



Amnesty International Report 2015/16 - Tunisia

Publisher [Amnesty International](#)

Publication Date 24 February 2016

Cite as Amnesty International, *Amnesty International Report 2015/16 - Tunisia*, 24 February 2016, available at: <http://www.refworld.org/docid/56d05b096.html> [accessed 13 April 2016]

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Republic of Tunisia

Head of state: **Beji Caïd Essebsi**

Head of government: **Habib Essid (replaced Mehdi Jomaa in January)**

The authorities tightened restrictions on freedoms of expression and assembly, including by banning demonstrations in some instances. There were new reports of torture and other ill-treatment. Women, girls, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people faced discrimination in law and in practice. Courts continued to pass death sentences; there were no executions.

BACKGROUND

Militants apparently affiliated to armed Islamist groups carried out gun attacks at the Bardo Museum in the capital Tunis in March and at a Sousse beach resort in June, killing 61 people, mostly foreign tourists, and injuring many more. In November, an attack in central Tunis on a Presidential Guard bus killed 12 people. Clashes between the security forces and armed militants occurred along Tunisia's borders with Algeria and Libya.

The government declared a nationwide state of emergency in early July, following the Sousse attack, renewing it at the end of July and lifting it in early October. On 24 November, following the second Tunis attack, the authorities again declared a state of emergency that remained in force at the end of the year, imposed a curfew in Greater Tunis until 12 December, and closed Tunisia's border with Libya for two weeks.

The Truth and Dignity Commission, created to address political, social and economic crimes and investigate human rights violations committed since 1 July 1955, began hearing testimonies in May; in December it said it had received more than 22,600 cases and extended the deadline for the submission of cases by six months. However, its work was overshadowed by the resignations of some of its members, allegations of corruption against its head, and media criticism. In July, President Essebsi announced a new draft law on special provisions for reconciliation in the economic and financial sectors. This would offer an amnesty and immunity from further

prosecution to officials and business executives accused of corruption and embezzlement under the former administration of President Ben Ali, if they returned the stolen funds. If enacted, the draft law would hamper future investigations by the Truth and Dignity Commission. The proposal sparked protests across the country by the Manich Msamah ("I will not forgive") movement, several of which the security forces dispersed using excessive force. The draft law was awaiting enactment at the end of the year.

In May, a new law was passed to create a Supreme Judicial Council (SJC) to oversee the judicial system and increase its independence from the executive. Although an improvement, the law contained serious flaws relating to the composition of the SJC. In June, the temporary constitutional court ruled the new law unconstitutional and in December ruled a revised version of the law unconstitutional as well.

In October, the Tunisian National Dialogue Quartet, a coalition of trade union, human rights and other civil society groups formed in 2013 to promote peace, democracy and human rights in Tunisia's transition, was awarded the Nobel Peace Prize.

COUNTER-TERROR AND SECURITY

The government proposed a new law on Repression of Attacks against Armed Forces in March, following the Bardo Museum killings and attacks on the security forces by armed groups. If enacted, it would put journalists, human rights defenders and others who criticize the security forces and army at risk of criminal prosecution and would give security forces excessive powers to use lethal force. The draft law had not been enacted by the end of the year.

Parliament adopted a new counter-terrorism law in July, following the Sousse killings and what the authorities said was a foiled terrorist attack in Gafsa. The new law, which replaced a 2003 law used by the Ben Ali government to repress political opposition, further eroded basic rights. It defined terrorism in vague and broad terms, gave security forces wide monitoring and surveillance powers, and extended the period during which security forces can hold terrorism suspects incommunicado for interrogation from six to 15 days, increasing the risk of torture and other ill-treatment. It also imposed the death penalty for rape and for terrorist acts resulting in death, weakened fair trial guarantees by allowing courts to conduct closed trials and withhold the identity of witnesses, and criminalized expression deemed to be "praising terrorism". By December, the government said the courts had handed down 28 sentences in trials on terrorism charges, including one in which three defendants received death sentences.

In July, the authorities said they had arrested over 1,000 terrorism suspects since the Bardo Museum attack in March and banned 15,000 other suspects from leaving Tunisia. The government also announced its intention to construct a security wall along Tunisia's border with Libya. Following the November attack in Tunis, the authorities carried out thousands of raids, hundreds of arrests and placed at least 138 people under house arrest, amid reports of security officials' harassment of families of terrorist suspects.

TORTURE AND OTHER ILL-TREATMENT

There were new reports of torture and other ill-treatment of detainees, mostly during interrogation in the first days after arrest.

Five men arrested as terrorist suspects on 27 July alleged that interrogators beat and tortured them by waterboarding. They filed formal complaints after they were released on 4 August. Counter-terrorism police rearrested them the same day and returned them to their previous place of detention. On 5 August, they were taken for forensic medical examinations. They were

provisionally released on 10 August. A special parliamentary committee was appointed to investigate their torture allegations but no findings had been made public by the end of the year.

Thousands of torture cases dating from the Ben Ali administration were registered with the Truth and Dignity Commission. While in most cases those bringing the allegations were men, a number of women spoke of being beaten, tortured and sexually assaulted in detention. It remained unclear how the Commission would refer cases to prosecution and whether such referrals would be to specialized chambers or to the Public Prosecutor.

The National Body for the Prevention of Torture, created under a 2013 law, remained inoperative as its members had still to be appointed.

FREEDOMS OF EXPRESSION AND ASSEMBLY

The authorities curtailed freedom of expression using laws enacted during the Ben Ali administration, including the 2003 anti-terrorism law and Penal Code articles criminalizing defamation of public figures.

The state of emergency in force from 4 July to 2 October gave the government powers to suspend all strikes and demonstrations, ban and disperse all gatherings deemed to threaten public order, and control and censor print, broadcast and other media and publications. In some instances, security forces used excessive force to disperse and detain peaceful protesters who defied the ban. On 8 September, the Minister of the Interior declared that even peaceful protests were contrary to the emergency law and banned a demonstration planned for 12 September.

Police arrested teacher Abdelfattah Said in July after he posted a video on the Facebook website accusing security officials of being behind the attack that killed 38 people in Sousse. He was charged with complicity in terrorism under the 2003 anti-terrorism law. He was also charged with defaming a public servant and broadcasting false news under Articles 128 and 306 of the Penal Code for posting a caricature of Prime Minister Essid. In November, the terrorism charges were dropped and he was fined and sentenced to a one-year prison term on the false news charge; he was cleared of defamation.

WOMEN'S RIGHTS

Women and girls continued to face discrimination in law and in practice, and were inadequately protected against sexual and other violence. Survivors of sexual and gender-based violence continued to suffer from a lack of proper access to health and support services and to judicial remedies. Penal Code articles criminalized sexual violence as an assault on personal decency rather than a violation of the victim's bodily integrity. The Penal Code also allowed men accused of raping a girl or woman aged between 15 and 20 to escape prosecution by marrying their victim.

A comprehensive draft law to combat violence against women, which contained provisions increasing protection to survivors of sexual and gender-based violence and which had been leaked in December 2014, remained under consideration at the end of the year. In August, the Council of Ministers approved a draft law which would remove existing discrimination between men and women in giving to or withdrawing from their children travel documents and authorization to travel. The law was approved by Parliament in November.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

LGBTI people faced discrimination in law and in practice, and were inadequately protected against violence based on their sexual orientation or gender identity. Article 230 of the Penal Code criminalized consensual same-sex sexual relations, punishing "sodomy and lesbianism" with up to

three years' imprisonment. Transgender individuals were at particular risk of arrest and prosecution on the charge of offending public morals. The authorities failed to conduct meaningful investigations into homophobic and transphobic crimes.

A lesbian woman sought asylum abroad after she was subjected to four separate assaults during the year by men who attacked her on the street, beating her with their hands and feet and with broken bottles and on one occasion cutting her neck with a knife. She had been subjected to at least eight homophobic assaults over a period of nine years. She reported the latest assaults to police but they failed to identify and arrest her attackers and warned her that, as a lesbian woman, she could face prosecution and imprisonment.

A male student was sentenced to one year in prison in September for engaging in "sodomy". At the court's request, he was subjected to an anal examination, in violation of the prohibition of torture and other ill-treatment. The examination was conducted by the forensics department in Farhat Hached Hospital in Sousse, supposedly to establish "proof" of anal sex. The student had initially been questioned by the police about his relationship to a murdered man. He said he admitted that he had had sex with the man after police officers slapped him and threatened to rape him and press murder charges if he did not "confess". He was released on bail in November and his sentence was reduced to two months on appeal in December, which he had already served.

In December, six students received maximum three-year prison terms after a court in Kairouan convicted them on charges of "sodomy". The six, who were subjected to anal examinations after their arrest, were also sentenced to be banished from Kairouan for five years after they complete their prison sentences.

REFUGEES' AND MIGRANTS' RIGHTS

The authorities generally allowed Libyan nationals fleeing armed conflict in Libya to enter Tunisia. Other foreign nationals, including refugees and migrants, were only allowed entry if they possessed valid entry documents, and were required to depart from Tunisia after a short transit stay.

The navy and coastguard rescued hundreds of refugees, asylum-seekers and migrants from boats in distress in the Mediterranean, including many that had departed from Zuwara in Libya. The authorities took most of those they rescued to the southern governorate of Medenine where they were housed in temporary shelters. There, some returned to their home countries while others remained in a situation of uncertainty.

Although signatory to the UN Refugee Convention and its Protocol, Tunisia did not have a comprehensive asylum law, which contributed to the vulnerability of refugees, asylum-seekers and migrants.

In August, the authorities arrested 10 Sudanese, Nigerian, Kenyan and Liberian nationals who mounted a protest in Tunis asking for resettlement, took them to the Ouardia refugee detention centre and sought to force them to cross the border from Tunisia to Algeria, before eventually allowing them back into Tunisia and eventually releasing them. UNHCR, the UN refugee agency, had rejected the refugee applications of the 10 individuals in 2012 but they had remained in the Choucha camp established by UNHCR, despite its official closure in 2013. The individuals had all worked in Libya prior to the conflict there.

DEATH PENALTY

The death penalty remained in force for murder and other crimes; the new anti-terrorism law provided for the death penalty for some offences. Courts handed down 11 death sentences; no executions have been carried out since 1991.

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