

Tunisia : When fighting terrorism erodes the rule of law and destroys human dignity

Press release

Tunis, 11 December 2019 – In a report published today, the World Organisation Against Torture (OMCT) sounds the alarm on the fate of large numbers of Tunisians who are listed and subjected to repressive measures by the Interior Ministry, as part of its policy to prevent terrorism. *Being “S” – Arbitrary administrative control measures in Tunisia* uses concrete cases to analyse the arbitrariness of such measures and their destructive impact on those who incur them.

“What is at stake here is of course not the need for the Tunisian State to protect the population against terrorist acts that assail the most fundamental human rights values”, said Gerald Staberock, OMCT Secretary General. *“The question is about the way these actions are carried out: do they respect the rule of law or are they tainted by arbitrariness? Let’s be clear: a Kafkaesque surveillance system doesn’t promote security. On the contrary, it risks feeding violent extremism, as we have seen time and again.”*

The report is based on the stories of 20 beneficiaries of Sanad, a programme of OMCT Tunisia providing legal, psycho-social and medical assistance to victims of torture and/or ill-treatment. The stories of these 20 people are emblematic of a repressive policy that has been targeting tens of thousands of Tunisians for years, arbitrarily depriving them of their fundamental rights, in the name of the fight against terrorism. What they have in common is to have been placed in a database due to the danger they allegedly pose and to be submitted by the administration to measures restraining their freedom that are vaguely defined, lack any legal basis or motivation, and are open-ended.

Being “S” shows the devastating consequences of these administrative control measures on those listed and on their families, all of them victims, in the words of one of them, of *“a sentence issued by no one and enforced by everyone”*. Loss of a job, divorce, isolation, parent and child trauma, anguish, depression... there are tens, hundreds and maybe thousands of lives that are ravaged on a daily basis. *“It goes beyond not feeling like a citizen with rights anymore. I don’t even feel like a human being who deserves to live in society. They do everything to prevent me from having a life, and I don’t have one anymore”*.

“These measures lead to a loss of any point of reference, both psychologically and socially”, lamented Rim Ben Ismail, clinical psychologist who has accompanied SANAD beneficiaries for six years. *“They generate a real marginalisation which worsens the breaking down of social links. This can be dangerous both for the person and for the wider society.”*

Based on the testimonies collected, *Being “S”* establishes, for the first time, a typology of administrative control measures imposed on the listed people. These measures go well beyond simple restrictions on the freedom of movement and take often the shape of police harassment, carried out with total impunity.

“Disproportionate restrictions on freedom, without legal basis and without prompt judicial control are arbitrary, and as such contrary to the Constitution and to international law”, stressed Mokhtar Trifi, vice-president of the OMCT. *“We call on the Ministry of the Interior to immediately stop carrying out such measures and to provide reparations to those who have suffered from them. The Government and the Assembly of the representatives of the people must also reform the legal framework around these control measures, without delay. What is at stake is the respect of the fundamental rights of the Tunisians.”*

The World Organisation Against Torture (OMCT) works with over 200 member organisations which constitute its SOS-Torture Network to end torture, fight impunity and protect human rights defenders worldwide. The OMCT office in Tunisia provides direct assistance to victims of torture and institutional violence, advocates with decision makers and legislators, and extends technical support to institutions and civil society partners.



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