

Amnesty International Report 2021/22; The State of the World's Human Rights; Tunisia 2021

Tunisia's Covid-19 vaccination programme was initially slow and failed to prioritize the most vulnerable, but it improved from July. In July, the President claimed exceptional powers to legislate and govern. Security forces continued to respond to peaceful protests with arbitrary arrests and excessive force with impunity. The military justice system increased prosecutions of civilians, including four people for publicly criticizing the president. The authorities imposed arbitrary travel bans on at least 50 Tunisians and placed at least 11 under arbitrary house arrest. Freedom of expression was curtailed under vague and repressive laws. A refugee was returned to Algeria where he was imprisoned. Domestic violence against women increased. Security forces assaulted and harassed LGBTI activists.

Background

In March, parliament approved a bill to facilitate the creation of a constitutional court, which the President rejected on the grounds that the constitutionally mandated deadline for creating the court had expired.

Since September 2020, there were at least 718,561 officially recorded Covid-19 cases and more than 25,000 deaths in a population of about 11.7 million. In mid-July 2021, confirmed daily deaths per million were the second highest in the world.

On 25 July, the President suspended parliament and dismissed Prime Minister Hichem Mechichi, citing emergency powers under Article 80 of the Constitution. In September, he issued Decree-Law 2021-117, which suspended most of the Constitution and granted him total control of most aspects of governance, including the right to legislate through decrees and to regulate the media, civil society and courts. On 11 October, the President announced a new government.

The economic crisis deepened, with the fiscal deficit forecasted to reach 7.6% by the end of the year; unemployment rates had reached 18.4% by the third quarter of 2021. In November, the International Monetary Fund resumed technical discussions with the authorities that had stopped in July about a potential finance programme to overcome the economic crisis.

In September, the nationwide curfew imposed in October 2020 to curb Covid-19 was lifted.

Right to health

In March, the government launched its Covid-19 vaccination campaign which proceeded slowly and unevenly due to lack of vaccines and poor management; only 6% of the population had been vaccinated by mid-July. While authorities prioritized older people and frontline health workers in line with WHO recommendations, they failed to prioritize other at-risk groups, notably people with disabilities, those living in extreme poverty, prisoners and people experiencing homelessness.¹

In July, the president secured significant vaccine donations from abroad and transferred oversight to the military. By the end of the year, at least 46% of the population had been vaccinated. In December, a decree-law mandated vaccine passes for everyone aged 18 and over to enter many public spaces, and for Tunisian citizens aged 18 and over to travel abroad. The decree-law obliged employers to suspend without pay public sector and salaried private sector workers who lacked a vaccine pass.

Freedom of assembly

Despite frequent bans on public gatherings as part of the government's Covid-19 measures, people staged protests throughout the year, often in relation to socio-economic rights. Police arrested more than 1,500 people during the January wave of demonstrations.

That month, one police union responded to peaceful protests by announcing a ban on “all unauthorized protests” in the capital, Tunis, and threatened to file complaints against all demonstrators “who humiliated the police”.

After 25 July, security forces responded to demonstrations in different ways. For instance, they used excessive force against a demonstration in Tunis on 1 September calling for the reopening of the investigation into the 2013 political assassinations of two opposition politicians, but did not disperse protests in support of the president in downtown Tunis on 26 September and 10 October.

Excessive and unnecessary use of force

During protests in January and February, police used excessive force, including beating peaceful protesters and firing tear gas canisters recklessly.²

On 18 January in Sbeitla city, police fired tear gas canisters in residential neighbourhoods, with some landing inside homes. Haykal Rachdi and Aymen Mahmoudi were struck on the head by tear gas canisters fired at close range. Haykal Rachdi died from his injuries a week later.³

On 8 June, Ahmed Ben Amara died in hospital shortly after his violent arrest by police in the Sidi Hassine neighbourhood of Tunis. His death sparked clashes to which the security forces responded using unlawful force, including beatings. The police attacked 15-year-old Fedi Harraghi, stripping off his trousers, kicking him repeatedly and beating him with batons. The interior ministry first denied the incident, but subsequently suspended three officers. None of the officers was held to account before a court.⁴

Unfair trials

Military trials of civilians

From July, the military justice system investigated and prosecuted at least ten civilians, including four for criticizing President Saïed, a significant increase from previous years.

A military court investigated six members of parliament (MPs) from the Al Karama party, along with a lawyer from Tunis, over an altercation in March with the police at Tunis international airport.

In July, a military court jailed MP Yassine Ayari for two months for a 2018 conviction under Article 91 of the Military Code of Justice, which criminalizes insulting the army. After 25 July, he faced a new trial before a military court on various charges, including further accusations of insulting the army and offending the president, after he criticized President Saïed for staging what he described as “a military coup”. The court acquitted him on 27 October.⁵ Also in October, a military court investigated television presenter Amer Ayad and Al Karama MP Abdellatif Aloui under Penal Code provisions that criminalize offending the president, seeking to change state structure, inciting violence or defaming a public official.

Freedom of movement

From August, airport police arbitrarily barred at least 50 Tunisians from travelling abroad, without providing a court order, time frame or explanation.⁶ Under Tunisian law, only judicial authorities may order travel bans. President Saïed said on 16 August that the bans were part of efforts to prevent people suspected of corruption or posing a security threat from fleeing the country. By the end of the year, this practice ceased after the president called on security forces not to impose them without a judicial order.

Authorities placed at least 11 people under house arrest between July and October, in some cases without a clear explanation. All the orders had been lifted by the end of the year.

Freedom of expression

Authorities continued to cite vaguely worded laws criminalizing insult, defamation and incitement to violence to investigate and prosecute people for non-violent speech, including before military courts.

In January, amid protests over poverty and police violence, police in Tunis arrested Ahmed Ghram for Facebook posts critical of police repression and alleged official corruption, accusing him of inciting looting. He was detained for 11 days before a court acquitted him. Police in Tunis also arrested activist Hamza Nasri Jerridi while he was protesting peacefully, accusing him of insulting a police officer. He was detained for three days before a judge ordered his release pending trial.

In April, the health ministry barred all but a selected list of public sector health workers from speaking publicly about the Covid-19 pandemic in Tunisia, threatening them with disciplinary action or criminal prosecution if they did not comply.⁷

On 26 July, police in plain clothes raided Al Jazeera's office in Tunis and confiscated staff phones and office keys.

In October, the media regulator ordered the closure of Zitouna TV, a private television station, three days after police arrested a presenter and an MP for their on-air criticism of President Saïed. The regulator said the station was operating without a licence. The same month, police closed down private stations Nessma TV and Al-Quran radio, saying they were operating without a licence.

Refugees' and migrants' rights

UNHCR, the UN refugee agency, registered 3,920 refugees and asylum seekers during 2021, a 21% increase from 2020. While Tunisia's Constitution guarantees the right to seek political asylum, its law does not provide a legal and procedural framework for asylum seekers.

On 25 August, unidentified men abducted Algerian Amazigh activist and Christian convert Slimane Bouhafis from his home in Tunis. A refugee registered with UNHCR, he was forcibly returned to Algeria, where he was imprisoned. By the end of the year, Tunisian authorities had not issued formal comment on the matter.⁸

Women's rights

Impunity for violence against women continued. In May, Refka Cherni was fatally shot by her husband two days after filing a complaint against him with police for frequent physical abuse. After she made repeated complaints, police referred the case to a prosecutor but did not arrest or issue a protection order against her husband, a police officer. The prosecutor also failed to order any measures to protect Refka Cherni from potential violence, saying that she had decided to drop the complaint.

In October, trial proceedings began against MP Zouhair Makhoul for sexual harassment, after his parliamentary immunity was lifted. Protests against his crimes were led by feminist groups in front of the court in Nabeul town. In November, he was sentenced to one year in prison.

LGBTI people's rights

LGBTI activists continued to be arrested and prosecuted under laws that criminalize consensual same-sex sexual relations, "indecent" and acts deemed "offensive to public morals". Violent attacks against and harassment of them by the police increased in 2021.

Transgender people faced arrest under vague "public decency" articles of the Penal Code, including Article 226bis.

In February, security forces assaulted, threatened and verbally harassed LGBTI activists during protests and harassed them online, including by posting activists' addresses, phone numbers and sexual orientation on social media.

In March, a Tunis court sentenced women's rights and LGBTI activist Rania Amdouni to six months in prison for "insulting a public official", under Article 125 of the Penal Code, after she went to a police station to report police harassment due to her activism.⁹ At the station, eight officers insulted and threatened her because of her gender expression, while refusing to register her complaint. When she protested against her treatment outside the station, officers arrested her.

In October, two police officers in Tunis insulted and violently assaulted LGBTI activist Badr Baabou, who heads the prominent Tunisian LGBTI rights group DAMJ. As he lay on the ground, the officers stole his laptop and mobile phone, and told him the beating was retaliation for filing complaints against police and "defending whores" and gay people, about whom they used homophobic language.

Impunity

No judgments or verdicts were delivered in 10 trials against members of security forces for excessive use of force and other abuses against civilians during Tunisia's December 2010 to January 2011 revolution. The trials, which opened in 2018, were held before specialized courts and based on referrals by the Truth and Dignity Commission created after the revolution.¹⁰

Death penalty

Death sentences were handed down; there were no executions.

1. [Tunisia: COVID-19 Vaccination Plan Must Be Fair and Transparent \(Index: MDE 30/4459/2021\), 15 July](#)
2. ["Tunisia: Authorities must refrain from using unnecessary and excessive force against protesters", 18 January](#)
3. ["Tunisia: Investigate circumstances of a young man's death following reckless tear gas use by police", 28 January](#)
4. ["Tunisia: Death following violent arrest highlights cycle of police impunity", 18 June](#)
5. [Tunisia: Parliamentarian Convicted by Military Court: Yassine Ayari \(Index: MDE 30/4718/2021\), 14 September](#)
6. ["Tunisia: President must lift arbitrary travel bans", 26 August](#)
7. ["Tunisia: Rescind ministerial order censoring health workers over Covid-19", 20 April](#)
8. ["Algerian refugee deported from Tunisia now imprisoned in Algeria", 3 September](#)
9. ["Tunisia: Release prominent LGBTI rights activist jailed for insulting police", 16 March](#)
10. ["Tunisia: Struggle for justice and reparation continues for victims 10 years after the revolution", 14 January](#)

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