



TUNISIA IN REVOLT

STATE VIOLENCE DURING
ANTI-GOVERNMENT PROTESTS

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Cover photo: Mass protest in the capital, Tunis, on 14 January 2011, the day President Zine El Abidine Ben Ali fled the country. © Private

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Map of Tunisia showing governorates (regions) and selected towns.

1/INTRODUCTION

‘Why did they kill our children?’

Hassan Jamali, father of 19-year-old Marwan Jamali, killed by gunfire on 8 January in Thala during anti-government protests

14 January 2011 was a truly momentous day for Tunisia, one whose repercussions are resonating across the Middle East and North Africa, and beyond. On that day Tunisians heard the news for which they had taken to the streets and braved police gunfire and brutality: after 23 years in power President Zine El Abidine Ben Ali had been toppled. With the last vestiges of his support collapsing, he slipped away, along with his rapacious family, in search of a safe haven beyond the reach of Tunisian justice, eventually landing in Saudi Arabia. A President who, only weeks before, had seemed so unassailable, had been brought down by spiralling demonstrations fuelled by frustration and anger at his corrupt, complacent and repressive rule.

The mass protests that drove Zine El Abidine Ben Ali from power were sparked, quite literally and tragically, by the act of one young man just a month before. On 17 December 2010 in Sidi Bouzid, a small town in central Tunisia, Mohamed Bouazizi, aged just 24, publicly set himself alight in despair and protest at the misery of his situation. Unable to find work, he had sought to make a living by selling fruit and vegetables from a handcart, but was prevented from doing so by a local official, who also allegedly struck and insulted him. He went to complain about the incident to the Governor of Sidi Bouzid but, according to some sources, the Governor refused to meet him. It was one assault on his dignity too far, so he set himself on fire and set in train a cycle of events that are still unfolding.

Mohamed Bouazizi's act of self-immolation, as a result of which he died on 4 January, struck a nerve within the local community. It unleashed their frustration over the harsh conditions of their lives – the lack of jobs, amenities and other basic services – and their fury over their relentless marginalization into poverty by a government that just did not care. While the protests initially surfaced in central Tunisia and focused on socio-economic demands, they quickly spread to other parts of the country and metamorphosed into demands for freedom and the expression of wider grievances against the authorities, popularly seen as corrupt and responsible for poverty and unemployment. On top of this, the government's heavy-handed response to contain and quell the protests further ignited anger and led directly to a rising tide of calls for President Zine El Abidine Ben Ali to go.

Toppling President Ben Ali, however, was achieved at a heavy price. Scores of people were killed, mostly by security force gunfire, and many others were injured, by live ammunition,

rubber bullets, tear gas or beatings. The current caretaker government says that 78 people died during the protests, with a further 100 injured.¹ Tunisian human rights NGOs say the real death toll was greater and the Office of the UN High Commissioner for Human Rights (OHCHR) has put it at 147 in addition to 72 people who died in prison in incidents linked to the unrest.² Most of the killings and human rights violations during the protests are believed to have been committed by the Public Order Brigade (Brigade de l'Ordre Publique, BOP).

The first day that any protesters are known to have been killed by security forces using live ammunition was 24 December.³ The highest toll of casualties occurred between 8-10 January in the interior of the country, and on 12-13 January in the capital, Tunis, and its suburbs and in coastal areas. Other people were killed in unclear circumstances in the days following Zine El Abidine Ben Ali's flight on 14 January, some apparently by members of the security forces still loyal to their ousted leader.

An Amnesty International fact-finding team in Tunisia from 14 to 23 January 2011 found evidence of excessive use of force by security forces across the country, including lethal force against protesters and others posing no threat to their or others' lives. It found evidence too of systematic abuse by the security forces of demonstrators.

While the Tunisian authorities, like any government, had a responsibility to ensure public safety and maintain law and order, including through the use of force when necessary and justified, it is clear that they went far beyond what is permissible under relevant international law and standards. They used excessive force, including lethal fire, in circumstances where this was unjustifiable and represented a violation of human rights law and standards.

Force may only be used by state security forces in very limited and particular conditions, in response to activities that genuinely threaten lives and public safety. Even then, such force must be governed by the principles of necessity and proportionality as set out in international law and standards. Amnesty International found that security forces in Tunisia policing protests neither respected international standards as set out in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, nor complied with safeguards provided for in Tunisian legislation on the use of force and firearms.

Security forces used tear gas, rubber bullets and live ammunition to disperse crowds during demonstrations. They beat protesters they apprehended with batons and kicked them, including in circumstances suggesting that the protesters could not possibly have posed a serious threat to the security forces.

The security forces used force disproportionately and resorted to firearms when it was not strictly necessary. Even in situations where protesters were behaving violently, for instance throwing rocks and more rarely petrol bombs, the security forces did not use firearms lawfully. They showed a flagrant disregard for human life and did not exercise restraint or seek to minimize injury. Many protesters died as a result of a single shot to the head or chest, suggesting that shots were fired by trained professionals with the intention to kill.

In most cases documented by Amnesty International, security forces fired live ammunition at protesters who did not pose a threat to the lives of the security forces or others. In other cases, security forces shot fleeing protesters and even bystanders.



The absence of evidence that members of security forces were killed or seriously injured during confrontations with protesters reinforces findings that security forces used excessive force and firearms when it was not necessary to preserve life.

Amnesty International is also concerned by reports that security officials at times obstructed the arrival of ambulances or prevented private individuals from helping those injured by continuing to fire shots rather than ensuring that medical assistance was rendered to injured people as quickly as possible.

In waves of arrests during the unrest, about 1,200 individuals had been detained by 22 January, according to a senior official at the Interior Ministry whom Amnesty International met that day. While most were released without charge, as of mid-January, 382 had been referred to the courts on charges of violent conduct, according to officials. Amnesty International is concerned by evidence that those detained have systematically faced beatings and other ill-treatment at the hands of the security forces.

The caretaker government, established in the days following Zine El Abidine Ben Ali's departure, announced that three commissions would be set up. One of them – the Fact-Finding Commission on Abuses Committed in the Last Period – was specifically set up to investigate human rights violations that took place in the context of the anti-government demonstrations, including violations of the right to life and physical integrity.⁴ The Commission is headed by Taoufik Bouderbala, former head of the Tunisian League for Human Rights, a leading human rights NGO. At the time of writing at the end of January 2011, the authorities have not made public the Commission's exact mandate, terms of reference, remit or

Tunisian demonstrators and lawyers chant slogans in front of the Interior Ministry in Habib Bourgiba Avenue in Tunis a day after President Zine El Abidine Ben Ali's last address to the nation on 13 January 2011.



Protesters chant slogans while riot police stand by during a demonstration in downtown Tunis, 17 January 2011.

methodology. It remains unclear whether the Commission will have the power to compel witnesses, including members of the security forces, to testify. It also remains unknown whether the Commission will have access to all necessary documentation and archives, and be tasked with the identification of perpetrators of human rights abuses. Families of those killed have a right to know the truth about the circumstances of the deaths of their loved ones, including information on the individual perpetrators, the official organs responsible, and the chain of command.

Amnesty International calls on the Tunisian authorities to ensure that the investigation into the unrest is independent, transparent, thorough and impartial – and that the Commission's final report is promptly made public. Those identified as responsible for human rights abuses must be brought to justice in fair trials. Families of those unlawfully killed, as well as other victims of excessive use of force or torture and other ill-treatment at the hands of security forces, must be provided with adequate reparation including, but not limited to, financial compensation.

In order to truly break with the legacy of human rights violations and impunity for such crimes, the Tunisian authorities must also introduce comprehensive institutional and legal reforms to guarantee that such abuses will not be repeated.⁵ Only then will Tunisians, particularly families of those killed during the unrest, start to trust public institutions and to heal after decades of abuse.

ABOUT THIS REPORT

The findings in this report are largely based on Amnesty International's visit to Tunisia between 14 and 23 January 2011 to inquire into human rights violations committed in the context of the unrest that began on 17 December. During the visit, Amnesty International delegates went to several cities affected by the unrest, including Bizerte, Hammamet, Kasserine, Regueb, Thala and Tunis. Amnesty International interviewed families of individuals killed in the unrest, people injured during protests, other witnesses, former detainees, lawyers, human rights defenders and trade unionists. Delegates visited hospitals in Kasserine, Regueb, Thala and Tunis and interviewed medical professionals and patients receiving treatment for injuries sustained during the unrest. An Amnesty International delegate also met representatives of the Interior Ministry and briefly spoke to the head of the Commission established to investigate human rights violations committed during the unrest.

Amnesty International is grateful to all those individuals who met its delegates, in particular the families of those killed who shared their stories and grief with the organization. Amnesty International also appreciates the time and assistance provided by Tunisian human rights lawyers and NGOs, including the International Association for the Assistance of Political Prisoners (Association internationale de soutien aux prisonniers politiques, AISPP), the Association against Torture in Tunisia (Association de lutte contre la torture en Tunisie, ALTT), and the Tunisian League for Human Rights (Ligue Tunisienne pour la défense des droits de l'homme, LTDH). Amnesty International is particularly grateful to the human rights NGO Liberty and Equity, which was instrumental in securing the organization's access to families of those killed.

This report does not provide a comprehensive review of human rights violations that took place during the weeks preceding the fall of Zine El Abidine Ben Ali, nor does it address the socio-economic grievances that sparked the protests. The unrest in prisons in Tunisia that led to 72 deaths is also beyond the scope of this report.

The aim of the report is to highlight the pattern of human rights violations committed by security forces when policing demonstrations and detaining protesters and others during the unrest leading to the departure of Zine El Abidine Ben Ali, and in the days immediately after, through documenting emblematic cases in cities across Tunisia, namely Bizerte, Hammamet, Kasserine, Regueb, Thala and Tunis.



© Amnesty International

Smoke seen rising from Tunis
during the unrest in January 2011.

2/THE PROTESTS AND TUNISIA'S OBLIGATIONS

'We want both: the freedom to work and the freedom to speak. Instead, I got beaten.'

Walid Malahi, who suffered a broken leg and was beaten by riot police during a protest in Kasserine on 10 January

The anti-government protests that erupted following the self-immolation of Mohamed Bouazizi on 17 December 2010 did not come out of the blue. Dissatisfaction and anger at the authorities, seen as corrupt and responsible for the widespread poverty, had been visible before on the streets, most notably in January 2008 in Gafsa region. Then, the results of a recruitment competition by the Gafsa Phosphate Company, the region's major employer, triggered a wave of protests because the results were widely seen as fraudulent by candidates and some members of the General Union of Tunisian Workers (Union générale tunisienne du travail, UGTT). The protests, which started in Redeyef, soon spread to other cities and continued sporadically for six months. They drew in a wide range of people disaffected by economic and other social issues. As was the usual pattern, the protests were ruthlessly suppressed, leading to two deaths and many injuries. Hundreds of protesters and people suspected of organizing or supporting the demonstrations were arrested and at least 200 were prosecuted. Some were sentenced to prison terms of up to 10 years, before being pardoned by the President in November 2009.⁶

The messages and lessons of the Gafsa protests went unheeded by the Tunisian authorities. Despite promises that the government would enhance economic development, the region continued to suffer from high levels of unemployment. Many of those pardoned by the President were not reinstated to their jobs but instead faced persistent harassment by police.

The spread of the protests across Tunisia from late 2010 reflected regional disparities in the levels of poverty, unemployment and frustration. Economic development and government efforts to eradicate poverty had improved living standards for some Tunisians,⁷ but the progress has not been evenly spread. The northern and coastal regions as well as Tunisia's tourist destinations have benefited, but the south and rural areas have become further marginalized. Indeed, the centre, west and south have been left far behind in terms of access to basic infrastructure and social services, resulting in higher rates of illiteracy and unemployment. They also lack or have inadequate access to safe drinking water, sewerage and sanitation services, electricity, household equipment and adequate housing.

The resentment felt in such areas contributed to and partly explains the wave of solidarity action that was prompted by Mohamed Bouazizi's act of despair and protest, and by the outpouring of rage in Sidi Bouzid.

At first the security forces did not respond to demonstrations by using lethal force. The turning point came on 24 December, when security forces fired live ammunition at protesters in Manzel Bouzayane, a small town in the province of Sidi Bouzid, killing 18-year-old **Mohamed Ammari** and 44-year-old **Chaouki Belhoussine El Hadri**. Protests spread like wildfire to Tunis; cities in the country's interior, including Kasserine, Thala and Regueb; and coastal areas from the north to the south-east, including Bizerte, Hammamet, Nabeul and Sfax.

After several days of silence, the first official response came on 28 December, when President Zine El Abidine Ben Ali visited the dying Mohamed Bouazizi in hospital and made a statement promising to address some of the protesters' socio-economic demands. However, he also warned that the law would be firmly enforced against the "extremists and agitators".⁸



Left: Tear gas canisters collected in Thala during the unrest in January 2011.



Right: CS gas cartridge at the corner of Carthage Avenue and Oum Kalthoum Street, Tunis, 15 January 2011.

The law he was possibly referring to – Law No.69-4 of 24 January 1969 regulating public meetings, processions, parades, demonstrations and gatherings – stipulates that the authorities must be informed before such an event takes place, which they can then forbid if they deem it likely to disturb the peace. In practice, this meant that anti-government protests were not tolerated under the presidency of Zine El Abidine Ben Ali. In the rare instances when protesters defied the repressive legislation, such as in Gafsa in 2008, they were met with excessive use of force, arbitrary arrests and detention, and unfair trials.

Despite such precedents, protesters ignored the President's ominous warning. Indeed, the protests picked up momentum, particularly after the death of Mohamed Bouazizi on 4 January 2011, and after his funeral the following day. Angry crowds burned several government buildings, including police stations and the headquarters of the ruling political party, the Constitutional Democratic Rally (Rassemblement constitutionnel démocratique, RCD). The authorities responded with a wave of arrests, including of bloggers, and by reinforcing security around areas most affected by protests.

As the wave of solidarity with the people of Sidi Bouzid spread to other regions, lawyers in Tunis sought to organize a nationwide protest on 31 December. Ahead of the planned sit-in, lawyer and human rights defender **Abderraouf Ayadi** was abducted by members of the security forces outside his home on 28 December. He told Amnesty International that they dragged him away, beating him as he resisted, and forced him into an unmarked car. His



Burned police station at Ariana, north of Tunis, January 2011.

22-year-old son, who tried to defend him, was also beaten and lost consciousness. His youngest son, aged 18, was sprayed with tear gas when he too tried to help. Abderraouf Ayadi was driven for about 45 minutes and then taken into a building. There, someone senior to his abductors threatened him with death and made other threats against his family. The next day he was driven home. On the day of the sit-in, security officials prevented him from joining the protest at the court building and threatened him with death. The security forces assaulted other lawyers in several regions following the attempted nationwide sit-in on 31 December. In response, thousands of lawyers went on strike on 6 January 2011.

Information about the unfolding demonstrations and ongoing repression was absent from the national media, most of which is strictly controlled by the government. Several independent journalists were barred from going to Sidi Bouzid to report on the unrest. **Ammar Amroussia**, a political activist and correspondent for the banned newspaper *al-Badil*, was arrested on 29 December for covering the protest in Sidi Bouzid and for calling on people to demonstrate. He was released without charge on 18 January 2011.

The Tunisian authorities also tried to prevent the spread of protests by enforcing a media blackout, blocking websites and closing the email accounts of internet activists.

None of this prevented the protests, which continued to swell and spread. The bloodiest confrontations between security forces and protesters in the interior of the country took place between 8 and 10 January in the provinces of Kasserine and Sidi Bouzid, where at least 25 people were shot dead by security forces – 14 in Kasserine, six in Thala and five in Regueb.⁹

In an effort to quell the unrest, Zine El Abidine Ben Ali addressed the nation on 10 January, acknowledging casualties among demonstrators and making further promises to improve socio-economic conditions. However, he also described protesters as “terrorists” who were being manipulated by outside forces hostile to Tunisian interests.¹⁰ In reaction, protests continued across the country, government buildings were attacked and clashes erupted between protesters and security forces, leading to further casualties.¹¹

The use of lethal force then spread to the north of the country, including Tunis and its suburbs, Bizerte and surrounding regions, Nabeul and surrounding areas where protesters were shot by security forces on 12 and 13 January.

In a final attempt to maintain control, Zine El Abidine Ben Ali replaced the Minister of Interior on 12 January and the following day again addressed the nation. He expressed regret over the deaths and promised an independent investigation into abuses and far-reaching socio-economic reforms. He also announced that he would not stand for election in 2014 and vowed to uphold freedom of expression.¹²

This was too little too late. The following day a vast demonstration in Tunis in front of the Interior Ministry demanded his departure. It was eventually dispersed with tear gas, but hours later news came that Zine El Abidine Ben Ali had fled the country.

In the following days, pillaging, looting and killings continued, including in the suburbs of Tunis. Many people interviewed by Amnesty international, among them residents of affected areas as well as human rights activists and lawyers, blamed forces affiliated with the toppled President for the unrest, in particular for drive-by shootings. The army then moved into several cities to attempt to establish law and order, and protect public institutions. Media broadcasts issued warnings that gatherings of more than three people would not be tolerated, and that anyone breaking the curfew would put themselves at risk of being shot. The official sanctioning of a “shoot on sight” policy appeared to grant the security forces permission to carry out extrajudicial executions.¹³

A state of emergency and a nationwide curfew were announced on 14 January. They remained in force at the time of writing, although the period of curfew had been progressively reduced.

Protests have continued across the country since the departure of Zine El Abidine Ben Ali. This has resulted in the resignation of Mohammed Ghannouchi less than 24 hours after he assumed the presidency on 14 January, the resignation of government ministers from the RCD, and the reshuffling of ministers.

Security forces have continued to use water canon and tear gas to disperse demonstrators. On 28 and 29 January 2011, for example, police beat and kicked protesters when trying to break up a week-long sit-in in Kasbah Square by the parliament building, and assaulted a French photographer documenting such attacks.

The caretaker government and interim President Fouad Mebazaa – the former speaker of parliament – need to demonstrate that they have truly broken with the repressive past by reining in the security forces and instructing them clearly that they may only use lethal force when strictly necessary to protect lives. The caretaker authorities must allow Tunisians to express their opinions and participate in peaceful protests without fear of death or injury or arbitrary arrest.



Army patrolling the streets of
Tunis, January 2011.

LEGAL AND HUMAN RIGHTS FRAMEWORK

States have a duty to uphold the right to freedom of assembly. According to the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party, any restrictions on the right to freedom of assembly must be in accordance with the law and strictly necessary to preserve national security or public safety, public order, public health or morals or protect the rights and freedoms of others.¹⁴ Any such restrictions must be proportionate to a legitimate purpose and without recourse to discrimination, including on grounds of political opinion. Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in accordance with international standards, which prohibit the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty, and permit the use of firearms only when strictly unavoidable in order to protect life.

In policing protests and responding to the unrest that shook Tunisia between late December and mid-January, Tunisian security forces used excessive force, in contravention of international standards, most notably the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Code of Conduct for Law Enforcement Officials, and Tunisia's Law 69-4 of January 1969. The relevant provisions are as follows:

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Principle 3: The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

Principle 5: Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Principle 9: Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Principle 10: In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

The Code of Conduct for Law Enforcement Officials

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

- (c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Tunisia's Law 69-4 of January 1969

Article 18: Before dispersing protesters, law enforcement officials are required to issue two clear audible or visible warnings.

Article 19: Prior to the use of firearms, law enforcement officials are required to repeat their second warning twice.

Articles 20 and 21: Law enforcement officials may use firearms when it is strictly necessary and proportionate to the achievement of a legitimate objective as stipulated by the Law. In the framework of policing demonstrations, law enforcement officials are permitted to use firearms should protesters not heed warnings to disperse, but only after other non-lethal means such as water cannons and tear gas are exhausted. Shots must first be fired in the air, then over the protesters' heads and finally in the direction of their legs.

The cases highlighted below and other evidence show that on many occasions the Tunisian security forces breached these laws and standards and used excessive force, in some cases leading to deaths. They also violated the right to life as enshrined in Article 6 of the ICCPR. The UN Human Rights Committee, in its General Comment No. 6, noted that the right to life is non-derogable even in cases of "public emergencies". The Committee added: "States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also prevent arbitrary killings by their own security forces." The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is also non-derogable.

Under international law, governments also have an obligation to provide victims of human rights abuses with an effective remedy.¹⁵ This obligation includes three elements: **truth** – establishing the facts about violations of human rights; **justice** – investigating past violations and, if enough admissible evidence is gathered, prosecuting the suspected perpetrators; and **reparation** – providing full and effective reparation to the victims and their families, in its five forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.¹⁶

The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law¹⁷

Principle 7: Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; and (c) Access to relevant information concerning violations and reparation mechanisms.

Such laws and standards must guide the interim government – and future governments – in Tunisia as they steer the country towards a future in which the human rights of all people in Tunisia, whether it be their civil and political rights, or their social and economic rights, are respected.



© AFP/Getty Images

Funeral in Thala on 9 January 2011 of people killed in the unrest.

3/KILLINGS AND INJURIES OF PROTESTERS

‘Such atrocities cannot go unpunished.’

Abdelkarim Hajji, 45-year-old father of four and teacher at the secondary school of Regueb, who was injured by a live bullet fired during the funeral of a young man killed by security forces during protests in Regueb

As the protests spread and intensified across Tunisia, the security forces increasingly resorted to violent means to disperse crowds and intimidate protesters. This chapter looks at the unrest in various places in chronological order of fatalities, namely Thala, Regueb, Kasserine, Tunis, Hammamet and Bizerte.

THALA

The small city of Thala is in the province of Kasserine, central Tunisia, one of the least developed and poorest regions in the country. When Amnesty International visited the town on 19 January, residents complained about economic marginalization and the lack of job opportunities, even for university graduates.

Residents said that demonstrations began in their city in late December by unemployed youth, initially in solidarity with the protesters of Sidi Bouzid but also to raise their socio-economic demands. Political undertones were evident from the start, with protesters chanting “Employment is a right, oh gang of thieves” in clear reference to government corruption.

From 3 January, protests grew in size as students returned to school after the winter break. They also became more politicized, with slogans such as “Free [Sidi] Bouzid, Ben Ali out”. Participants said that while in general protests were peaceful during the day, violent confrontations broke out between young male protesters and security forces during evening protests.

According to individuals interviewed in Thala, protests turned violent around 5-6 January, particularly after the intervention of riot police, allegedly the BOP brought in from outside Thala. These police started to use tear gas, rubber bullets and, from 8 January, live ammunition against protesters. Several buildings associated with repression, such as the premises of the ruling RCD and police stations, were burned by protesters.

At least six people were killed by live ammunition in Thala in the context of the unrest: five on 8 January and one on 12 January. More were injured, but the exact numbers are difficult to ascertain as some of those seriously injured were transferred to hospitals outside of Thala. According to a doctor in Thala hospital, 51 people were also injured between 3 and 7 January, both protesters and security forces – most sustaining minor wounds. He said that 16 protesters were admitted to the hospital on 8 January and in the early hours of 9 January with gun-related injuries, five of them fatal. Two more were brought in on 12 January, including **Wajdi Saihi** who died of his wounds.

Nineteen-year-old student **Marwan Jamali** was shot dead at about 8pm on 8 January near the main street in Thala, Habib Bourguiba Avenue. According to his father, Marwan joined the protests because he had experienced injustice. His friend Bilal Saihi, who witnessed the shooting of Marwan, told Amnesty International that Marwan had not been engaged in any violent behaviour when two bullets were fired at him: one hit him in the chest, the other in the back. Bilal Saihi said that members of the BOP, positioned in the street and on the roofs of nearby buildings, had attempted to disperse protesters by throwing tear gas grenades at them, but then started firing live ammunition without warning – verbal or otherwise.

Makram Hassnaoui, aged 29, also witnessed the killing of Marwan Jamali and was himself injured that evening. He told Amnesty International that protesters only resorted to throwing rocks at the security forces after tear gas was used against them. He said that youths had gathered there to “demand their rights”. Makram was hit by two bullets, one grazing his right leg and the other going through his thigh. He said that a security officer in riot gear shot him from a distance of around 5 metres without issuing any warning.

Ghassan Chaniti, a 19-year-old seasonal worker, was also killed on 8 January. His father told Amnesty International: “My son worked and got paid about 150 dinars a month [70 euros] to help out the whole family. He went to participate in the protest... Our income is not enough to feed the family.” Ghassan was shot in the back at about 9.25pm in the centre of town as he was fleeing the area, according to youths who were with him. A doctor who examined his body in Kasserine Hospital confirmed that he had been shot from behind.

Another young man killed on the evening of 8 January was 17-year-old **Yassine Rtibi**, who despite his age was providing for his family, including six siblings, by doing odd jobs. His father, Hammadi Rtibi, told Amnesty International that Yassine joined the “protests from the beginning of the movement because of poverty and our desperate situation”. According to the family, four bullets hit him, including one to the chest that killed him.

All three families expressed to Amnesty International their desire for justice and for the perpetrators – both those who fired the bullets and those who gave the order – to be punished. They said they would file official complaints with the judicial authorities asking for investigations to be opened.

The three families also complained about the behaviour of the security forces during the funerals, held the next day on 9 January. The funerals, attended by hundreds of people, turned into protests with participants shouting “God is Great. God loves martyrs”, in reference to the young men killed. When the funeral procession attempted to leave the main mosque in the centre of town heading towards the cemetery, security forces fired tear gas at it to disperse the crowd.



Security forces across the country used tear gas, rubber bullets and live ammunition against protesters. In Regueb, *pictured left*, five people were killed by gunfire.

In other protests in the city, security forces not only used live ammunition when it was not strictly necessary to save lives, but also beat protesters, including minors. For instance, on 4 January, security forces prevented students from the local college in Thala from protesting outside their school. According to a teacher present at the time, security forces closed the gates of the school and beat the 15-year-old children over a period of around two hours. They also fired tear gas at the students. An ambulance driver, who was trying to reach the school to provide medical assistance to the children, told Amnesty International that security forces stopped him from passing through the school gates, a further violation of the rights of these children.

Several residents of Thala also said that security forces fired tear gas into residential areas, including into their homes, during protests. International standards make clear that incapacitating weapons such as tear gas must only be used in ways that minimize the risk to bystanders. One victim, Fatoum Rtibi, a 55-year-old woman who lives near the centre of Thala, told Amnesty International that during the unrest three tear gas canisters came into her house. Her neighbours had similar experiences.

REGUEB

Anti-government protests in Regueb, a small town in the province of Sidi Bouzid, started in late December. Residents told Amnesty International that the first protests were peaceful and that local law enforcement officials, including police and plain-clothed security agents, merely observed the protests without intervening. The situation changed with the arrival of riot police,

allegedly the BOP, on about 25 December, who used tear gas to disperse protesters – mostly students and unemployed youths. In response, protesters threw rocks at them and clashes broke out with security forces. On 31 December, young protesters also allegedly burned the facade of a bank and a local court.

Tensions escalated on the afternoon of 7 January when security forces and young protesters clashed in the centre of town, near the police station, the headquarters of the National Guard and the building of the Mou'tamadiya (delegation), the representative of the governorate at the local level. A tear gas canister was thrown into the main mosque near the confrontations apparently to disperse those attending Friday prayer before they had the opportunity to join the protests outside. When Amnesty International visited the mosque on 21 January, the imam showed delegates the window broken by the canister and said that the suffocating effects of the tear gas caused a near stampede as people tried to flee.

Lethal force was first used against protesters in Regueb on 9 January. A large crowd of men, women and children had gathered in front of the Mou'tamadiya building demanding the departure of the BOP and threatening a general strike. Protesters were chanting: "No studying, no teaching until the police leave". According to testimonies gathered by Amnesty International, the demonstration was sparked by an incident earlier that morning when a member of the BOP insulted and hit a 40-year-old man delivering milk to the town.

Participants in the protests that day told Amnesty International that while a trade union member was trying to negotiate with the security forces, tear gas was thrown into the crowd. Most of the older men and women fled, but a number of youths remained and engaged in a violent confrontation with the riot police, who were deployed in the main streets and on top of buildings. The confrontation lasted from about 11am to 2pm. Eyewitnesses said that the riot police started firing rubber bullets and then immediately afterwards live ammunition, in both cases without warning.

A total of five people were shot dead that day: Manal Boualagi and Raouf Kadous at around 1pm; Mohamed Omran Jabali during the procession bringing Raouf Kadous' body from the hospital; and Mouez Omar Khalifi and Nizar Ibrahim Slimi at around 4pm during confrontations with security forces.

According to a doctor working in the emergency room on 9 January, 16 injured protesters were brought to the hospital, including five people shot by live ammunition and two hit by rubber bullets. The doctor noted that throughout the period of unrest, only one member of the security forces was admitted to the hospital for treatment – for cuts caused by glass thrown in his face by protesters. The doctor said that the injuries to the protesters who were shot led him to believe that the bullets had been fired by professionals, possibly snipers, including from the top of buildings as the exit wounds were lower than the entry points.

One of the victims, 26-year-old **Manal Boualagi**, was not involved in the protests. According to the doctor, she was killed by a single bullet to the chest fired from above. Amnesty International visited the home of Chadia, Manal's mother, in the neighbourhood of Istiqlal. Chadia said that her daughter had visited her in the early afternoon on 9 January. Shortly after Manal left to tend to her children, six-year-old Chadia and three-year-old Eyad, her mother heard shots outside. She could not leave as members of the security forces were stationed outside her house, shots were being fired and tear gas was filling the street. A female relative who was walking with Manal when she was shot told Amnesty International:

“We were just walking and talking, in a rush to reach Manal’s house where her children were. Suddenly, she screamed and fell to the ground.” Manal was rushed to the hospital in Regueb, where a doctor ordered her transfer to the better-equipped hospital in Sfax. She died on the way. Her mother told Amnesty International: “There are now two little kids left behind, deprived of their mother’s affection. We were both living below zero [in sub-standard conditions]. All I want is for the two little ones to live a better life, with some dignity.” Manal’s husband and father of her children is unemployed. Chadia told Amnesty International that she wants to see the perpetrators of her daughter’s killing brought to justice.

Amnesty International also interviewed the families of two other people killed during the protests – **Mouez Omar Khalifi**, a 25-year-old man who worked at a petrol station; and 22-year-old **Nizar Ibrahim Slimi**, who did seasonal work when available. Despite their limited incomes, both were the main providers for their families.

The two men were killed in the centre of town. According to an eyewitness, Nizar was shot in the chest by a sniper positioned on top of a telephone tower. Mouez also died as a result of a single shot to the chest, according to the doctor on emergency duty that night. Both families want justice, including for those who ordered the shooting to be held to account, and to receive adequate financial compensation for their loss.

Mohamed Omran Jabali, married with one child, died after being hit by a bullet in his waist during the procession of Raouf Kadous’ funeral. According to eyewitnesses, Ayman Akriti, Lotfi Akrami and Abdelkarim Hajji, who participated in Raouf Kadous’ funeral procession, the gathering was peaceful. They said that despite this, members of the BOP started firing tear gas at them, and soon after started shooting at them without warning. Mohamed Jabali, who was walking near the front of the procession, was killed and several others were injured. Abdelkarim Hajji, a teacher and father of four, was hit by a live bullet in his right thigh when he was trying to leave the march. Similarly, Lotfi Akrami was hit in the shoulder from behind when he was fleeing.



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Top: The mother of Manal Boualagi, holding a picture of her daughter who was shot dead on 9 January in Regueb.

Below: Family of Nizar Ibrahim Slimi, who was shot dead on 9 January in Regueb.

Right: Chadi Adibi, recovering at his home after he was shot in the leg during protests in Regueb on 9 January.

Below: Family of Ramzi Habib Houssein who was shot on 8 January and died of his wounds.



Chadi Abidi, a 20-year-old man who was shot in his leg on 9 January during protests in Regueb, told Amnesty International: "I, like all the others, participated in the demonstrations against repressive rulers. I wanted to express my opinion. We are marginalized compared to the coastal areas. We want life opportunities like others."

KASSERINE

Kasserine, the capital of the central Tunisian province of the same name, had one of the heaviest death tolls during the unrest in the weeks preceding Zine El Abidine Ben Ali's departure. It is also one of the poorest regions in Tunisia, with one of the highest unemployment rates.

Anti-government protests began in Kasserine from late December and at first passed off peacefully. After riot police arrived in early January, tear gas and rubber bullets were used to disperse protesters. The size of protests grew, and on 7 January violence by the security forces and protesters escalated, reportedly sparked by news that a young man from the Salam neighbourhood in Kasserine had tried to commit suicide by setting himself on fire. According to Kasserine Hospital staff, his desperate act and subsequent death sparked angry protests, particularly in the Nour neighbourhood of Kasserine, where the premises of the RCD were burned and the windows of two banks were broken.

According to the chief of forensic medicine in Kasserine, the first casualties of lethal shooting by security forces arrived at the hospital on 9 January. Hospital records show that **Mohamed Amin Mbarki** (see below) and **Saber Rtibi** were killed by live ammunition that day. A further 10 people died as a result of shooting on 10 January. Amnesty International believes that the total death toll was higher as a number of seriously injured people were transferred to hospitals outside of Kasserine.

Amnesty International visited the family home of **Ramzi Habib Houssein**, a 28-year-old man who was shot on 8 January and whose name was not included in hospital records in Kasserine. He was the sole breadwinner in his household, which included his aunt who raised him, and his younger siblings. According to an eyewitness, Ramzi was with some 20 other youths in the Nour neighbourhood close to the municipality building. The witness said that members of the BOP fired



tear gas at them, and that some of the youths reacted by throwing petrol bombs and rocks at the security forces. Shots were fired and most of the protesters dispersed. However, according to the witness, members of the BOP apprehended Ramzi and started beating him with batons on his back and neck as he was prone on his front on the ground. Family members who saw Ramzi's body confirmed that his shoulders were covered in wounds, corroborating the testimony that he was beaten before being shot. The eyewitness continued: "One of the BOP shot Ramzi at close range. I could see it from across the street". Ramzi was transferred to the Sousse Hospital, where he died.

Even though confrontations between protesters and security forces had been violent, the use of firearms against an apprehended protester, who clearly no longer presented a threat to the security forces, was not legitimate and constitutes a violation to the right of life. Ramzi's family told Amnesty International that they are asking that the authorities conduct a full investigation into his killing, bring the perpetrators to justice and provide Ramzi's family with adequate compensation.

Several men were shot dead at the funeral of another victim, **Mohamed Amin Mbarki**, who died after being hit in the face by live ammunition, according to the forensic doctor who examined his body on 9 January. On 10 January, when his funeral procession was heading to the cemetery, violence erupted near the police station in the Zouhour neighbourhood.

Amnesty International delegates met the family of **Issa Gdiri**, a 27-year-old man who was the only breadwinner for his family, which includes seven siblings. He was shot during Mohamed Amin Mbarki's funeral at about 12.30pm. As confirmed by the forensic doctor who examined him, he was shot in the back of the head. According to eyewitnesses, he was trying to help another victim of the shooting at the funeral, **Ahmed Jabbari**, when he was fatally wounded. They said that the bullet was fired from the roof of a house near the police station.

Walid Saadaoui, aged 28, was also fatally wounded in the early afternoon of 10 January in the Zouhour neighbourhood during the funeral procession for Mohamed Amin Mbarki. He was standing with a group of other youths, including his brother Anouar Sadat, protesting against government corruption, when members of the riot police started throwing tear gas. When the crowd did not disperse and some youths retaliated with rock-throwing, security forces fired live ammunition. A bullet hit Walid in the waist. His family took him to



Above: Family hold a picture of Issa Gdiri, who was shot dead on 9 January at a funeral of another victim of the unrest.

Left: Body of Walid Saadaoui, who died in Kasserine Hospital on 10 January after being shot during a funeral earlier that day for another victim of the unrest.



Kasserine Hospital, but he died shortly after. His relatives are not only demanding justice and reparation for the killing, but also want the Tunisian authorities to address the issue that motivated Walid to protest, namely unemployment.

Amnesty International interviewed the family of 21-year-old **Mohamed Nasri**, who was also killed on the afternoon of 10 January. According to his relatives, while Mohamed Amin Mbarki's funeral was happening, Mohamed Nasri was going home to the Zouhour neighbourhood from work when he was shot in the stomach. According to eyewitnesses, his friend **Mohamed Khadraoui** rushed to help him, but was shot in the forehead. The forensic doctor at Kasserine Hospital, who examined both bodies, confirmed that they arrived at the hospital at around the same time in the afternoon of 10 January. Mohamed Nasri's family said that they received a call from the Minister of Health offering his condolences, but that they will not be satisfied until the government officially recognizes the killings in Kasserine, offers families financial compensation, provides job opportunities and guarantees social justice by ending nepotism and corruption.

Another man killed during the afternoon of 10 January was 61-year-old **Ahmed Jabbari**, who was hit in the chest by a bullet. According to his family, he was not participating in the protests, but was on his way to the mosque across the street to pray. Before leaving, he had warned his sister not to leave the house due to disturbances. His family is asking for justice and reparation for his death, and for better job opportunities and the eradication of corruption for all Tunisians.

Other bystanders paid a heavy price for being outside during protests and confrontations between protesters and security forces. Khames Karmazi, his wife and their seven-month-old daughter Yakin were on their way home after visiting their in-laws in the Nour neighbourhood. When they were near the municipality building, the scene of protests and confrontations between security forces and youths, the family was exposed to tear gas. That night, Yakin had trouble sleeping and cried a lot, so the next morning her family rushed her to the emergency unit at Kasserine Hospital. She died at about 2pm that afternoon. A medical certificate signed by the hospital's chief paediatrician confirmed that Yakin died as a result of "exposure to very toxic tear gas". Her father told Amnesty International: "She was my only child. We have been trying to have children for five years... I want to know why this happened. Who is responsible?"

Three of Rayed Saihi's fingers were broken when security forces beat him on 10 January.



Scores of protesters were injured in the unrest by bullets or during beatings by security forces. **Rayed Saihi**, a 23-year-old student whom Amnesty International interviewed in Kasserine Hospital, said that three of his fingers were broken when security forces beat him during a funeral procession in the Nour neighbourhood on 10 January. He said that security forces used tear gas to disperse the massive turnout for the procession, and then beat anyone who did not disperse.

Walid Malahi, who shared Rayed Saihi's hospital room, told Amnesty International that his leg was broken during a protest in the Zouhour neighbourhood on 10 January. He said that after security forces threw tear gas to disperse the crowd, he tried to flee but was hit from behind by a vehicle used by riot police. He said that members of the BOP beat him with batons all over his body, including his injured leg. He lost consciousness and only woke up in Kasserine Hospital.

He told Amnesty International: “I participated in the protests because of our difficult living conditions, particularly unemployment. We were hoping for democracy in our country.”

TUNIS

After the bloody weekend of 8-10 January in the interior of the country, protests involving the burning of public buildings, looting and confrontations between security forces and protesters spread to the capital. Tens of people were killed and more were injured.

The director of Charles Nicolle Hospital in Tunis told Amnesty International on 17 January that since the onset of the protests in the capital and its suburbs, the hospital had received 28 bodies of protesters who died from gunshot wounds, and over 100 people injured during the unrest, including 30 hit by live ammunition. He said the hospital had the only forensic medicine department in Tunis. Outside the hospital morgue, where coffins were lined up, a list was posted with 17 names of people who died on 15 and 16 January, according to the doctor on duty. Amnesty International believes that the total number of fatalities during the protests in Tunis was more than 28 as some families interviewed said they did not take the bodies of their killed relatives to Charles Nicolle Hospital.

To the best of Amnesty International’s knowledge, the majority of deaths in greater Tunis took place between 12 and 16 January in working class neighbourhoods such as Tadamoun, Sijoumi and Mallassine. Residents of these neighbourhoods described their difficult living conditions and their daily struggle to survive in the face of unemployment, poor housing, poverty, lack of education opportunities and the rising cost of living.

**Family of Malek Habbachi,
January 2011.**

In the Tadamoun neighbourhood, one of the largest and poorest suburbs of Tunis, Amnesty International spoke to four families who had lost loved ones during the unrest. Eyewitnesses said that protests in the area escalated on 12 January, and further violence broke out the next day, particularly after Zine El Abidine Ben Ali’s last address to the nation. Thousands of people took to the streets calling for the end of his rule, chanting slogans such as “Bread and water, and no Ben Ali”. Security forces, including riot police, fired tear gas and live ammunition at the protesters, some of whom were throwing rocks at security forces.

Twenty-four-year-old **Malek Habbachi**, who had recently become engaged to be married, was killed by a single bullet to his neck on the evening of 12 January. He joined the protests with his older brother Youssri to call for better life opportunities. Their father said: “My sons did their duty. All Tunisian people refuse to accept their living conditions. Malek was fighting against corruption”.



According to eyewitnesses, Malek was shot by a sniper wearing riot gear while he was protesting on Bi'a Street, close to the municipality building, along with other young people from the neighbourhood. The witnesses said that three other men from the Tadamoun neighbourhood were killed that evening, and others injured. When Malek was shot, his brother Youssef tried to carry him home, but he was attacked by riot police who hit him with batons on his head, back and legs. When Amnesty International delegates met Youssef on 17 January, he was still bedridden and could not speak, barely communicating in nods. The Habbachi family expressed their determination to obtain justice. Malek's sister, who is studying law, said: "We want justice. They took away his life prematurely. Some people are living in palaces, while others are struggling to survive. Enough fear!"



Family of Majdi Monstri, a bystander shot dead on 13 January in Tunis.

Amnesty International also interviewed the family of **Majdi Monstri**, who was shot while he was on Taib Mhiri Avenue in the Tadamoun neighbourhood at about 7.30pm on 13 January. Eyewitnesses told Amnesty International that he had not been participating in protests, but was merely going home, a few metres from where he was shot. An eyewitness said that a member of the National Guard, recognized by people in the neighbourhood, shouted at Majdi ordering him to stop. Majdi complied, raising his hands to show that he was not armed. He was nonetheless shot in the chest. His father told Amnesty International: "I am asking for justice. I want the person who fired the bullet, as well as the person who gave the order, and anyone else who participated in the crime to be held accountable."

Amnesty International met another family whose son was shot in the chest on 13 January in the Jomhuriya area of the Tadamoun neighbourhood. A sister of 36-year-old **Hisham Moumni** told Amnesty International that he had called the family at about 2.30pm to say that he was about to come home, but he never arrived. His family then had the grim task of collecting his body from Charles Nicolle Hospital morgue. They are asking for a transparent investigation into the circumstances of his death and for those responsible to be brought to justice.

Amnesty International also spoke to Mansour al-'Iari whose 21-year-old son **Thabet Iyari** was shot dead on the afternoon of 13 January in the Jomhuriya area of the Tadamoun neighbourhood. At the time, riot police were trying to disperse protesters by using tear gas and live ammunition. According to eyewitnesses, Thabet was shot by a sniper positioned on top of

the local police station. His father told Amnesty International: “Nothing will bring back my son. Nonetheless, there must be an investigation into who killed him and who gave the order to kill him.”

Police also used lethal force during protests in the neighbourhood of Sijoumi, another working class suburb of Tunis. On the evening of 13 January, at least two young men, 24-year-old **Walid Hafid Gamai**, and 22-year-old **Mahdi Laouni**, were killed by gunfire. Walid Hafid’s mother, a widow, told Amnesty International that she is not sure how she will cope without her oldest son, who had been taking care of the family. Eyewitnesses told Amnesty International that Walid Hafid, who was not participating in protests, was shot by a sniper positioned some 100 metres away on the roof of a building across the road. They said that the sniper was a known member of the security forces serving in the local Sidi Houssein police station. Several witnesses confirmed that Walid Hafid was shot from behind in his back – strongly suggesting that he was not posing a danger to the lives of security forces. Other witnesses said that Mahdi Laouni, who was unemployed, was also shot from behind, and that the bullet hit his kidney. Relatives who washed his body in preparation for the burial told Amnesty International that his body was covered with bruises on his arms and side, suggesting that he was beaten before being shot.

On 14 January, 32-year-old French-German dual national photographer **Lucas Mebrouk Dolega**, who was working for the Paris-based European Pressphoto Agency (EPA), was covering protests outside the Interior Ministry in central Tunis. At around 2pm he was hit in the face by a tear gas canister fired at point-blank range by a police officer, according to reports. He was rushed to hospital and operated on, but died on 17 January. Horacio Villalobos, EPA’s Paris bureau chief, said: “If a police officer shoots a tear gas canister, such as in this case, less than five metres away, aiming for the head, it’s with the goal of injuring someone, if not killing him.”¹⁸ It is not clear whether an investigation into the death has been initiated.

As happened in Thala and Kasserine, funeral processions in Tunis for people killed during the unrest turned into anti-government protests and were violently dispersed by security forces. **Walid Sabai**, who sustained a minor injury on 14 January during Mahdi Laouni’s funeral, told Amnesty International that security forces fired tear gas at the mourners and hit several of them with batons. He told Amnesty International that he heard several shots being fired, but did not know if anyone was killed.

Amnesty International documented the cases of several people injured by live ammunition who were not involved in the protests. **Regueb Hamchi**, for instance, told Amnesty International that he was standing on the porch of his house with his wife on 14 January, when they were hit by a bullet fired by members of the BOP who were chasing youths. The bullet grazed his right thigh before hitting his wife’s thigh, causing her serious injury. She was still in hospital when Amnesty International interviewed Regueb on 17 January. Regueb said that members of the BOP gave no warning before shooting, even though they were entering a residential area.

After the departure of Zine El Abidine Ben Ali, further violence and shootings took place in Tunis and its outskirts, the circumstances of which remain unclear. Residents of affected areas, including Khadra and Mallassine neighbourhoods, said that the violence was propagated by elements within security forces loyal to the toppled President in order to instil fear and a sense of insecurity. This could not be confirmed.

In Mallassine, a 23-year-old law student, **Marwa Amina**, was killed apparently by a stray bullet on 15 January at about 8.30pm. She was at home when the bullet flew through her window on the second floor, hitting her in the right eye. According to a doctor in Charles Nicolle Hospital, her skull fractured on impact and she died instantaneously.



The body of Elyas Krir, who was shot in the back of the head on 16 January in Khadra neighbourhood in Tunis while trying to protect residents from looting.

A few hours later, at about 1.25am on 16 January, 32-year-old **Elyas Krir** was shot in the back of the head by an unidentified man. At the time of his death, he was patrolling the Khadra neighbourhood along with around 50 other men to stop vandalism and pillaging, which had become rampant around that time. According to eyewitnesses, a black car drove past the group, then a man got out and fired several shots without warning. Elyas was carried to the clinic across the road, but he died on the way. Residents of Khadra neighbourhood who had gathered at his house

to give their condolences told Amnesty International that the black car was following two other vehicles, which were later seen in front of the offices of the security services of Khadra neighbourhood, adding to their suspicion that the perpetrators were linked to the security forces.

The same night another young man, **Kamel Razak**, was shot in his shoulder with live ammunition in the Khadra neighbourhood. His mother told Amnesty International that she went outside to look for her son having heard shots, and was herself injured in the right wrist by a live bullet. She showed Amnesty International her bandaged hand, lamenting that she received 16 stitches at the hospital.

Full, impartial and independent investigations must be conducted to elucidate the circumstances of all of the shootings by unidentified assailants.

HAMMAMET

The coastal town of Hammamet, a tourist centre, was not left untouched by the protests and witnessed one fatal shooting.

Local union leader and member of the Tunisian League for Human Rights, Kamel Masaoud, told Amnesty International that a large march took place in Hammamet on 12 January. He said that it started peacefully, with protesters calling for economic and political changes. When the march reached the police station near Hadi Chaker Street, however, security forces started using tear gas. The trade unionists lost control of the march as chaos ensued, and some young people started throwing rocks at the security forces. In response, security forces used live ammunition without warning, killing **Zoheir Souissi**, deputy manager of a prestigious hotel in Hammamet.

According to his brother Anouar, also a member of the Tunisian League for Human Rights, Zoheir came upon the demonstration on his way home from work, and was still wearing his work uniform. They marched peacefully together, but lost sight of each other after tear gas spread over the crowd. The family rushed Zoheir, who was hit in the neck, to the poorly

equipped local hospital, after a private clinic known as the “violettes clinic” allegedly refused to treat him. He was then transferred to the Maamouri Hospital, but it was too late to save his life.

His wife, the mother of their 17-year-old son and 11-year-old daughter, told Amnesty International that while nothing will bring Zoheir back, she would like to see justice run its course against those who fired the shots and those who gave the orders to fire on protesters. The family intends to file an official complaint with the General Prosecution.

After the 12 January demonstration, protests spread to surrounding areas, including Nabeul, where two people were shot dead by security forces.



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BIZERTE

At least three people were killed during protests in the northern town of Bizerte, according to information available to Amnesty International.

The family of **Iskander Rahali**, who was shot in the back of the head on 13 January at about 8pm, met Amnesty International on 23 January. According to his brother Omar, who was with him at the time of the shooting, the two had joined a group of young people protesting against unemployment and corruption. When the protesters reached the police station in Hached neighbourhood they decided to break in, allegedly under the impression that the post was abandoned. Omar said: “When the door opened, the electricity came on. We started to flee but we were shot at, even though no warning was uttered... Iskander received a bullet in the back of the head. He was trying to flee.” Two others were injured. A death certificate seen by Amnesty International confirmed that Iskander was shot in the back of the head. The family lodged a complaint with the General Prosecution.

The wife of Zoheir Souissi, showing Amnesty International delegates a picture of her husband; he was shot dead during a protest.



© EPA/Lucas Dolega

A demonstrator being beaten by police during a protest in Tunis on 14 January 2011.

4/TORTURE AND OTHER ILL-TREATMENT

‘Riot police beat me with batons and kicked me in the street.’

Abdelhafid Arbaoui

Thousands of people were arrested by security forces during the unrest, according to representatives of the Ministry of Interior. Those making the arrests included riot police and security agents in plain clothes. Some people were arrested during protests on suspicion of participating in violent acts or for no apparent reason. Some were arrested at their homes without the presentation of arrest warrants. Some, including bloggers, union leaders and political figures, appear to have been arrested because of their perceived role in the anti-government movement, rather than because of their direct participation in the protests.

There were persistent reports that those arrested were tortured or otherwise ill-treated. Most frequently, detainees were beaten with batons or kicked by members of the security forces during arrest or in detention. Some were also forced to remain in contorted or uncomfortable positions for long periods. Such treatment appeared to be aimed at deterring protesters from taking part in further action, or to punish them for participating in anti-government protests. In some instances, torture or other ill-treatment were used to extract information about perceived organizers or forces behind the protests.

Amnesty International documented cases in most cities visited by its fact-finding delegation. Some of those interviewed said they had been so badly beaten that they had suffered fractured limbs, had open wounds or had lost consciousness. Amnesty International concluded that torture and other ill-treatment appeared to be widespread and systematic across the country.

Saifallah Slimi told Amnesty International that he was arrested on Bi'a Street in Regueb along with a friend on 9 January during a protest. Members of the security forces hit them both with batons on the head, arms and stomach. The beatings lasted about 10 minutes before they were forced into a car and taken to a local police station. Saifallah Slimi said that there were about 70 or 80 young people detained at the police station at the time, all of whom had been beaten by security forces. He was released at about 8pm without charge, but threatened with



© EPA/Lucas Dolega



A photograph dated 14 January 2011 and taken by the European Pressphoto Agency (EPA) photographer Lucas Dolega shows police officers clashing with demonstrators during a protest in Tunis. The image was transmitted by a colleague the following day, 15 January, after Lucas Dolega was hit by a tear gas grenade and rushed to a hospital in Tunis with severe head injuries. Lucas Dolega, who had been working for the EPA's office in Paris, France, since April 2006, died of his injuries on 17 January 2011 at the age of 32.

further reprisals should he participate in protests. A doctor in Regueb Hospital, who was manning the emergency room there on 9 January, confirmed that Saifallah Slimi was admitted at about 8.30pm with severe bruises on his face and hands. He said that another young man was admitted to the hospital around the same time with internal bleeding as a result of beatings. The young man had told him that he was beaten by members of the security forces, including by beating him with an anti-riot helmet.

Amnesty International also met **Hachemi Okrati** in Regueb, who said he had been arrested during the evening of 8 January by members of the security forces at the Arab Maghreb Café along with seven other men. He said that the security officials did not explain the reasons for the arrests and did not interrogate them; they simply took them to the local police station where they beat them with batons. That same night, security officials drove him about a kilometre out of the city and dumped him on the side of the road. His money and mobile phone were confiscated.

Police brutality was also reported in Thala. **Abdelhafid Arbaoui**, a 40-year-old unemployed graduate, was apprehended by riot police on 10 January in Thala during an anti-government protest. He told Amnesty International that he was beaten with batons and kicked in the street. He was then dragged by his feet for around 50 metres to the local police station, where members of the security forces continued beating him, particularly on his head and face. As a result, his front tooth was broken. He was kept in a tiny cell with 23 other people, whose ages ranged from about 12 to 70. The lack of space meant that the detainees could not sleep or even sit on the floor. Abdelhafid Arbaoui was kept there for three days without food. His belongings, including his money, shoes and mobile phone, were confiscated during arrest and were not returned when he was released without charge. A medical certificate by a doctor in Thala Hospital confirmed that Abdelhafid Arbaoui had been violently attacked and recommended that he rest for 25 days.

A 21-year-old man who wished to remain anonymous told Amnesty International that he was arrested in Tunis on 14 January following the break up of the massive protest in front of the Interior Ministry building. He was detained in the Ministry with 30 others, including 10 young women. He told Amnesty International that security forces beat him with batons all over his body. He said that the others, including the young women, were also beaten and verbally abused. He was eventually released without charge, but was warned not to take part in protests. Zine El Abidine Ben Ali had by this time fled the country.

Another man from Tunis, **Badreddine Nasser Hachem**, told Amnesty International that he was arrested with three others on 15 January by local police in the Tadhroun neighbourhood and accused of having participated in the previous night's looting. They were beaten with batons all over their bodies for about two hours and insulted. They were then transferred to another detention centre some 20 kilometres away, where they remained handcuffed throughout their detention. They were released the following day without charge.

Attia Athmouni, the official spokesperson for the committee of solidarity with the families of Sidi Bouzid and one of the main organizers of the anti-government rallies in the town, was arrested on 28 December from his home by security forces in plain clothes who neither presented an arrest warrant nor allowed him to inform his wife that he was being taken away for questioning. Security forces told him that the interrogation would last about 15 minutes. However, he was driven to Tunis for questioning, where he spent the night, and then taken to Sfax for further questioning. He told Amnesty International that during his first 24 hours of

detention, he was beaten; denied sleep, food and water; made to kneel facing a wall for several hours, and forced to kneel while holding a chair upright. He was questioned about his role in the protests and about the participation of other key figures. He was eventually released on 31 December, but placed under a control order.

Hamma Hammami and **Mohamed Mzem** were arrested on the morning of 12 January at Hamma Hammami's home in Tunis by over 20 security officers. The two men were detained incommunicado at the Ministry of Interior until the afternoon of 14 January, when they were released without charge. Hamma Hammami's arrest is believed to have been linked to his speaking to international media outlets about the views of the Tunisian Workers' Communist Party regarding the protests that began in December 2010. He said that throughout his detention he was kept in handcuffs.

During the period of unrest, Amnesty International received information of one death in custody in suspicious circumstances,¹⁹ possibly as a result of torture or other ill-treatment and/or the intentional denial of necessary medication. **Bachir Gharbi** was arrested on 7 January on charges of theft and detained in Bizerte prison. His family told Amnesty International that his brother, Hassan, last visited him on 11 January when he had taken him insulin as he was diabetic. A few days later, the family heard rumours from former detainees that Bachir Gharbi was being ill-treated, kept in handcuffs and held in solitary confinement. The family immediately visited an investigative judge on 18 January to inform him of the allegations and to seek assurances that Bachir Gharbi would be protected from torture or other ill-treatment, particularly given his medical condition. The investigative judge dismissed the complaint. On 20 January, Bachir Gharbi's family was summoned to Bizerte Hospital to collect his body. They said there were traces of bruises on the chest and stomach, as well as what looked like cigarette burns on the back. The family did not receive an autopsy report.

As Tunisia is a state party to the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the authorities are obliged to investigate all allegations of torture, bring those responsible to justice, and ensure that no information extracted under torture is used against the alleged victim in legal proceedings.

Tunisian legislation also criminalizes the use of torture. Although Article 101bis of the Penal Code falls short of compliance with the UN Convention against Torture, it still stipulates prison sentences of up to eight years for "any public servant or officer of similar category who subjects, in the exercise of or during the exercise of their duties, an individual to torture".

Tunisian authorities must take concrete steps to eradicate torture, rampant during Zine El Abidine Ben Ali's presidency, and send a strong signal to security forces that torture will no longer be tolerated, and that no member of the security forces stands above the law.



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Soldiers on an armoured vehicle stand in front of demonstrators on Mohamed V Avenue in Tunis on 14 January 2011.

5/CONCLUSIONS AND RECOMMENDATIONS

‘Nothing will bring back my son. Nonetheless, there must be an investigation into who killed him and who gave the order to kill him.’

The father of 21-year-old Thabet Iyari, who was killed by riot police on 13 January

Amnesty International welcomed the announcement by the caretaker government of the establishment of a commission to look into human rights abuses “committed in the last period”. In a press conference on 22 January, the Commission’s President, Taoufik Bouderbala, said that the Commission was mandated to shed light on violations of the right to life, physical integrity and security that had taken place during the unrest; and that it would be tasked with the collection of documentation and its submission to relevant authorities.²⁰ In a telephone conversation with Amnesty International on 22 January, Taoufik Bouderbala confirmed that the Commission will be empowered to compel law enforcement officials to collaborate with the work of the Commission.

At the time of writing, no official decree has been made public clarifying the statute of the Commission, its exact composition, the period it will cover, the extent of its remit and its methodology. Amnesty International calls on the Tunisian authorities to ensure that the Commission has the powers and authority to gather all information it considers relevant, including the power to compel the production of information and the attendance of officials, past officials and other people as and when necessary. In its work, the Commission should identify suspected perpetrators of human rights violations and gather information indicating individual criminal responsibility. It should forward such information, on a confidential basis, to the relevant prosecution authorities for further investigation, with a view to ensuring that those who are criminally responsible for human rights violations are brought to justice.

Amnesty International calls on the Commission to consider in its investigations the particular circumstances in which law enforcement officials used lethal fire, including who gave the order and on what grounds, what instructions were issued to security forces in advance of their deployment, and whether any steps were taken in advance to warn demonstrators and induce them to disperse peacefully. The methods of the investigations should be consistent

with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. In particular, the Commission should ensure that victims and families of those killed and their legal representatives have access to and are informed of all information related to the investigation, and should be entitled to present evidence. The Commission should look at the steps taken by law enforcement officials when using force, including when using non-lethal weapons such as tear gas, to minimize the risks to people not involved in the protests, such as bystanders and residents of areas affected by the protests.

The Commission should also conduct independent, impartial and full investigations into all allegations of torture and other ill-treatment of protesters by security forces.

Amnesty International welcomed assertions by Taher Fallous Refai, head of External Relations at the Ministry of Interior, during a meeting with the organization on 22 January that the establishment of the Commission is not treated as a substitute for judicial proceedings; and reiterated its call that the findings of the Commission should be made public and serve as a basis for prosecutions of those found responsible for human rights violations.

Finally, the Commission's work should include the formulation of recommendations to ensure that victims of human rights violations and their families receive adequate reparation, including but not limited to financial compensation, in line with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. In addition to measures of restitution, rehabilitation, compensation and satisfaction, the Commission should recommend a broad range of other reparations for victims. These include measures that would prevent repetition of past violations, such as reforming laws, administrative procedures and practice; strengthening the justice system; and promoting human rights education.

It is vital that the Tunisian authorities take immediate and concrete measures to end impunity for human rights abuses to ensure that such abuses will neither be tolerated nor repeated.

RECOMMENDATIONS

Amnesty International presented a comprehensive set of recommendations to the new Tunisian authorities in its *Human Rights Agenda for Change*²¹ aimed at making fundamental and long-lasting reforms in Tunisia to break with the long legacy of human rights violations.

To address the abuses during the weeks of unrest preceding the toppling of Zine El Abidine Ben Ali, Amnesty International calls on the authorities to:

- Ensure that the investigation of the Fact-Finding Commission announced by Prime Minister Mohamed Ghannouchi is independent, transparent, thorough and impartial; and includes investigations into all allegations of excessive use of force, unlawful killings and torture or other ill-treatment during the period covered by its mandate.
- Ensure that the investigative body has the powers and authority to gather all information it considers relevant, including the power to compel the production of official documents and records and the attendance of officials, past officials and other people as and when necessary. In its work, the Commission should identify suspected perpetrators of human rights violations and gather information indicating individual criminal responsibility.
- Make publicly available the exact mandate of the Fact-Finding Commission, including its composition, timeframe, scope and working methods. The Commission should be provided with sufficient resources and time to conduct comprehensive investigations in all relevant areas of the country, including through interviewing families of those killed, those injured, former detainees and other eyewitnesses who would help to establish the behaviour of the security forces during the protests.
- Guarantee that no evidence of human rights abuses, including evidence of unlawful killings, is tampered with or destroyed and that investigations into all killings follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- Ensure that the Commission's findings, including a full list of those killed in the unrest, and its recommendations are officially published and widely disseminated without undue delay, including by means of a written report describing its findings in detail. The Commission should forward information, on a confidential basis, on suspected perpetrators to the relevant prosecution authorities for further investigation, with a view to ensuring that those who are criminally responsible for human rights violations are brought to justice.
- Ensure that everyone who provides information to investigations into human right abuses is adequately protected from reprisals or any other form of intimidation.
- Take special measures to assist victims, their families, and their legal representatives in accessing information about the investigation, presenting views and concerns, registering their case, participating and giving testimony.
- Guarantee that families of those killed are provided with autopsy reports, medical certificates and any other evidence or information necessary to clarify the circumstances and causes of the death of their relatives.

- Establish a vetting system to ensure that, pending investigation, officials and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations.
- Publicly condemn torture and other ill-treatment; ensure that these practices cease; and make clear to all officers involved in arrest, detention and interrogation that torture and other ill-treatment will not be tolerated under any circumstances.
- Provide victims of human rights violations with financial compensation and other forms of reparation that are appropriate and proportional to the gravity of the violation and the circumstances of their case.
- Issue a formal apology to victims of human rights violations.
- Undertake a fundamental overhaul of all the security and law enforcement bodies, and make public a clear structure of the various security branches with a clear chain of command and full accountability under the law.
- Ensure that security forces and other law enforcement officers act in line with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, by giving clear instructions that force may only be used when strictly necessary and only to the extent required for the performance of their duty, and that lethal force may only be used when strictly unavoidable in order to protect their lives or the lives of others.
- Amend or repeal Law No. 69-4 of 24 January 1969 regulating public meetings, processions, parades, demonstrations and gatherings in compliance with Tunisia's obligations under the ICCPR to ensure that freedom of assembly is upheld and that no undue restrictions are placed on the exercise of this right; and to ensure that the use of firearms is only permissible under Tunisian law when strictly unavoidable and in self-defence or defence of others against the imminent threat of death or serious injury as stipulated in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

ENDNOTES

- 1 Reuters, "Tunisia to investigate security forces over killings", 22 January 2011, accessible at <http://af.reuters.com/article/tunisiaNews/idAFLDE70LOAB20110122>
- 2 "UN mission says 219 killed in Tunisia uprising", 1 February 2011, accessed at http://news.yahoo.com/s/ap/20110201/ap_on_re_af/af_tunisia
- 3 Those known to have been killed on 24 December 2010 were Mohamed Ammari and Chaouki Belhoussine El Hadri (see Chapter 2).
- 4 The other two commissions are the Higher Commission for Political Reform and the National Commission on Corruption and Embezzlement; see Prime Ministry Portal, "Prime minister: Faithfulness to martyrs blood now dictates return to work and perseverance", 21 January 2011, accessible at <http://www.pm.gov.tn/pm/actualites/actualite.php?lang=en&id=2001>
- 5 For information on Amnesty International's full list of recommendations to the Tunisian authorities aimed at consolidating respect for human rights and breaking with the past of rampant human rights violations, see Amnesty International, *Tunisia: Human Rights Agenda for Change* (Index: MDE 30/008/2011), 24 January, accessible at <http://www.amnesty.org/en/library/info/MDE30/008/2011/en>
- 6 See Amnesty International, *Behind Tunisia's 'economic miracle': Inequality and criminalization of protest* (Index: MDE 30/003/2009), 16 June 2009, accessible at <http://www.amnesty.org/en/library/info/MDE30/003/2009/en>
- 7 According to the UN Development Programme, Tunisia has made substantial progress towards achieving the Millennium Development Goals, especially in terms of poverty alleviation, universal primary education for boys and girls, and lowering rates of infant mortality, although it noted that efforts were still needed to reduce maternal mortality rates.
- 8 The full text of his speech is available on Tunisia Online News, "President Ben Ali's address to Tunisian people", 28 December 2010, accessible at <http://www.tunisiaonlinenews.com/president-ben-alis-address-to-tunisian-people/>
- 9 See Amnesty International, "Tunisian authorities urged to protect protesters following deadly weekend", 10 January 2011, accessible at <http://www.amnesty.org/en/news-and-updates/tunisian-authorities-urged-protect-protesters-following-deadly-weekend-2011-01-10>
- 10 See Amnesty International, "Arbitrary arrests warning after Tunisian president brands protests 'acts of terrorism'", 11 January 2011, accessible at <http://www.amnesty.org/en/news-and-updates/arbitrary-arrests-warning-after-tunisian-president-brands-protests-acts-terrorism-2>
- 11 See EAWorldView, "Tunisia Document: President Ben Ali's Speech 'Hostile elements

in the pay of foreigners”, 10 January 2011, accessible at <http://www.enduringamerica.com/home/2011/1/10/tunisia-document-president-ben-alis-speech-hostile-elements.html>

12 For the full text of the speech, see Tunisia Online News, “President Ben Ali’s Address to the Tunisian people”, 13 January 2011, accessible at <http://www.tunisiaonlinenews.com/president-ben-alis-address-to-the-tunisian-people/>

13 Amnesty International, “Tunisia: Licence to ‘shoot on sight’ must be rescinded”, 14 January 2011.

14 Article 21 of the ICCPR.

15 The right to an effective remedy for victims of human rights violations and serious violations of international humanitarian law is guaranteed in international law. It is enshrined in Article 2(3) of the ICCPR and further expanded in the UN Human Rights Committee General Comment No.31 on the “Nature of the General Legal Obligation imposed on States Parties to the Covenant”, adopted on 29 March 2004 at its 2187th meeting. It is also recognized in Article 8 of the Universal Declaration of Human Rights; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 14 of the UN Convention against Torture; Article 39 of the Convention on the Rights of the Child; Article 3 of the 1907 Hague Convention concerning the Laws and Customs of War on Land; Article 91 of Protocol I Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I); Article 75 of the Rome Statute of the International Criminal Court; Article 7 of the African Charter on Human and Peoples’ Rights; and Article 23 of the Arab Charter on Human Rights.

16 The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law as well as the UN Human Rights Committee General Comment No.31 set out the five forms of reparation.

17 Adopted and proclaimed by UN General Assembly Resolution 60/147 of 16 December 2005 (UN Doc: A/RES/60/147).

18 UNESCO, “French government call for investigation of Lucas Dolega’s death”, Updated on 20 January 2011, accessed at <http://www.bjp-online.com/british-journal-of-photography/news/1937417/french-photographer-dies-tunisia>

19 This reference excludes prisoners who died in prisons in Tunis during escape attempts or rioting.

20 See Prime Ministry Portal, “News conference of Heads of National Commissions”, 22 January 2010, accessible at <http://www.pm.gov.tn/pm/actualites/actualite.php?id=2020&lang=en>

21 See Amnesty International, *Tunisia: Human Rights Agenda for Change* as above.



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TUNISIA IN REVOLT

STATE VIOLENCE DURING ANTI-GOVERNMENT PROTESTS

On 14 January 2011, following a month of spiralling anti-government protests across Tunisia, President Zine El Abidine Ben Ali secretly fled the country, ending 23 years of corrupt, complacent and repressive rule. The demonstrations were sparked by the self-immolation of a young street vendor in a desperate act of protest against his poverty and humiliation by an official. The protests quickly spread to become a mass revolt of people demanding dignity, freedom, social justice and a new government.

The security forces responded by using excessive force against protesters, force that was both disproportionate and unnecessary. They lashed out with live ammunition, rubber bullets, tear gas and physical violence, killing scores of protesters and injuring many more. Most of those arrested were tortured or otherwise ill-treated.

This report, based on a fact-finding visit by Amnesty International to Tunisia during and immediately after the revolt, documents many cases of protesters and bystanders killed and injured by the security forces, and includes many moving testimonies. It calls on the new government to fully investigate the abuses and provide an adequate remedy, including justice and reparation, to victims and their families.

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