instances of excessive force by security forces against protesters demonstrating against what they saw as the slow pace of change; some protesters were beaten or otherwise ill-treated during arrest and in detention. Despite some improvements, women continued to face discrimination in law and practice. The death penalty remained in force but no new death sentences were reported and there were no executions.

Background

After 23 years in power, President Ben 'Ali fled Tunisia on 14 January, obtaining refuge in Saudi Arabia, following weeks of countrywide protests against his repressive rule. Over 230 protesters were killed and 700 injured during the protests, and over 70 prisoners died in prison in incidents related to the protests. Prime Minister Mohamed

Ghannouchi appointed himself acting President; within hours he was replaced by Fouad Mbezaa and reverted to his position as Prime Minister. He declared a state of emergency on 15 January, which was renewed in August, November and again in December until the end of March 2012, and appointed a caretaker government. In February, he was forced to resign in the face of popular protests and was replaced as Prime Minister by Beji Caid Essebsi. Following elections to the National Constituent Assembly in October, Moncef Marzouqi was appointed President and Hamadi Jebali became Prime Minister in December.

In February, the interim government declared an amnesty, releasing prisoners of conscience and other political prisoners, and set up three commissions as part of the process of reform: the High Commission for achieving the aims of the revolution, political reform and democratic transition; the National Committee for investigating cases of bribery and corruption; and the Fact-Finding Commission on Abuses Committed in the Last Period, which was mandated to investigate killings of protesters and other abuses by the security forces during the protests that toppled President Ben 'Ali. This last Commission had still to report at the end of the year, but two former Interior Ministers, Rafik Haj Kacem and Ahmed Friaa, were among a group of 139 former officials, including the former President, referred for trial on charges arising from the killing and injuring of protesters in the weeks up to 14 January. Their trial began in November and was continuing at the end of the year. Former President Ben 'Ali and members of his family were also tried in their absence and convicted on corruption and drugs-related charges.

In March, the interim government dissolved the widely hated DSS, the security police notorious for torture and other serious human rights violations under President Ben 'Ali.

The interim government also amended the highly restrictive Law on Associations to allow the legal registration of formerly banned political parties, including Ennahda (Renaissance) Islamist party and the Tunisian Workers' Communist Party, and human rights and other NGOs; the Interior Ministry said that 1,366 associations and 111 political parties had been officially authorized by September. The former ruling party under Ben 'Ali, the Constitutional Democratic Party, was disbanded in March.

The government ratified key international human rights treaties, including the Optional Protocol to the ICCPR; the Optional Protocol to the UN Convention against Torture; the International Convention against enforced disappearance; and the Rome Statute of the International Criminal Court. It also withdrew Tunisia's reservations to CEDAW.

The first elections since the uprising were held on 23 October for a 217-seat National Constituent Assembly tasked with drafting a new Constitution and appointing a new government. Ennahda won the greatest number of seats but not an overall majority. The Assembly met for the first time on 22 November and appointed a new President, Prime Minister and Speaker drawn from the three political parties with the most seats. The appointees took up their posts in December.

The UN Special Rapporteur on torture and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism both visited Tunisia in May.

Legal and constitutional developments

The Constitution was suspended in March. Other laws remained in effect, but some were significantly amended to ease restrictions on the exercise of human rights. These included the Press Law and the law relating to audiovisual communications, which continue to criminalize "defamation" but no longer make it punishable with imprisonment. The Law on Associations was amended to remove restrictions on forming or belonging to an association and to decriminalize providing services to an "unrecognized association". The law on torture was amended to bring the definition of torture in the Penal Code into closer conformity with the definition under international law, although prosecutions for torture are subject to a statute of

limitation of 15 years, contrary to the right to remedy and reparation under international law. Other laws, such as those on Counter-terrorism, on the Regulation of Meetings, Processions and Parades, and on the Organization of the Judiciary, remained in need of reform.

The Interior Ministry set out a "road map" for reform of the police, but this included no provision for investigating and ensuring accountability for past violations of human rights by the police and the disbanded DSS. It was unclear whether any vetting system was established to prevent former DSS or other security or police officials responsible for past human rights violations being appointed to or remaining in positions in which they could commit further abuses.

Excessive use of force

After the appointment of the interim government, renewed demonstrations protesting among other things about the perceived slow pace of reform were met with excessive force by security forces.

- In February, three people were reported to have died when security forces violently dispersed a peaceful sit-in in Kasbah, Tunis.
- In May, security forces beat journalists and allegedly prevented them from filming the forcible dispersal of renewed protests in Kasbah. The Interior Minister apologized but the security officers used violence again on 15 July when protesters attempted to join a sit-in in Kasbah. Many of at least 47 people reported to have been arrested alleged that they were beaten at the time of their arrest, including Ahmed Ben Nacib, a human rights activist with the NGO Liberty and Equity, who was chased by police on motorcycles, beaten with truncheons, kicked and slapped on arrest and then further assaulted in police custody before being released.
- Thabet el Hejlaoui, aged 13, died on 17 July when he was hit apparently by a stray bullet while watching the security forces fire on anti-government protesters in front of an army compound in Sidi Bouzid.

Freedom of expression

Security forces were accused of failing to respond effectively on several occasions when members of some militant religious groups sought to prevent other people from exercising their right to freedom of expression.

- In October, police were accused of failing to intervene effectively when religious militants attacked the headquarters of Nesma TV after it aired the animated film *Persepolis*, which they considered blasphemous. Later, the TV station's owner was attacked. The police arrested some suspects but released them without bail. The station owner faced charges of "moral corruption" – a crime punishable with imprisonment and a fine – and "disrupting public order" in a case filed against him by a group of lawyers.

Torture and other ill-treatment

There were new reports of torture and other ill-treatment but on a far reduced scale compared to previous years. In most cases, complainants alleged that they had been beaten by police when they were arrested during protests or while being taken to or detained at police stations.

- Fouad Badrouci, a student aged 17, was arrested by masked police officers in Tunis on 6 May after a protest. They punched, kicked and beat him with batons before taking him with several other young protesters to Bouchoucha Prison. There, the detainees were forced to stand with their arms and one leg raised for

a prolonged period, beaten and denied food and water. They were made to sign blank papers and were then released early the next day. Fouad Badrouci's injuries included a broken nose, right arm and rib.

- Mohamed Sidki Hlimi alleged that he was raped and otherwise tortured by police officers who summoned him to an army camp in Kasserine in March after he blamed a senior police officer for deaths during the protests against President Ben 'Ali. He said that he was handcuffed and shackled throughout his seven days of detention, and kept naked after the first night when he was stripped, suspended from a pole, beaten and raped. He was beaten again when he refused to sign a statement incriminating people he did not know in the burning of police stations. He was then released.

Following his visit to Tunisia in May, the UN Special Rapporteur on torture urged the government to instruct all police and other law enforcement officials that torture and other ill-treatment are prohibited and to ensure that those who commit such abuses are held criminally liable.

Impunity

Although charges were brought against several former officials in relation to killings of protesters and other abuses during the uprising, no steps were taken to ensure accountability for the gross human rights violations committed during President Ben 'Ali's 23 years in power. Families of victims complained that they were denied justice and that police, DSS and other officials responsible for previous human rights violations remained in their positions or had been transferred to new ones and even promoted. Some families tried to initiate investigations of alleged perpetrators but investigating judges appeared generally reluctant or unable to take action against officials, compounded by the apparent unwillingness of the Interior Ministry to co-operate. From May, all cases relating to human rights violations committed during the uprising were referred to military courts.

The Fact-Finding Commission appointed in February to investigate alleged violations committed during the uprising had still not completed its work by the end of the year. The Commission said it would not refer evidence unrequested to the judiciary, prompting questions as to its effectiveness. It said it had met all the victims of violations during the uprising but many people injured in the protests refuted this. The Commission was expected to report its findings and recommendations in early 2012.

Women's rights

The interim government withdrew Tunisia's reservations to CEDAW and there were other improvements. In particular, the government adopted the principle of parity between women and men in elections, although in practice men still predominated in party candidates' lists, and women were allowed to use pictures showing them wearing a *hijab* (headscarf) in their national identity cards. However, women still faced discrimination in law and in practice; for example, the Personal Status Code still discriminated against women in matters such as inheritance and custody of children, and some women's rights activists complained that they were targeted in smear campaigns.

- Journalist Salma Jlassi, a leading member of the National Journalists' Syndicate, reported that she was subjected to anonymous death threats and degrading comments in the media and through the internet, apparently because of her public position and opinions.

Refugees and migrants

From January on, many Tunisians sought to escape the country in small boats. Some were lost at sea; others reached the Italian island of Lampedusa. In April, the Tunisian and Italian governments agreed that some 20,000 Tunisians would be returned to Tunisia

and that the Tunisian authorities would tighten controls along the coast.

Large numbers of migrants and refugees entered Tunisia from Libya following the outbreak of conflict there. Many migrants were assisted to return to their home countries but some 3,800 refugees and asylum-seekers were still stranded at the end of the year at Choucha camp, one of three camps established near the Ras Jdir border crossing with Libya. Most were from countries to which they could not return for fear of persecution, including Eritrea, Somalia and Sudan.

Death penalty

The death penalty remained in force but no death sentences were known to have been imposed and there were no executions. Tunisia has maintained a moratorium on executions since 1991.

- Saber Ragoubi, convicted of security-related charges and sentenced to death in 2007, was released in February.

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