



HuMENA For Human Rights and Civic Engagement
HuMENA pour les Droits de l'Homme et l'Engagement Civique
هيو مينا لحقوق الإنسان والمشاركة المدنية

Under Siege:

The Shrinking Space for Peaceful Assembly in Tunisia



Under Siege:

The Shrinking Space for Peaceful Assembly in Tunisia

Author: Ghias AlJundi

HuMENA for Human Rights and Civic Engagement - 2024 ©
www.humena.org

4/15 Rue Alphonse Hottat, Brussels, 1050, Belgium



HuMENA For Human Rights and Civic Engagement
HuMENA pour les Droits de l'Homme et l'Engagement Civique
هيمومينا لحقوق الإنسان والمشاركة المدنية



Table of Contents

List of ACRONYMS	4
1. Methodology	5
1.1 Desk research	5
1.2 Field research	5
2. Political and social background	6
2.1 Overview	6
2.2 Invocation of Article 80	7
2.3 Key events after 25 July 2021	8
3. Legal framework: the right to peaceful assembly in Tunisia	10
3.1 National and International Framework	10
3.2 Extension of emergency powers and rule by decree	10
4. Research findings	11
4.1 Increasing restrictions on freedom of assembly	11
4.1.1 Overview	11
4.1.2 Bans and restrictions on protests and public gatherings	11
4.1.4 Arrests, detention, and unfounded charges	14
4.1.5 Women protesters	15
4.1.6 Differing response to demonstrations in support of the President	17
4.2 Impact of restrictions on freedom of assembly	19
4.2.1 Reduction in number and scale of protests	19
4.2.2 Socio-economic protests	20
4.2.3 Migrants' rights and freedom of assembly	22
4.2.4 Civil society organizations	23
4.2.5 Journalism and the Media	26
4.2.6 Impact on Tunisia's democratic transition	28
4.2.7 Long-term implications for civil liberties	28
5. Case studies	30
5.1 Case one	30
5.2 Case two	31
6. Conclusion	33
7. Recommendations	34

List of ACRONYMS

ICCPR	The International Covenant on Civil and Political Rights
LTDH	The Tunisian Human Rights League
PDL	Free Constitutional Party
UGTT	The Tunisian General Labor Union
FTDES	The Tunisian Forum for Economic and Social Rights
IOM	The International Organization for Migration
UNHCR	The Office of the United Nations High Commissioner for Refugee
SNJT	The National Syndicate of Tunisian Journalists
HAICA	The High Authority for Audio-Visual Communication
ISIE	The Independent High Authority for Elections
INLUCC	The National Anti-Corruption Authority

1. Methodology

1.1 Desk research

A thorough analysis and review of existing literature, including an assessment of available quantitative and qualitative research, was conducted.

Literature from local NGOs, such as the Legal Agenda and others, was reviewed for specific information on the subject. The literature focused on the procedures the Tunisia government used to oppress freedom of assembly.

1.2 Field research

Face-to-face interviews were held with activists, civil society organizations, and journalists affected by the new procedures and were subjected to legal harassment, imprisonment, or attacks on social media. Interviews were also held with members of the public and African immigrants who were subjected to severe attacks.

2. Political and social background

2.1 Overview

In 2011, Tunisia began a democratic transition, and Tunisians enjoyed relatively good political rights and freedoms, including freedom of assembly. However, they faced economic challenges and some instability. Before 25 July 2021, Tunisia enjoyed three general elections, which mainstream international observation bodies considered «orderly and peaceful with only minor regularities.»¹ In 2014, Tunisia adopted a new constitution in consultation with political parties and civil society groups. The Constitution guaranteed civil liberties, including freedom of assembly. Despite the progressive constitution, gender equality and transitional justice remained obstacles to the proper democratic process.

On 25 July 2021, President Kais Saied took exceptional measures, including suspending the elected parliament and other democratic institutions, which put the democratic transition on hold. Establishing the 2022 constitution as a replacement for the 2014 constitution handed the most powers to the President, including establishing a government, appointing Ministers, and dissolving the Parliament. According to the 2022 constitution, Tunisia is a presidential republic with a bicameral parliament, but most powers are concentrated in the presidency. The President has the power to issue decrees without going back to the parliament.

Civil liberties, including freedom of expression, freedom of association, and freedom of peaceful assembly, are highly affected by the new measures. Targeting of civil society groups, media workers, and journalists has escalated under Decree 2022-54.² According to the head of the Al Kawakibi Democracy Transition Center, freedom of assembly has been restricted in the last three years after it was an essential factor in the democratic transition from 2011 until 2020 and then the Covid restrictions.³ It is a very positive sign in Tunisia even. Sometimes, people take this right extremely, making some people unhappy. During the Covid pandemic, the movement became less, but some people still protested. Then, the imposition of exceptional measures on 25 July 2021 came as a “knockout blow” to the democratic transition. Restrictions on the right to freedom of assembly started to appear not through the law but through police interventions and intimidation. The repressive legal frame has not changed, but before July 2021, it was not used, but now the President has activated it.

1 Press release: Carter Centre Releases Final Report on 2019 Tunisia Elections and Urges Parliament to Create Permanent Independent Bodies (2020, July 1), Carter Centre. Retrieved August 5, 2024 from <https://www.cartercenter.org/news/pr/2020/tunisia-063020.html>. Full report: [tunisia-2019-final-report.pdf](https://www.cartercenter.org/tunisia-2019-final-report.pdf) ([cartercenter.org](https://www.cartercenter.org))

2 Tunisia: Repeal Draconian Cybercrime Decree (2022, September 20), International Commission of Jurists. Retrieved August 5, 2024 from <https://www.icj.org/tunisia-repeal-draconian-cybercrime-decree/>

3 A telephone interview with the manager on 18 July 2024. <https://www.kawakibi.org/en/>

2.2 Invocation of Article 80

On 25 July 2021, President of Tunisia Kais Saied announced several emergency measures,⁴ including the suspension of the parliament, the dismissal of Prime Minister Hichem Mechichi, the lifting of immunity for Members of Parliament, and a ban on public demonstrations. He invoked Article 80 of the 2014 constitution, which “allows the president to take necessary measures in the event of an imminent threat to the country’s institutions, security, or independence.”⁵ The President violated the use of Article 80 as invoking the Article required him to consult with the Prime Minister and the Speaker of the Parliament. Instead, the President dismissed both the Prime Minister and the Speaker. These procedures went unchallenged as Tunisia had no Constitutional Court to challenge or monitor the President’s measures. The invocation of Article 80 drew significant domestic and international criticism, particularly concerning their implications for democratic governance and civil liberties.

Following the announcement of the “exceptional measures,” hundreds of Tunisians loyal to the President gathered in main streets in the capital, Tunis, and other major cities, demanding the dissolving of the Parliament and taking extra procedures to “end the political crisis in the country.” Security services and the Tunisian army surrounded the Parliament and prevented the then Speaker and other Members of the Parliament from entering the building. Their Parliamentary immunity was lifted.

Since the invoking of Article 80, dozens of former political leaders, political activists, and civil society workers have been arrested, and many were detained without any charge or trial.⁶ The President and his supporters usually call the political detainees’ “traitors” or “terrorists.” As of September 2023, there were around forty political prisoners behind bars.⁷

4 Tunisia: Human rights must be upheld following suspension of parliament (2021, July 26), Amnesty International. Retrieved August 5, 2024 from <https://www.amnesty.org/en/latest/news/2021/07/tunisia-human-rights-must-be-upheld-following-suspension-of-parliament-2/>

5 Article 80 of the Constitution of Tunisia: «In the event of imminent danger threatening the national integrity, security or independence of the country and hindering the regular functioning of the public authorities, the President of the Republic may take the measures required by a state of emergency, after consultation with the Head of Government and the President of the Assembly of People’s Representatives and after informing the President of the Constitutional Court. He shall announce these measures in a message to the people.”: https://www.constituteproject.org/constitution/Tunisia_2014

6 Tunisia: Wave of Arrests Targets Critics and Opposition Figures (2023, February 24), Human Rights Watch. Retrieved August 5, 2024 from <https://www.hrw.org/news/2023/02/24/tunisia-wave-arrests-targets-critics-and-opposition-figures>

7 Tunisia: Move to Dismantle Country’s Largest Opposition Party (2023, May 11), Human Rights Watch. Retrieved August 5, 2024 from <https://www.hrw.org/news/2023/05/11/tunisia-move-dismantle-countrys-largest-opposition-party>

2.3 Key events after 25 July 2021

Since these “exceptional measures,” the President continued to issue different Presidential Decrees that undermined the 2014 constitution.

On 13 December 2021, the President announced a set of measures, including running an online consultation on the new constitution and selecting a committee to draft the new constitution and electoral system.⁸ The online national constitution on a new constitution was held between 1 January 2022 and 20 March 2022.⁹ The turnout was low as the opposition rejected the initiative.

Parliamentary elections were held in December 2022. The major political parties widely boycotted them, and key civil society groups criticized the move, stating that it undermined democracy.

In February 2022, the President dissolved the Supreme Judicial Council. The Council acted as a judicial watchdog dealing with judges' independence. This step raised grave concerns about judicial independence. Prior to the dissolution, the President accused council members of corruption and of delaying politically sensitive investigations, possibly the investigation of the assassination of two left-wing politicians in February and July 2013.

This step was followed by the President sacking 57 judges on 1 June 2022 after accusing them of corruption and protecting “terrorists.” Among the sacked judges was Youssef Bouzaker, the former head of the Supreme Judicial Council¹⁰.

In March 2022, the President dissolved the democratically elected Parliament, which had been suspended since July 2021. This decree came after the suspended MPs defied the President and voted to repeal decrees the President used to assume unchallenged power. The President accused the MPs of “a failed coup and a conspiracy against state security”¹¹.

8 Tunisian president announces constitutional referendum, sets new election date (2021, December 13), France24. Retrieved August 5, 2024 from <https://www.france24.com/en/africa/20211213-tunisian-president-calls-referendum-on-constitutional-change-sets-poll-date>

9 Tunisia launches national consultation on reforms (2022, January 1), Aljazeera. Retrieved August 5, 2024 from <https://www.aljazeera.com/news/2022/1/1/tunisia-launches-national-consultation-reforms-constitution>

10 <https://www.middleeastmonitor.com/20220604-tunisia-president-saied-dismisses-57-judges/>

11 Tunisian crisis escalates as president dissolves parliament (2022, March 31), the Guardian. Retrieved August 7, 2024 from <https://www.theguardian.com/world/2022/mar/31/tunisian-crisis-escalates-as-president-dissolves-parliament>

On 25 May 2022, Presidential Decree No. 2022-506 called for a referendum on the draft of the 2022 constitution¹². On 25 July 2022, a referendum was held, and were given the choice of answering Yes or No to: “Do you agree with the draft of the new constitution of the Tunisian Republic?”. Tunisians were offered a very short time to reflect on the new constitution, and participation in the referendum was very limited¹³. The political parties boycotted the referendum as they considered it a tool to enhance the power of the President

The first round of Parliamentary elections was held in December 2022, with only 11% turnout. Parliamentary runoffs in January 2023 were held again, with only 11% participation. Again, the elections were widely boycotted by the opposition parties and civil society groups. Activist Chaima Issa described these elections as a “ghost election.”¹⁴ She faced military court after she led protests against the President’s exceptional Procedures.

In December 2023, Tunisia held municipal council elections¹⁵ after the President dissolved the council for acting as a «state within the state» in February 2023¹⁶. He replaced it with a “provisional council.” The President stated that the councils would be “bound by fresh regulations and limited in their autonomy.”

12 Fundamentally Flawed: Tunisia’s 2022 Constitution-Making Process (May 26, 2022)

13 An interview with the Legal Agenda, 2024, June 20.

14 Tunisians elect weakened parliament on 11% turnout (2023, January 30), Reuters. Retrieved August 5, 2024, from <https://www.reuters.com/world/middle-east/polls-open-tunisian-election-with-turnout-under-scrutiny-2023-01-29/>

15 Elections in Tunisia: 2023 Local Elections(2023, December 12). Retrieved July 27, 202, from . <https://www.ifes.org/tools-resources/election-snapshots/elections-tunisia-2023-local-elections>

16 Tunisia’s Saied to dissolve municipal councils ahead of local elections (2023, March 9). Retrieved Augst 27, 2024, from <https://www.france24.com/en/africa/20230309-tunisian-president-to-dissolve-municipal-councils-ahead-of-local-elections>

3. Legal framework: the right to peaceful assembly in Tunisia

3.1 National and International Framework

The 2014 Constitution guaranteed the right to freedom of assembly in Tunisia in Article 37, which states that “[t]he right to assembly and peaceful demonstration is guaranteed.”¹⁷ The 2022 Constitution stated in Article 42, «Freedom of peaceful assembly and demonstration is guaranteed».¹⁸

Tunisia is also a party to international human rights treaties,¹⁹ including the International Covenant on Civil and Political Rights (ICCPR), which protects the right to peaceful assembly.

3.2 Extension of emergency powers and rule by decree

Despite these rights being enshrined in national and international law, they are effectively undermined by the ongoing use of emergency powers and rule by decree. A state of emergency was declared in November 2015. It is regularly extended. This procedure broadens the Interior Minister’s jurisdiction, granting him the power to impose a curfew and ban public gatherings – including protests and strikes. It also enables people to be placed under house arrest and censorship of the press – including publications and radio broadcasts – without seeking the judiciary’s permission. Although the law outlines that a state of emergency can be prolonged by a maximum of six months at a time, the President extended it on 1 February 2024 by 11 months.²⁰

Activists and political opponents have expressed their fears that the extension of the emergency law could “further enhance the President’s rule and enable him to eliminate all opposition.” The director of Al Kawakibi Democracy Transition Centre said the prolonged state of emergency leaves Tunisians vulnerable. He told HuMENA that the “extension of the emergency law came from an initiative by the security services, which has regained considerable power in the last three years. The secret services are using the emergency laws to restrict the right to freedom of assembly and put whoever they want in jail”²¹.

17 Tunisia 2014 Constitution. Retrieved August 5, 2024, from https://www.constituteproject.org/constitution/Tunisia_2014

18 Tunisia 2023 Constitution. Retrieved August 5, 2024, from <http://www.gbo.tn/ar/dstwr-aljmhwrwt-altwnsynt-nskht-2022>. Translation by report author.

19 Ratification of International Human Rights Treaties - Tunisia, University of Minnesota, Human Rights Library. Retrieved August 5, 2024, from <http://hrlibrary.umn.edu/research/ratification-tunisia.html>. See also UN Treaty Body Database, Status for Tunisia. Retrieved August 5, 2024, from https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=178&Lang=EN

20 Tunisia President Kais Saied extends state of emergency until end of year (2024, February 1), Middle East Monitor. Retrieved August 5, 2024, from <https://www.middleeastmonitor.com/20240201-tunisia-president-kais-saied-extends-state-of-emergency-until-end-of-year/>

21 Interview with the head of Kawakibi Democracy Transition Center (<https://www.kawakibi.org/>) on July 18, 2024.

4. Research findings

4.1 Increasing restrictions on freedom of assembly

4.1.1 Overview

After 2011, Tunisia enjoyed a period of relaxation when it came to the freedom of peaceful assembly. The situation was not without problems, but it represented a significant improvement in the past. Since 25 July 2021, Tunisia has experienced a deterioration in human rights in general, including freedom of peaceful assembly. The authorities continue to detain civil society activists and summon journalists, opponents, and civilians on grounds of the right to protest and on charges related to freedom of peaceful assembly. This serious violation of the Tunisian constitution guarantees the right to peaceful assembly. It also constitutes violations of Tunisia's international obligations, including the International Covenant on Civil and Political Rights. Although some protests are still happening and not attacked, the Tunisian authorities still use the emergency laws that give the President the power to ban these protests.²²

4.1.2 Bans and restrictions on protests and public gatherings

Tunisian authorities have temporarily imposed bans on protests throughout Tunisia, especially on significant occasions such as the anniversaries of the revolution. On 26 July 2021, the second day of the "exceptional measures," President Kais Saied issued a presidential order banning any gathering of more than three people in public places from 26 July 2021 until 27 August 2021.²³

On 12 January 2022, the Tunisian authorities announced measures that included a night curfew and canceling or postponing all demonstrations²⁴. The authorities stated that these measures were "precautionary to limit the spread of Corona"²⁵. According to lawyers and opposition figures, the restrictions targeted President Kais Saied's opponents, who had been

22 Human Rights Report in Tunisia 2023. U.S Embassy in Tunisia. Retrieved August 6, 2024, from <https://tn.usembassy.gov/ar/2019-country-reports-on-human-rights-practices-tunisia-2/>

23 Presidency of Tunisia. Retrieved August 6, 2024, from <https://www.facebook.com/Presidence.tn/photos/a.281368748587856/4465349556856400/?type=3>

24 Tunisia: Amend excessive Covid-19 restrictions banning all public gathering (2022, January 14). Retrieved July 19, 2024 from <https://www.amnesty.org/en/latest/news/2022/01/tunisia-amend-excessive-covid-19-restrictions-banning-all-public-gatherings/>

25 Presidency of Tunisia. Retrieved July 31, 2024 from <https://www.facebook.com/Presidencegouvernementtunisien/posts/290997203058118>

demonstrating for weeks against the “exceptional measures” taken by the President on 25 July 2021. The ban on protesting came immediately before the anniversary of the Tunisian revolution on 14 January.

In 2023 and 2024, restrictions on freedom of peaceful assembly dramatically increased. Protest permissions were denied, and the police installed barriers in the center of Tunis to prevent protesters from reaching the center. According to the Tunisian Human Rights League (LTDH), the Tunisian police, on 14 January 2023, the 12th anniversary of the Tunisian revolution, pushed protesters back and installed barriers, and police attacked protesters.²⁶ At the same time, the leader of the Free Constitutional Party (PDL), Abir Mousse, who is currently in detention, stated that the authorities banned her party’s supporters from moving to Carthage, where the Presidential Palace is.²⁷ She stated in a live broadcast on her Facebook page that “the authorities stopped the movement of the train and also banned the Party’s supporters who came from different towns from entering the capital. The authorities justified the refusal by saying that “the Carthage area is a security-fortified area, and it is not permissible to demonstrate there.”²⁸ Abir Mousse was later arrested for protesting next to Carthage Palace in October 2023.²⁹

On another occasion, the Tunisian governor denied granting permission to protest to Tunisia’s National Salvation Front opposition coalition. He stated that he rejected the permission because of “because the group’s leaders are

26 The Tunisian League for Human Rights(LTDH), 2023 report P 48: <https://ltdh.tn/%d8%a7%d9%84%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d8%a7%d9%84%d8%b3%d9%86%d9%88%d9%8a-%d9%84%d9%84%d8%ad%d9%82%d9%88%d9%82-%d9%88%d8%a7%d9%84%d8%ad%d8%b1%d9%8a%d9%91%d8%a7%d8%aa/>

27 Video: Aberer Moussa talks about preventing her supporters from heading towards the Carthage palace, Reality Online (2023, January 1), Réalités Online. Retrieved August 6, 2024, from <https://realites.com.tn/ar/%D9%81%D9%8A%D8%AF%D9%8A%D9%88-%D8%B9%D8%A8%D9%8A%D8%B1-%D9%85%D9%88%D8%B3%D9%8A-%D8%AA%D8%AA%D8%AD%D8%AF%D8%AB-%D8%B9%D9%86-%D9%85%D9%86%D8%B9-%D8%A3%D9%86%D8%B5%D8%A7%D8%B1%D9%87%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%AA%D9%88%D8%AC-%D9%87-%D9%86%D8%AD%D9%88-%D9%82%D8%B5%D8%B1-%D9%82%D8%B1%D8%B7%D8%A7%D8%AC/>

28 Tunisians protest against President Kais Saied on anniversary of revolution (2023, January 14). Retrieved July 19, 2024, from <https://www.thenationalnews.com/mena/tunisia/2023/01/14/tunisian-protesters-chant-against-president-kais-saied-on-revolution-anniversary/>

Abir Moussa: The authority prevents the arrival of demonstrators (2023, January 14). Retrieved July 24, 2024 from <https://tunigate.net/posts/%D8%B9%D8%A8%D9%8A%D8%B1-%D9%85%D9%88%D8%B3%D9%8A-%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A9-%D8%AA%D9%85%D9%86%D8%B9-%D9%88%D8%B5%D9%88%D9%84-%D8%A7%D9%84%D9%85%D8%AA%D8%B8%D8%A7%D9%87%D8%B1%D9%8A%D9%86/>

29 Tunisia: Opposition figure arbitrarily detained: Abir Moussi (2023, December 7), Amnesty International. Retrieved August 6, 2024, from <https://www.amnesty.org/en/documents/mde30/7517/2023/en/>

accused of conspiring against state security”.³⁰ As the protesters defied the ban and protested, they complained that the police put barriers to prevent them from reaching the capital’s center and pushed them back in addition to several attacks on protesters.

Earlier in March 2023, the Tunisian authorities denied entrance into Tunisia to several international trade unionists from the European Union to take part in a planned protest organized by the UGTT.³¹ This followed the expulsion of Esther Lynch, the General Secretary of the European Confederation of Trade Unions in February 2023 after she participated in a protest organized by the Tunisian General Labor Union (UGTT).³² Applications for demonstration permissions were rejected in March 2023 by the Ministry of Interior.³³ However, the UGTT continued to organize protests. The latest was in March 2024 where thousands of protesters were able to participate in a demonstration called by the UGTT.

4.1.3 Threats and excessive use of force

After the political change in July 2021 and in order to put more restrictions on the freedom of peaceful assembly in Tunisia, the authorities used violence and attacked protesters to silence protests and protesters.

A small number of people who belonged to a group called “We are not Surrendering” gathered in September 2021 in front of the National Theatre at Bourguiba Avenue, demanding the disclosure of information about the assassination of political leaders in 2013. The Tunisian police used excessive force, including tear gas, against the protesters. Many of them were hit by the police.³⁴

According to different local and international human rights organizations, the

30 Tunis governor refuses protest permit, cites alleged plot (2023, March 2), Reuters. Retrieved August 6, 2024, from <https://www.reuters.com/world/africa/tunis-governor-refuses-protest-permit-citing-alleged-plot-2023-03-02/>

31 Tunisia: Government bans visits from international trade unionists (2023, March 3), International Trade Union Confederation. Retrieved August 6, 2024, from <https://www.ituc-csi.org/tunisia-government-bans-visits>

32 Tunisia: ITUC Condemns Expulsion of ETUC General Secretary (2023, February 20), International Trade Union Confederation. Retrieved August 6, 2024, from <https://www.ituc-csi.org/Tunisia-ITUC-Condemns-Expulsion-of-ETUC-General-Secretary>

33 Tunisia refuses to authorize opposition forces to organize a demonstration and prevents an international trade unionist from entering the country (2023, March 2), France24. Retrieved August 6, 2024, from [\(Link\)](#)

34 Report “for supporters only”: A report on the right to peaceful assembly in Tunisia after July 25, 2021(2022, July 11). Retrieved July 6, 2024, from <https://intersection.uno/%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d9%84%d9%85%d8%a4%d9%8a%d8%af%d9%8a%d9%86-%d9%81%d9%82%d8%b7/>

authorities used excessive force³⁵ such as tear gas, water cannons³⁶, and rubber bullets to disperse demonstrations and also arrested and detained protesters.³⁷ Journalists were pressurized to hand over to the police footage of protests.

Bassam³⁸, an activist and civil society worker, was arrested while on his way to take part in a protest about climate change in the center of Tunis in March 2024. He believed that he was being watched by the police and was stopped on his way before he arrived at the protest. “The police confiscated the banners I was carrying, and I was interrogated to disclose who made the banner for me”³⁹. Bassam was threatened in order not to attend any protests.

Rhida Bouziane died of wounds he sustained during a protest on 14 January 2022 in Tunis after the police used excessive force against protesters⁴⁰. The police used tear gas, water cannons and batons against the protesters. During that protest, 31 protesters were detained, and six among them were sentenced to one month in prison and fined 100 Tunisian Dinars. Imad Doghajj was sentenced to three months, according to his lawyer.⁴¹

4.1.4 Arrests, detention, and unfounded charges

The Tunisian authorities continue to arrest, detain, and use unfounded charges against dissidents and protesters. Political activist Wael Nawwar was summoned to the anti-crime squad in Ben Arous in February 2023 where he was interrogated for taking part in a protest against the referendum in July 2022. He was accused of “Violating the decision to ban assembly on Bourguiba Street, civil disobedience, and assaulting freedom of movement”. He is currently waiting for his trial.⁴² Many of those who were

35 p.6.Tunisia: A Year of Human Rights Regression since President’s Power Grab (2022, July), Amnesty International. Retrieved August 6, 2024, from <https://www.amnesty.nl/content/uploads/2022/07/TUNISIA-Brfg-July-2022.pdf?x14195>

36 Tunisia police use water cannon to disperse protesters (2022, January 15), Aljazeera. Retrieved August 6, 2024, from <https://www.aljazeera.com/news/2022/1/14/tunisia-police-use-water-cannon-on-hundreds-of-protesters>

37 Violations of the right to freedom of peaceful assembly in Lebanon, Tunisia, Egypt and Saudi Arabia (2023, June 27), MENA Rights Group. Retrieved August 6, 2024, from <http://menarights.org/en/articles/violations-right-freedom-peaceful-assembly-lebanon-tunisia-egypt-and-saudi-arabia>

38 Pseudonym for the protection of the activist

39 An interview with HuMENA on 2024, June 19.

40 Tunisian dies after protesting President Saied’s moves(2022, January 20). Retrieved June 23, 2024 from <https://www.aljazeera.com/news/2022/1/20/tunisia-marks-first-death-from-protests-against-president-saied>

41 Among them is a deceit. Lawyer Bensidhom presents to «Ultra Tunisia» the developments of the case of the detainees of January 14 (2022, February 7), Ultra Tunisia. Retrieved August 6, 2024, from [\(Link\)](#)

42 Freedom Faces: Wael Nawar (2023, March 8), Intersection. Retrieved August 6, 2024, from <https://intersection.uno/freedom-faces/%D9%88%D8%A7%D8%A6%D9%84-%D9%86%D9%88%D8%A7%D8%B1/>

detained were accused of “conspiracy against state security”.⁴³ Protesters who were beaten up, detained and sentenced, were accused of “disturbing the public order” and “attacking a public employee”. The then SNJT President, Mohamed Yassine Jelassi, was injured while participating in a protest against the 25 July 2022 referendum.⁴⁴ He was sprayed with nerve gas. Later, Jelassi was accused of «assaulting a public official and inciting disobedience.⁴⁵» Abdel Nasser Ben Amara, a leader of the UGTT, was arrested (and later acquitted) in April 2023 for suspicion of “insulting a public official at a protest outside the country’s Ministry of Culture building”.⁴⁶

The government used the same charges against detainees who were arrested for freedom of expression, freedom of association and freedom of assembly. Getting arrested in a protest does not carry only the charge of protesting, but also more serious accusations such as conspiracies against the state or being “an agent for a foreign country”. The authorities used Law 54 against most of the individuals charged. Two students were arrested on different occasions in October 2022 and April 2023 for “inciting demonstrations on social media”. They were both charged under Law 54.⁴⁷ In January 2023, the military court sentenced five former members of the dissolved parliament for protesting at the airport in what was known to be “the Airport Protest” which took place in March 2012.⁴⁸ The use of the military courts against civilians to silence freedom of assembly raises grave concerns about the implications for Tunisian civil society.

4.1.5 Women protesters

Women played an active role in the Tunisian revolution in 2011, and they continue to play an important role in the current political and human rights situation. Women have been taking a leading role in protesting and fighting for freedoms including freedom of assembly. Women protesters have not been safe during the protests and many of them

43 Tunisia: Authorities must free prisoners held in latest crackdown (2023, March 30), Amnesty International. Retrieved August 6, 2024, from <https://www.amnesty.org/en/latest/news/2023/03/tunisia-authorities-must-free-prisoners-held-in-latest-crackdown/>. Tunisia: Release and drop charges against opposition activists arbitrarily detained for a year (2024, February 23), Amnesty International. Retrieved August 6, 2024, from <https://www.amnesty.org/en/latest/news/2024/02/tunisia-release-and-drop-charges-against-opposition-activists-arbitrarily-detained-for-a-year/>

44 Tunisia: The country is sliding into totalitarianism, warn the Global Unions (2023, June 27), International Federation of Journalists. Retrieved August 6, 2024, from <https://www.ifj.org/media-centre/news/detail/article/tunisia-the-country-is-sliding-into-totalitarianism-warn-the-global-unions>

45 Interview with HuMENA on 2024, June 22.

46 Pro-Democracy Tunisian Unions Protest Escalating Crackdown (2023, April 6), Solidarity Center. Retrieved August 6, 2024, from <https://www.solidaritycenter.org/pro-democracy-tunisian-unions-protest-escalating-crackdown/>

47 Freedom on the Net 2023, Country Report: Tunisia, Freedom House. Retrieved August 6, 2024, from <https://freedomhouse.org/country/tunisia/freedom-net/2023>

48 World Report 2023: Tunisia, Human Rights Watch. Retrieved August 6, 2024, from <https://www.hrw.org/world-report/2023/country-chapters/tunisia-0>

are exposed to attacks by police or prosecuted for taking part in the demonstrations. The situation in 2024 is still unchanged.

During the dispersal of the gathering in September 2021 to demand the disclosure of the assassination of political leaders in 2013, Sara Abrahimi, an activist and daughter of assassinated political leaders was physically attacked by the police. Sara told a journalist that she was attacked because of her activism and for being a woman. At the same gathering, Asala Mdawkhy, an LGBTQI+ activist, was also physically attacked by the police.⁴⁹ Tunisian security forces have repeatedly targeted LGBTQI+ activists at protests. for mistreatment, including arbitrary arrests, physical assaults, threats to rape and kill, and refusing access to legal counsel”.⁵⁰

During the protest, which marked the 11th anniversary of the Tunisian revolution, 14 January 2022, police and security forces used excessive force against protesters, including female protesters. Lawyer and protester Nawal Al Toumi was dragged and beaten, and her bag was searched on 14 January 2022 for peacefully practicing her right to freedom of assembly.⁵¹ Female journalists were also attacked and their equipment were confiscated.⁵² Amina B, a journalist who was covering the protest, was attacked by the police and her camera and recorder were confiscated. Attacking women protesters sent a message that women would be targeted if they took part in any protest.

Chaima Issa, a Tunisian activist, was arrested on 22 February 2023 and was charged with “conspiring against state security” after she and a group of activists and opponents held a meeting with diplomats. She was detained for four months, and she is currently on trial.⁵³ The Tunisian government is using the judicial system to silence women activists and critics and deny them the right to freedom of assembly.

On June 11, 2024, environmental activist Rania Mashreqi participated in a peaceful feminist protest held in the Al-Ruwaii area in Hammam Bourguiba, Jendouba Governorate, in order to demand the right to drinking water, as residents there suffer the hardship of moving to the border areas in order to obtain drinking water. Because of her participation in a protest, she was summoned on 20 June 2024 to be interrogated by police in Tabarka⁵⁴. She is facing charges of “forming an alliance with the intention of attacking public and private property and inciting chaos.” The mayor of Tabarka filed a complaint against her. This has a serious impact on the activists’ lives, including looking after their families, and may intimidate other activists to stop protesting for their rights⁵⁵.

49 Systematic security violence against Tunisian women: Arwa Barakat as a model (2021, September 20), Daraj. Retrieved August 6, 2024, from [\(LINK\)](#)

50 Tunisia: Attack on Director of LGBTQI+ Group (2021, October 28), Human Rights Watch. Retrieved August 6, 2024, <https://www.hrw.org/news/2021/10/28/tunisia-attack-director-lgbt-group>

51 She was dragged and her bag searched while she was being rescued: a lawyer recounts the details of her attack yesterday at the demonstration (2022, January 15), nessma.tv. Retrieved August 6, 2024, from [\(link\)](#)

52 Amina B. interview with HuMENA on 26 July 2024

53 Petition: Free Tunisian activist Chaima Issa, Amnesty International. Retrieved August 6, 2024, from <https://www.amnesty.org/en/petition/free-tunisian-activist-chaima-issa/>

54 Association: A complaint against an environmental activist because of her support for a peaceful movement demanding the right to water (2024, June 26). Retrieved July 28, 2024 from [\(Link\)](#)

55 Interview with HuMENA on July 31, 2024.

4.1.6 Differing response to demonstrations in support of the President

Unlike the pro-democracy protests, the protests organized to support the measures of the President were welcomed and supported by the authorities. According to several activists and CSOs workers, the police made significant efforts to accommodate the Pro-President demonstrations.

One day after the President suspended the parliament, on 26 July 2021, two groups of protesters gathered in front of the Parliament. One group supported the measures, and one group opposed the steps the President took a day earlier. The protests ended with violence in which the protesters attacked each other.⁵⁶

On 25 September 2021, pro-President Kais Saied demonstrators organized a demonstration to support the measures the President took. According to activists, the demonstration went on smoothly without any interference from the police.⁵⁷ Another rally was in October 2021 held in Tunis center by loyalists of the Presidents who called for “dissolving the Parliament”. As before, the demonstration was supported by the police and local authorities.

Local authorities and the Interior Ministry are reported to have helped a pro-Kais Saied demonstration and offered them necessary assistance, such as enabling them to enter the main avenue and removing barriers without any problems.⁵⁸ Apparently, this was not the first time and it continued to happen on other occasions. A contrast has been drawn between police action toward pro-President demonstrators and the pro-democracy. On 4 June 2022, around 100 protesters attempted to gather in front of the Independent High Authority for Elections headquarters to protest against the constitution referendum organized in July 2022. The police prevented them from gathering and later hit and dispersed them.⁵⁹

56 In front of the Parliament. Throwing stones and bottles between supporters of Saied's decisions and opponents (2021, July 26), Ultra Tunisia. Retrieved August 6, 2024, from [\(Link\)](#)

57 “For Supporters Only” Report (2022, July 11), Intersection Association for Rights and Freedoms. Retrieved August 6, 2024, from <https://intersection.uno/%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d9%84%d9%84%d9%85%d8%a4%d9%8a%d8%af%d9%8a%d9%86-%d9%81%d9%82%d8%b7/>. Full report in Arabic: [inter-11-07-2022.pdf\(intersection.uno\)](inter-11-07-2022.pdf(intersection.uno))

58 “For Supporters Only” Report (2022, July 11), Intersection Association for Rights and Freedoms. Retrieved August 6, 2024, from <https://intersection.uno/%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d9%84%d9%84%d9%85%d8%a4%d9%8a%d8%af%d9%8a%d9%86-%d9%81%d9%82%d8%b7/>. Full report in Arabic: [inter-11-07-2022.pdf\(intersection.uno\)](inter-11-07-2022.pdf(intersection.uno))

59 “For Supporters Only” Report (2022, July 11), Intersection Association for Rights and Freedoms. Retrieved August 6, 2024, from <https://intersection.uno/%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d9%84%d9%84%d9%85%d8%a4%d9%8a%d8%af%d9%8a%d9%86-%d9%81%d9%82%d8%b7/>. Full report in Arabic: [inter-11-07-2022.pdf\(intersection.uno\)](inter-11-07-2022.pdf(intersection.uno))

In 2024, rallies to support the Tunisian President continued. In May 2024, hundreds of people gathered in Tunis against “foreign interference.” The demonstration came after several countries criticized the arrest of lawyers, activists, and journalists. The President accused these countries of “interfering in Tunisia affairs,” and the rally echoed the expression.⁶⁰

60 Hundreds of Tunisian president's supporters protest against 'foreign interference' (2024, May 19), Reuters. Retrieved August 6, 2024, from <https://www.reuters.com/world/africa/hundreds-tunisian-presidents-supporters-protest-against-foreign-interference-2024-05-19/>

4.2 Impact of restrictions on freedom of assembly

4.2.1 Reduction in number and scale of protests

As the Tunisian authorities intensified the crackdown on freedoms and they continued to arrest and detain journalists, activists and political dissidents, freedom of assembly has been drastically affected.” According to the Tunisian Forum for Economic and Social Rights (FTDES), 3,016 protest actions had taken place in 2023 by November. This is half the number of protests that took place in 2022. “The decline and disappearance of the number of protests can be documented over the months. The last quarter of the year saw a further decline in the number of mobilizations, but also an increase in violence and other manifestations of popular distress”.⁶¹

The protests continued in 2023 and 2024 but to much less extent. According to the head of the Tunisian Forum for Social and Economic Rights, the number of protests held throughout Tunisia has dramatically dropped because of the general situation in the country and also due to the level of arrest and intimidation so many people tended to seek “individual solutions rather than collective one”.⁶²

According to other human rights groups and activists, this situation is a result of “government repressive practices, such as the continued arrest and summoning of journalists, political figures, and civilians on the grounds of the right to demonstrate”.⁶³

Although a smaller number of protests have continued through 2024, the number of protesters attending has also dramatically dropped. The National Salvation Front in Tunisia is a Tunisian political group founded on May 31, 2022. It includes several Tunisian political entities opposed to President Kais Saied’s exceptional measures that the Front considers a “coup against legitimacy”. After 25 July 2021, the Front held regular protests in the centre of Tunis calling for restoring of the Parliament and the 2014 constitution. The Front held a protest on 25 July 2023, the second anniversary of the “exceptional measures,” and was only attended by 300 protesters. This is a small number compared to previous protests organized by the Front, further evidence of the decline of protests.⁶⁴

A few hundred protesters also gathered on the anniversary of the revolution, 14 January 2024, to demand change in the line that the President has taken. Another protest was organized by the Front on 12 May 2024 to demand a fair presidential election, again

61 Quarterly Report 2023 – Tunisian Social Observatory (2024, March 19), Forum Tunisien por les Droits Economiques et Sociaux/Tunisian Forum for Economic and Social Rights (FTDES). Retrieved August 6, 2024, from <https://ftdes.net/en/rapport-quatrieme-trimestre-2023-observatoire-social-tunisien/>

62 Interview with HuMENA

63 Tunisia: Dangerous expansion of government repression aimed at banning freedoms and peaceful assembly (2024, March 22), Euro-Mediterranean Human Rights Monitor. Retrieved August 6, 2024, from [\(Link\)](#)

64 Tunisia protest marks two years since president’s power grab (2023, July 23), Aljazeera. Retrieved August 7, 2024, from <https://www.aljazeera.com/news/2023/7/25/tunisia-protest-marks-two-years-since-presidents-power-grab>

attracting a smaller number of people.⁶⁵ Although the police did not attack protesters, the authorities made it difficult to gather in the center by putting barriers on the roads. Several activists also reported that the police stopped them while on their way to the gathering point.⁶⁶

4.2.2 Socio-economic protests

Protesting for socio-economic rights is not new in Tunisia, and the current protests are a continuation of previous years in which people protested under previous governments, particularly in the severely underdeveloped and marginalized regions. According to the spokesperson of the FTDES, protests in the recent period are not mainly about democracy but “demands are becoming more related to everyday socio-economic life”.⁶⁷

Pollution has become a massive problem for Tunisians and environmental services have nearly vanished. According to the Tunisian Human Rights League, “The government confronted the social and environmental protests with systematic oppression and attacks on the right to a clean environment”.⁶⁸ The Tunisian Forum for Economic and Social Rights (FTDES) stated that “social movements are concentrated in the regions usually invested by protest actors, which are also the regions where there is the most social inequality.”⁶⁹

In March 2024, the Tunisian authorities detained five protesters in Beni Ayyash area for thirty hours for taking part in a protest about the water crisis. They were released by Grombalia Magistrate. According to the Euro-Med Human Rights Monitor, the five protesters participated in a peaceful demonstration and their arrest was a violation for their constitutional rights.⁷⁰

According to FTDES, the protesters’ demands range between workers’ rights and improvement of working conditions, the right to water, infrastructure development, transportation and others.

There are increasing protests related to the environment. Environmental activists are subject to targeting and judicial prosecution and the authorities are trying to silence these activists. Environmental protests continued in the first half of 2024. The protests

65 Hundreds protest in Tunisia to demand a date for fair presidential elections (2024, May 12), Reuters. Retrieved August 7, 2024, from <https://www.reuters.com/world/africa/hundreds-protest-tunisia-demand-date-fair-presidential-elections-2024-05-12/>

66 Telephone interviews with three activists who took part in the protest

67 Interview with the FTDES spokesperson on 2 July 2024

68 p.76, [\(Link\)](#)

69 p.4, Quarterly Report 2023 – Tunisian Social Observatory (2024, March 19), Forum Tunisien pour les Droits Economiques et Sociaux. Retrieved August 7, 2024, from <https://ftdes.net/en/rapport-quatrieme-trimestre-2023-observatoire-social-tunisien/>

70 Tunisia: Dangerous expansion of government repression aimed at banning freedoms and peaceful assembly (2024, March 22), Euro-Mediterranean Human Rights Monitor. Retrieved August 7, 2024, from [\(Link\)](#)

have the objectives of the right to water and a clean environment. In its report for the first half of the year, the FTDES stated that in June 2024 alone, there were 212 protests throughout Tunisia. According to the report,⁷¹ the number of protests is lower than in May 2024 (248). The total number of protests in the last six months is 655.

According to the FTDES, the Tunisian authorities' excessive use of its penal code and "abusive laws" targeting activists must stop, and these laws must be reformed.⁷²

The FTDES' spokesperson explained to HuMENA how environmental activists are targeted in the internal regions of Tunisia.⁷³ He added that Law 54 created a state of fear amongst these activists and also ordinary people. He said that usually, the FTDES coordinated with the activists before every protest and helped them formulate their press releases and announcements. Recently, the police started to intervene and threaten these activists before the protests. The police tell the activists to "stay away from these organizations; they put you at risk." As a result, the number of protesters has decreased, and mobilizing has become much more difficult. "Usually, protesting comes when there is democracy and hope, and now in Tunisia, we lack both of them". Activists who campaign on the right to water in Majel Ben Abbas, Kassraïne, are being targeted by the authorities despite the difficult environmental situation.

In June 2023, 38 environmental activists in the Sfax area belonging to the social movement Manish Msab (We are not a dumpsite) appeared before court for protesting to demand the closure of the Qanna waste dump in the Aqrab area of Sfax in November 2021. During the protests, an activist named Abdul Razzaq Lashhab, was killed by the police and ten others were injured. The activists were charged with "disrupting the workflow, threatening or intentionally damaging the property of others", a standard charge against environmental activists. They were sentenced between eight months and two years in prison. According to local rights organizations, the sentences are a tool to silence these activists.⁷⁴

Security forces used tear gas in the streets surrounding the Kebili state headquarters on 22 November 2021, to disperse protesters from the Environment, Planting

71 Digital report of the Tunisian Social Observatory – Second Trimester 2024 ("April May June")

(2024, July 1), Retrieved August 1, 2024, from <https://al-forum.org/ar/digital-report-of-the-ost-second-trimester-2024-apr-may-jun/>

Over 600 protests reported in Q2 2024 (2024, July 6). Retrieved August 1, 2024 from <https://www.thefreelibrary.com/Over+600+protests+reported+in+Q2+2024.-a0800388041>

72 Social movements: demanding rights between a constitution that grants and an authority that criminalise.

Retrieved August 7, 2024, from <ftdes.net/wp-content/uploads/2016/12/juridique.mvtssociaux-compressed.pdf>

73 Interview with HuMENA

74 Manish movement is estuary: the judiciary triumphs for waste at the expense of citizens (2023, July 5), Nawaat. Retrieved August 7, 2024, from [\(Link\)](#)

and Horticulture Company. The workers protested at the entrance to the state headquarters against the non-payment of their wages for the previous two months. The use of tear gas and violence against protesters violated their right to freedom of assembly. It also violated Article 42 of the Tunisian constitution.⁷⁵

The socio-economic protests are longstanding demands against the government's unfulfilled pledges. In 2024, there is a visible continuity in these protests. there are 172 protests in the first half of 2024 and the right to water has 111 protests out of the total number.

4.2.3 Migrants' rights and freedom of assembly

In February 2023, the Tunisian President made a statement in which he said that "There is a criminal arrangement that has been prepared since the beginning of this century to change the demographic composition of Tunisia, and that there are parties that received huge sums of money after the year 2011 in order to settle irregular migrants from sub-Saharan Africa in Tunisia, indicating that these successive waves of irregular migration have the undeclared goal of Considering Tunisia as an African country only and not belonging to the Arab or Islamic nations".⁷⁶

After this statement, massive online and physical attacks were launched against African migrants in Tunis. Some local people in areas where refugees are mostly gathered and organized protests demanding the authorities remove refugees from their areas, especially their olive groves. In May 2024, locals in Al Amera, Sfax, organized a demonstration asking the government to evict the refugees.⁷⁷ That had severe consequences for the refugees who already struggled to receive any support from the state or from volunteers and risks exposing them to more racist and physical attacks.

This came after the Tunisian authorities expelled refugees from makeshift camps in different areas of Tunisia. On 3 May 2024, the Tunisian security forces raided a demonstration of sub-Saharan refugees in front of the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugee

75 P 11, 2022 Tunisia Constitution, Article 42 "Freedom of peaceful assembly and demonstration is guaranteed.". Retrieved August 7, 2024, from <http://www.gbo.tn/ar/dstwr-aljmhwrty-altwnsynt-nskht-2022>

76 Retrieved August 7, 2024, from <https://www.facebook.com/Presidence.tn/posts/pfbid02gkXqJK8EByDtaRHhJQeSmEBMhHutAcGa3az5V3NEFzr9Rdsqm11qsmusGA53zra4I>

77 Tunisian protesters demand eviction of migrant encampment, (2024, May 5), EuroActiv. Retrieved August 7, 2024, from <https://www.euractiv.com/section/migration/news/tunisian-protesters-demand-eviction-of-migrant-encampment/>

(UNHCR) offices in Tunis. According to witnesses,⁷⁸ the police used excessive force to disperse the refugees including children, pregnant women and asylum seekers registered with the UNHCR.⁷⁹ The refugees were forcibly removed on buses towards the Algerian borders. According to Amnesty International’s documentation, “security forces used teargas and tasers against them, including against children. They kicked, punched and hit them with batons”.⁸⁰

In Al Amera, Sfax, a volunteer explained to HuMENA that the refugees can’t organize a gathering to demand any protection or change in their circumstances. “The police would immediately intervene and brutally disperse them”.⁸¹ The volunteer added that it would be harder for any locals to organize any gatherings to support these refugees. “We would be immediately arrested and charged with helping foreigners on settlement in Tunisia and also a conspiracy against the state.” This makes it more difficult to offer support to already destitute and vulnerable refugees, potentially in violation of Article 32 of the Tunisian Constitution.⁸²

4.2.4 Civil society organizations

Attacks on civil society organizations

After the political change in 2011, Tunisia witnessed prosperity and progress in the work of civil society organizations. Tunisia witnessed the emergence of multiple associations with diverse specializations, aided by a major change in the legal framework related to establishing associations. Civil society groups lobbied and contributed to important new laws regarding the rights to assembly, freedom of expression, and access to information.

Civil society groups have worked closely with international organizations on projects

78 HuMENA talked to several refugees who were attending the protests

79 Tunisia: Repressive crackdown on civil society organizations following months of escalating violence against migrants and refugees (2024, May 16), Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org/en/latest/news/2024/05/tunisia-repressive-crackdown-on-civil-society-organizations-following-months-of-escalating-violence-against-migrants-and-refugees/>

80 Tunisia: Repressive crackdown on civil society organizations following months of escalating violence against migrants and refugees (2024, May 16), Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org/en/latest/news/2024/05/tunisia-repressive-crackdown-on-civil-society-organizations-following-months-of-escalating-violence-against-migrants-and-refugees/>

81 Interview with W A, a volunteer at Al Amera makeshift camp on 1 July 2024

82 p.11, the 2022 Tunisian Constitution “The right to political asylum is guaranteed within what is regulated by law, and the extradition of those who enjoy political asylum is prohibited.”

ranging from development to contribution to social and political stability as when the UGTT contributed to solving the political crisis in 2013. The civil society groups took leading roles in raising awareness of issues important to the communities, organizing peaceful demonstrations, and achieving social needs. Many civil society groups also worked with the government in partnership to carry out development projects. The number of associations is currently estimated at 25,048, but there are only between 400 actives⁸³ or operating organizations.⁸⁴

After 25 July 2021 and the completion of the power grab by the President, civil society groups found themselves on the front line of confrontation.⁸⁵ According to a researcher at the Legal Agenda,⁸⁶ “[t]he attacks on civil society organizations began by demonizing and distorting these organizations through repeated speeches by the President, in addition to accusing them of participating in the conspiracy against Tunisia by receiving foreign funding. The President announced in February that he would ban foreign funding”.⁸⁷

Impact on freedom of assembly: self-censorship and restriction on scope of work

After taking stock of the measures taken by Kais Saied, civil society has continued to stand at the forefront of defending freedoms, including the freedom of peaceful assembly. Activists document protest activities, police attacks on demonstrators, arrests, and campaigns for the release of their detained colleagues. Some associations also organize protests⁸⁸ to protect democracy or for economic and social demands.⁸⁹ Civil society organizations monitor and publish reports on protest movements and demonstrations, whether demanding democracy or making socio-economic demands. These reports are essential in disseminating accurate and trusted information about peaceful assembly movements, also helping the international civil society and human rights groups to campaign and lobby on behalf of Tunisians.

For example, The Tunisian Forum for Social and Economic Rights monitors and reports on the social and economic protests throughout Tunisia.⁹⁰ Mnemty,⁹¹ (My Sleep), an organization that fights racial discrimination and helps supports the African refugees

83 Interview with I Watch on July 3, 2024.

84 Center for information, training, studies and documentation on associations (2024, August 3). Retrieved August 7, 2024, from http://www.ifeda.org.tn/ar/index.php?id_page=5&lang=ar

85 Tunisia: president's two-year-long power grab has 'dramatically undermined' human rights (2023, July 24), Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org.uk/press-releases/tunisia-presidents-two-year-long-power-grab-has-dramatically-undermined-human-rights>

86 An interview with A M researcher at the Legal Agenda on 19 June 2024

87 Human rights under assault two years after President Saied's power grab (2023, July 2024), Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org/en/latest/campaigns/2023/07/human-rights-under-assault-two-years-after-president-saieds-power-grab/>

88 Nearly 3,000 people demonstrated in Tunis on Saturday March 4 at the call of the UGTT, African Regional Organisation of the International Trade Union Confederation. Retrieved August 7, 2024, from <https://ituc-africa.org/Nearly-3-000-people-demonstrated-in-Tunis-on-Saturday-March-4-at-the-call-of.html>

89 Retrieved August 7, 2024, from [\(Link\)](#)

90 Tunisian Social Observatory Monthly Reports. Retrieved August 7, 2024, from <https://ftdes.net/en/observatoire/>

91 <https://jamaity.org/association/association-mnemty/>

and monitors attacks on them in addition to organize rallies to support refugees' rights and against racism.⁹² The head of the organization Saadia Mosbah has been arrested on 8 May 2024.⁹³ Damj monitors and reports on attacks on the LGBTQI+ community including during protests to demand equality and recognition of their rights.⁹⁴ Damj also organizes protests.⁹⁵ The latest protest organized by Damj was on 26 June 2024 during the trial of two LGBTQI+ activists⁹⁶.

Not only do attacks have a direct impact on activists who beaten or detained, but they have also contributed to a wider environment of fear with repercussions for the vital work of civil society groups. Several organizations told HuMENA that they had been summoned for interrogations, and inspectors from the intelligence department visited their offices and searched their files and documents. They also expressed their concerns that they have been subjected to surveillance. This inevitably restricts the scope of their activities on the ground with fewer now participating because of the fear or the smear campaigns targeting these groups. Many activists have felt it necessary to impose some kind of self-censorship especially after the recent arrests of civil society staff, journalists⁹⁷ and lawyers⁹⁸. Many civil society groups had to change their work plans and establish new security measures as a result of the increasing threats and social media attacks on their staff. Tunisian Forum for Economic and Social Rights changed their activities and moved back the regional office to the capital and set up new work plans after "receiving serious threats including on social media".⁹⁹ Restrictions on freedom of assembly are increasing, alongside a reduction in the space for civil society to act to protect it.

Some civil society organizations paid the price for documenting and protecting the right to peaceful assembly, including journalists organizations, as happened with the National Syndicate of Tunisian Journalists (SNJT), where its president was attacked, arrested, and charged.¹⁰⁰ The Journalists Syndicate also organized rallies to protect press freedom and denounce attacks on journalists covering demonstrations and documenting police violence.¹⁰¹

92 What you need to know about Tunisia's anti-racism protests (2023, February 26), Aljazeera. Retrieved August 7, 2024, from <https://www.aljazeera.com/news/2023/2/26/what-you-need-to-know-about-tunisia-anti-racism-protests>

93 Tunisia: Deepening Civil Society Crackdown (2024, May 17), Human Rights Watch. Retrieved August 7, 2024, from <https://www.hrw.org/news/2024/05/17/tunisia-deepening-civil-society-crackdown>

94 <https://etihad-mena.org/>

95 Al-Quds Al-Arabi. Retrieved August 7, 2024, from [\(Link\)](#)

96 Interview with Mazen B, an LGBTQI+ on July 30, 2024.

97 Tunisia: Authorities escalate clampdown on media, freedom of expression (2024, May 30), Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org/en/latest/news/2024/05/tunisia-authorities-escalate-clampdown-on-media-freedom-of-expression/>

98 Tunisia: Lawyer arrested over public remarks, Amnesty International. Retrieved August 7, 2024, from <https://www.amnesty.org.uk/urgent-actions/lawyer-arrested-over-public-remarks>

99 Interview with spokesperson

100 Tunisia press syndicate chief says he faces prosecution over protest (2023, February 21), The New Arab. Retrieved August 7, 2024, from <https://www.newarab.com/news/tunisia-press-syndicate-head-facing-prosecution-over-protest>

101 Tunisia: Activists plan to protest outside journalists' syndicate building in Tunis May 27 (2024, May 27), Crisis24. Retrieved August 7, 2024, from <https://crisis24.garda.com/alerts/2024/05/tunisia-activists-plan-to-protest-outside-journalists-syndicate-building-in-tunis-may-27>.

4.2.5 Journalism and the Media

Attacks on journalists and media workers

Tunisian journalists are struggling hard to preserve the relative gains of freedom of expression they enjoyed in the last few years. Since July 2021, these journalists have been under fire. They are finding it too difficult to cover events without any interferences from the authorities. On 21 July 2021, while members of the Parliament and other governmental officials turned up at the gate of the parliament and they were banned from entering. Police attacked journalists and searched their bags and some journalists' cameras were forcibly taken by the police.¹⁰² Several journalists stated that journalists covering protests are also attacked by other pre government demonstrators. One journalist stated that she was hit with bottles of water in addition to verbal abuse during covering the Constitution referendum on 25 July 2022 due to "incitement against journalists"¹⁰³.



On 26 July 2021, there were clashes in front of the Parliament between supporters and opponents of the President. Several journalists reported that they found it

102 In an interview with a female journalist who was present on 21 July 2021 at the gate of the Parliament, she stated that two policemen attacked her and several of her colleagues and her camera was taken away from her and it was handed back when she agreed to leave.

103 Interview with Khawla C on June 23, 2024.

difficult to report because of police interference.¹⁰⁴ According to Article 19, journalists “were harassed by security forces in the vicinity of the Assembly of the People’s Representatives headquarters in Bardo. Their communications were jammed, and mobile phones and work devices seized. These attacks targeted employees of the Tunisia-Africa News Agency, Al Arabi 21 website, the Digital Tunisia website, and Al Arabiya TV.”¹⁰⁵

Impact on freedom of assembly: self-censorship and lack of coverage

Many journalists no longer dare to publish or cover protests. “I try not to go to cover a demonstration in Tunis or any region. I can be easily attacked by the police or can easily be arrested on the charge of conspiring against the state”.¹⁰⁶ Many journalists have already or are considering imposing self-censorship to avoid being a target of the authorities or the supporters of the President who are using social media to defame and attack journalists who publish critical works of the President. Another journalist stated that he was thinking not to publish anymore or even use the social media¹⁰⁷. This is the case of growing self-censorship in the country as a result of the atmosphere of fear surrounding journalists.

A journalist told HuMENA that media outlets editors are not keen anymore to send their reporters to cover protests and other events.¹⁰⁸ “They don’t want to lose the outlet or get arrested”.¹⁰⁹ She mentioned the case of France 24 journalist who was attacked while covering a gathering of lawyers at the Bar Association during the raid by police to arrest the lawyer and media commentator Sonia Dahmani.¹¹⁰

Journalists find it increasingly difficult to carry out their work especially when they cover protests. During protests, especially when police attack protesters, it has become the usual case that the police also attack journalists covering the protests in order not to have the information published. A journalist¹¹¹ who was attacked several times on different occasions told HuMENA that the big challenge journalists currently face is

104 Meeting with the Documentation Unit at the Journalists Syndicate on 18 June 2024

105 Tunisia: A grave step in the wrong direction (2021, August 12), Article 19. Retrieved August 7, 2024, from <https://www.article19.org/resources/tunisia-a-grave-step-in-the-wrong-direction/>

106 Interview with journalist Zied M on June 22, 2024

107 Interview with Tawfiq O on June 27, 2024.

108 Telephone interview with journalist S A on 25 July 2024

109 Tunisia: Police storms and shuts down Al Jazeera’s offices in Tunis (2021, July 26), International Federation of Journalists. Retrieved August 7, 2024, from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/tunisia-police-storms-and-shuts-down-al-jazeeras-offices-in-tunis>

110 Tunisian police arrest 5 journalists, interrupt France 24’s broadcast amid crackdown (2024, May 15), Committee to Protect Journalists. Retrieved August 7, 2024, from <https://cpj.org/2024/05/tunisian-police-arrest-5-journalists-interrupt-france-24s-broadcast-amid-crackdown/>

Tunisia: Lawyer Arrested Over Public Remarks: Sonia Dahmani (2024, May 16), Amnesty International. Retrieved August 2024, from <https://www.amnesty.org/en/documents/mde30/8054/2024/en/>

111 Telephone interview with journalist S A on 25 July 2024

the “culture of intimidation” and the consequences of the use of the drastic Law 54,¹¹² which was designed to persecute journalists, civil society workers and even protesters. She stated that, at present, the number of journalists who cover important events is much less than before. This has drastically affected the flow of information to the public and also to international observers and helped the Tunisian authorities to continue violating human rights without being noticed or exposed.

4.2.6 Impact on Tunisia’s democratic transition

Tunisia succeeded in establishing relatively several democratic and independent institutions and ran several free elections. The independent institutions are the The Independent High Authority for Elections (ISIE), the High Authority for Audio-Visual Communication (HAICA), the Human Rights Commission, the Commission for Sustainable Development and the Rights of Future Generations, and the National Anti-Corruption Authority (INLUCC). Saied closed down these institutions except the ISIE which he granted himself the power to appoint its members, previously members were selected by the Parliament, through a presidential decree issued on 21 April 2022.¹¹³ This affected the status of freedoms including freedom of assembly which is an important part of democracy.

The failure to fortify and complete the building the independence of these institutions made it easier for the President to put an end to the democratic transition project. The previous governments failed to establish the Constitutional Court which would have protected these institutions.

It does not appear that Kais Saied intends to form the Constitutional Court, which is the only body included in his constitution issued in 2022, which completely put an end to the democratic transition and returned the country to a presidential system, given the absolute powers placed in the hands of the head of state.

4.2.7 Long-term implications for civil liberties

Despite the fact that the President initially promised to guarantee all rights and freedoms including freedom of assembly, but after three years of the “exceptional measures”, freedoms gained in the last years are threatened and many have vanished in the middle of arbitrary arrests of journalists, lawyers and protesters, threats against civil society, and violations of freedom of expression and freedom of assembly. Human

112 A new blow to freedom of expression in Tunisia (2023, March 28), Access Now. Retrieved August 7, 2024, from <https://www.accessnow.org/a-new-blow-to-freedom-of-expression-in-tunisia/>

113 Publication of the revision of the Election Commission Law in the Official Gazette (2022, April 22)

rights are interconnected: freedom of assembly is a critical human right to help people access their other rights. Tunisia is practically in free fall position. The direct impact on civil liberties was the issuing of Law 54 on 13 September 2022, which is a comprehensive repressive law aiming to suppress critics. The law has been used as an umbrella to arrest political opposition, lawyer and journalists. Law 54 has been used to allow police to arrest peaceful protesters and also ban demonstrations.

Freedom of expression and press was considered to be the main achievement of the political change in 2011. Journalists been actively targeted and a noticeable pressure to silence the media. In the days leading up to the July 25, 2022 referendum, The National Syndicate of Tunisian Journalists (SNJT) documented 42 instances of work prohibitions, and 29 physical assaults against journalists, including 14 at the hands of security forces.

In its 2024 annual report,¹¹⁴ the SNJT stated that “[t]he period between 3 May 2023 and 3 May 2024, witnessed an exceptional situation for journalists, characterised by escalating threats against freedom of the press. Journalists were repeatedly tried for their journalistic work, and restrictions, threats, and attacks against them continued. Journalists were referred for their work on 39 occasions under injunctive laws, such as the Anti-Terrorism and Money Laundering Law, the Communications Code, the Penal Code, and Decree 54.” In addition, the SNJT stated in a report covered October 2022 to 2023¹¹⁵, that “the job roles of the victims of the attacks were as follows: 193 male and female journalists, 40 photojournalists, two male commentators, and two directors of institutions. The attacks were related to electoral topics in 60 cases, topics of a social nature in 27 cases, topics related to terrorism and money laundering in 11 cases, and topics related to protests in 11 cases.”

In the last three years, Tunisia has witnessed a significant decline in freedoms. The President has issued a set of legislative decrees, and the judicial system has been manipulated for use against opponents. Civil liberties are increasingly at risk,

114 The National Syndicate of Tunisian Journalists, Annual report on the reality of press freedom in Tunisia 2024 (2024, May 3). Retrieved August 1, 2024 from <http://snjt.org/2024/05/03/%d9%86%d9%82%d8%a7%d8%a8%d8%a9-%d8%a7%d9%84%d8%b5%d8%ad%d9%81%d9%8a%d9%8a%d9%86-%d8%aa%d9%82%d8%af%d9%85-%d8%a7%d9%84%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d8%a7%d9%84%d8%b3%d9%86%d9%88%d9%8a-%d9%84%d9%88/>

115 The National Syndicate of Tunisian Journalist, the annual report on the reality of press freedom in Tunisia 2024 (2023, November 9). Retrieved August 1, 2024 from <http://snjt.org/2023/11/09/%d8%a7%d9%84%d8%aa%d9%82%d8%b1%d9%8a%d8%b1-%d8%a7%d9%84%d8%b3%d9%86%d9%88%d9%8a-%d8%a7%d9%84%d8%b3%d8%a7%d8%a8%d8%b9-%d8%ad%d9%88%d9%84-%d8%b3%d9%84%d8%a7%d9%85%d8%a9-%d8%a7%d9%84%d8%b5%d8%ad%d9%81/>

5. Case studies

5.1 Case one

Feryel Charfeddine, the head of CALAM Association¹¹⁶:

Sharaf Aldeen is the manager of the CALAM Association, which works on women's rights and supports other societal sectors such as immigrants. The association is one of those targeted civil society groups.

On 13 May 2024, Sharaf Aldeen was in the gathering¹¹⁷ at the Bar Association where people came to support the lawyer Mehdi Zagrouba,¹¹⁸ two days after the lawyer Sonia Dahmani¹¹⁹ who took shelter after the police attempted to arrest her shortly after she gave an interview on a tv station.

“A few days after the gathering, I received a summons for interrogation. They told me you are summoned as a witness. I went with three lawyers to find out that I was not a witness. I was accused because I raised a banner during the gathering. I was kept between 9 am until 7pm. During the interrogation, the interrogators contacted the general prosecutor three times. Every time, the prosecutor came up with a new case and new questions. When they closed the case, the prosecutors would call again and open a new case. The new case would be about seeing me in another demo or another gathering. This lasted until they released me at 7pm”.¹²⁰

Charfeddine does not think the case completely closed and she believes the interrogation was a message of intimidation to stop her and others working on the issues she is working on.

116 Calam Association: <https://www.facebook.com/CalamTn/>

117 Tunisian police arrest lawyer in new raid on bar association headquarters (2024, May 14). Retrieved July 22, 2024 from <https://www.aljazeera.com/news/2024/5/14/tunisian-police-arrest-lawyer-in-new-raid-on-bar-association-headquarters>

The moment Sonia Al-Dahmani was arrested (2024, May 12). Retrieved July 22, 2024 from <https://www.google.com/search?client=firefox-b-d&q=%D9%84%D8%AD%D8%B8%D8%A9+%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84++%D8%B3%D9%88%D9%86%D9%8A%D8%A7+%D8%A7%D9%84%D8%AF%D9%87%D9%85%D8%A7%D9%86%D9%8A#fpstate=ive&vld=cid:954a6408,vid:9So0p4ZTDQ0,st:0>

118 Tunisia: Interference with the judiciary and harassment of lawyers must end, say UN experts (2024, May 31), United Nations Human Rights Office of the High Commissioner. Retrieved August 7, 2024, from <https://www.ohchr.org/en/press-releases/2024/05/tunisia-interference-judiciary-and-harassment-lawyers-must-end-say-un>

119 Amnesty International, Tunisia: Lawyer Arrested Over Public Remarks: Sonia Dahmani (2024, May 16). Retrieved July 27, 2024 from <https://www.amnesty.org/en/documents/mde30/8054/2024/en/>

120 An interview with Feryel Charfeddine on 21 June 2024

“It looks like there are some banners disturb the President. In the interrogation dossier, they wrote my name and then they wrote: the charge is.... They used three dots because during the interrogation, they can fabricate any charge which suits them”.

Charfeddine thinks she is exposed to surveillance as when she was interrogated the interrogators came up with messages from her social media. She also mentioned that a police car kept coming and stopping for some time next to her house and on one occasion, police officers left a piece of close on the door handle, “as if they wanted to send a message that they were here”.

According to Charfeddine, what happened to her is part of a bigger campaign against activists and civil society workers to stifle them through intimidation and fear of imprisonment especially when the government has their own weapons: Law 54. She explained that the authorities are not shy or embarrassed of breaking their own laws. They could arrest people or interrogate them without any legal basis.

“We need to continue fighting for our rights. Fear does not make us stop our work”.

5.2 Case two

Wael Nawwar is an activist who organizes protests and sit-ins, and focus groups as part of a group called Qawem (Resist).¹²¹ The groups organize social and economic protests in addition to pro-democracy and freedom protests.

“We are independent activists interested in people’s interests and daily issues. As a result, I was hassled, summoned and even arrested. I have eleven court cases against me”.

Nawwar told HuMENA that when they protest for issues related to Palestine, there is usually a big presence of police. The police take photos and videos but usually do not intervene, except when they come close to the embassies, the police hit them on several occasions.

However, when they protest for a local Tunisian issue, they usually experience threats, physical attacks, and detention. He explained that many detainees spend long in prison before being found innocent or guilty. He mentioned a colleague, Rashad Tanboura,¹²² who drew the President on a wall in Monastir city with writing “racist” and was sentenced to two years. He was arrested on 24 July 2023.

121 An interview with Wael Nawwar on 22 June 2024.

122 The Legal Agenda: The youth of the walls behind bars behind bars (2024, January 24). Retrieved July 7, 2024, from <https://legal-agenda.com/%D8%B4%D8%A8%D9%8E%D8%A7%D8%A8-%D8%A7%D9%84%D8%AC%D9%8F%D8%AF%D8%B1%D8%A7%D9%86-%D9%88%D8%B1%D8%A7%D8%A1-%D8%A7%D9%84%D9%82%D8%B6%D8%A8%D8%A7%D9%86/>

When asked whether he was himself arrested and physically attacked, Wael report “I was arrested several times but stayed in the police stations and spent one night and the next day was released courts pending trials.”

The last detention on 22 July 2023 at Bourguiba Avenue. He was beaten up inside the anti-crime squad station. He was released the next day and he is waiting for his trial. He explained that all the pending trials are the result of arrests from protests and sit-ins. “We were released the next day but the judges did not get us justice as they put us on trial. We are usually released, because there’s no legal basis for our arrests and sometimes, we were released because so many activists protested in front of the court”.

He confirmed that he was always tortured at the police stations and once he filed a lawsuit against a police officer who beat him up and after few months, he found out that this officer was promoted. He said that his situation was still better than other ordinary people who are picked up from protests. He stated that he saw these young men severely beaten up and taken to prison. This happens because these protesters are unknown to the civil society groups or to journalists.

Wael believes that the attack on protesters is a step towards proper dictatorship as now it is not a complete dictatorship.

“The regime is using methods of intimidation and fear to scare people and stop them protest. And this worked to some extent, not we have less people joining us”.

Wael explained that the arrest of Sonia Dahmani and other lawyers in the same period was an act of sending a message to those who would protest or criticize the regime. He explained that he organized a protest after the wave of arrests. The protest carried a banner called “No Justice without Freedom and No Freedom without Justice.” “The aims of the protest were to show solidarity and also break the fear barrier. Wael said that “the police communicated with us, especially through some police informants we know, and sent us clear threats that we would all be arrested and sentenced. The informants started spreading rumors in the area. Many people were scared, but a lot of us joined the protesters, and I believe we broke the barrier. Police did not hit us, but they came and took videos, and before that, they put metal barriers to stop us getting through into Bourguiba”.

Wael believes that what is happening now is the beginning of Kais Saied’s dictatorship because he is suppressing each sector separately and at different times, so he does not have to face everyone simultaneously.

“I will continue to organize protests and I will keep protesting. I myself broke the fear barrier”.

6. Conclusion

This report aims to examine the state of freedom of assembly in Tunisia after the political change the President carried out on 25 July 2021. The findings in this report paint a bleak and complex picture of the state of freedom of assembly in Tunisia since then. It has been important to support civil society and campaign initiatives in Tunisia, which can continue pushing and working to guarantee the right to freedom of assembly in the country.

The report assessed the national and international laws related to the right of freedom of assembly, the practical implementation, and the challenges faced by people in Tunisia in exercising this fundamental right.

This analysis revealed that while Tunisia's legal framework, the constitution, protects the right to peaceful assembly, there has been an environment of restrictions in response to a range of protests in support of democracy, socio-economic rights, LGBTQI+, and issues protests throughout Tunisia. While protests continue to take place, they are impacted by the decisions of the authorities to ban many demonstrations and the excessive use of force by the police if protests do go ahead. In addition, there is a culture of intimidation against protesters and civil society groups that organize and document protests and against journalists who cover these protests and bring the facts to light. There is also a campaign of defamation against activists and protesters where they are accused of being "traitors" or "conspiring against the state"

Freedom of peaceful assembly is a fundamental right in itself and also a key right to enable people to demand and protect other human rights. These restrictions on freedom of assembly have undermined Tunisia's democratic transition and also stifled the people's engagement and their ability to advocate for social and political change. This has significant implications for the country's freedoms and social stability.

7. Recommendations

Based on these findings, the report makes the following recommendations:

The government should:

- stop targeting protesters and civil society groups by revoking the use of Law 54 to stifle their work and civil liberties in general
- establish and ensure the implementation of clear guidelines for law enforcement on responding to public assemblies, emphasizing the protection of peaceful demonstrations and proportionality in the use of force
- engage in a dialogue with all civil society organizations and political and social stakeholders to restore and uphold democratic transition
- base not only its laws but also its practices on international human rights standards

Civil society organizations should:

- Continue to monitor the situation in Tunisia regarding freedom of assembly, documenting any violations or improvements.
- Continue to engage with international partners to strengthen local organizations' capacity and tools for protecting freedom of assembly.
- Offer technical assistance and support to Tunisian activists in strengthening mechanisms that protect assembly rights.

International civil society organizations and funders should:

- Continue to fund and support the local Tunisian civil society organizations to be able to continue their work to guarantee the right to freedom of assembly.



HuMENA For Human Rights and Civic Engagement
HuMENA pour les Droits de l'Homme et l'Engagement Civique
هيموينا لحقوق الإنسان والمشاركة المدنية



HuMENA for Human Rights and Civic Engagement - 2024 ©
www.humena.org

4/15 Rue Alphonse Hottat, Brussels, 1050, Belgium