

THE FINDINGS VOLUME 1



***Injustice anywhere
is a threat to justice
everywhere.***

Martin Luther King Jr.



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RECONSTRUCTION



1. INTRODUCTION

SANAD is the direct assistance program of the World Organization Against Torture (OMCT) for victims of torture and ill-treatment in Tunisia. The SANAD centers in Kef, Sfax and Tunis assist victims of torture and ill-treatment as well as their relatives from all over the country. Experienced social and legal coordinators assist men and women victims in the process of reconstructing their lives. They draw up an individualized intervention plan for each beneficiary and conduct regular support check-ins with beneficiaries. Since its creation in 2013, SANAD has accompanied 639 beneficiaries, including 430 direct victims and 209 indirect victims of torture or ill-treatment.

The SANAD 2020-2021 report covers the activities carried out by SANAD between January 1, 2020 and September 30, 2021. These two years have been marked by major upheavals, namely the public health crisis that paralyzed the country, a popular uprising quashed by violent police repression and ultimately a political regime change. These shifts have had considerable consequences on the proper functioning of institutions and on the rights and freedoms of individuals. SANAD faced myriad challenges as a result, including restrictions on freedom of movement and the partial unavailability of certain administrations due to the management of the Covid-19 pandemic, changes of interlocutors linked to political instability and heightened influxes of new beneficiaries due to waves of repression. Notably, these events have led the organization to enhance its collaboration with several partner organizations in the capital and in the regions in order to ensure holistic quality care for its beneficiaries.

This report presents SANAD's activities over the past two years in service of its beneficiaries against the current situation's turbulent backdrop.



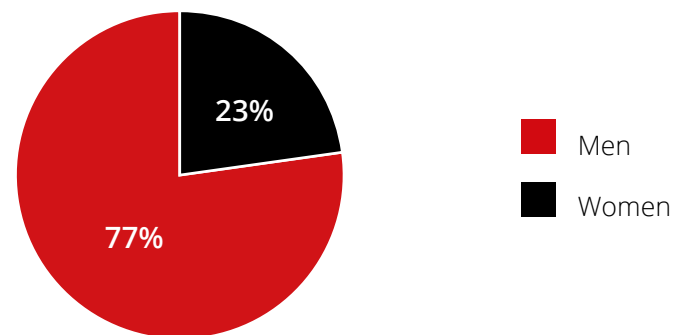
2. PROFILE OF SANAD BENEFICIARIES: TWO-YEAR REVIEW OF INSTITUTIONAL VIOLENCE

Since January 2020, SANAD has assisted and accompanied **144 persons: 103 direct victims of torture and/or ill-treatment, and 41 indirect victims.**

Among the total number of direct victims assisted by SANAD, **79 are men and 24 are women.** The proportion of women has increased compared to previous years. Twenty of the women beneficiaries are registered under restrictive administrative control measures.

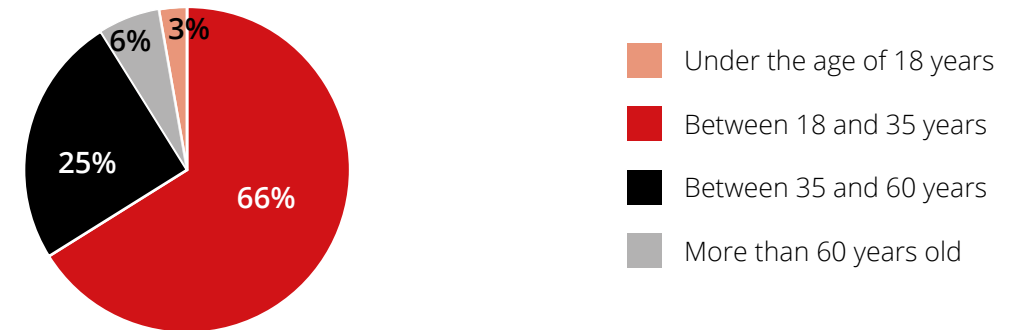
The increase in the number of women beneficiaries is the result of awareness-raising work carried out by the SANAD team. The SANAD team's accompaniment of women has encouraged others to seek assistance.

Gender breakdown of direct victims



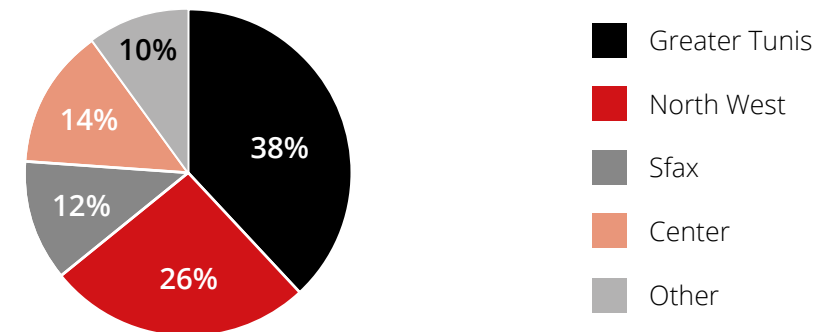
Of the **103 direct victims** assisted by SANAD, **71 are under the age of 35.**

Age breakdown of direct victims



The geographical distribution of beneficiaries, and more specifically of direct victims of SANAD, shows a high concentration around greater Tunis, the northwest and the center around Sfax. This dispersion can be explained by the location of the SANAD counseling centers and does not reflect the real geographic occurrence of victims of torture and ill-treatment.

Geographic breakdown of direct victims



The testimonies of the many victims recorded by SANAD provide an insight into the current phenomenon of torture in Tunisia. Information detailing perpetrators, locations, victim profiles and the circumstances in which torture and ill-treatment are inflicted reveal that institutional violence remains a common practice.

2.1. THE PERSISTENCE OF VIOLENCE



Motives and locations

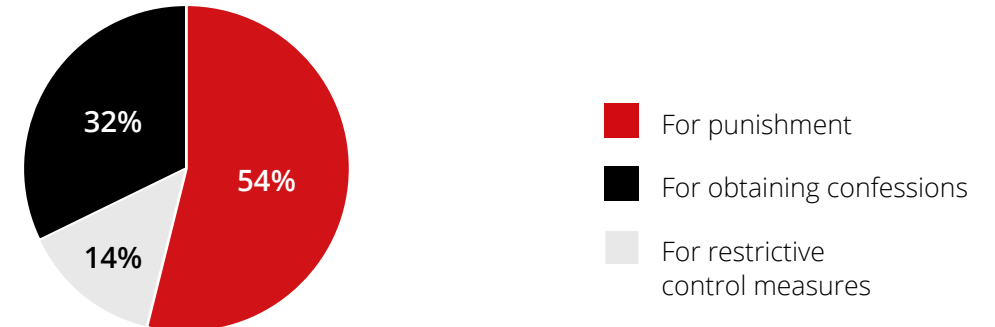
Over the past two years, SANAD has documented numerous cases of torture and/or ill-treatment perpetrated by the police and the national guard for punitive purposes, often following an altercation. Sometimes the instances constitute a private dispute in which the officer, acting outside of working hours, abuses his status and authority.

Saber & Youssef

In December 2020, Saber and Youssef, two teenagers living in northwestern Tunisia, were playing near their home when they were accosted by Amine, a young man who was drunk. Amine insulted Saber and Youssef and threw projectiles at them. They chased him away by throwing stones at him. Amine returned shortly afterward with a group of adults, including a relative who is an agent at the national guard. The agent hit Saber on the head with a baton and he lost consciousness. He assaulted and threatened Youssef and then called the national guard agents to take him away. Saber's father was informed that his son was lying unconscious in the street.

He came to pick Saber up and took him to the station of the national guard, where they found Youssef being interrogated without the presence of a relative or a lawyer. He was bare-chested, his clothes having been ripped. The parents of the two teenagers took their sons to the hospital to be examined following the assaults. Nevertheless, the attacking officer and several of his colleagues followed them and pressured the doctor to issue a medical certificate to Amine to justify a complaint of robbery against Saber and Youssef.

Motives for torture and ill-treatment



Samir

Samir was assaulted in December 2019 when he was on his way to refill his car's gasoline tank. A police officer with his family wanted to jump the queue and pass before him. Samir refused to give way and the officer headbutted him, breaking his nose. The officer walked back to his car and promised to take revenge. A few moments later, two police officers arrived and took Samir to the police station. There, he found the assaulting officer, who punched him so hard to the point that the other officers had to intervene to stop him. Samir lost consciousness and was taken to the hospital.

Khaled

In February 2021, Khaled was guarding the family shop in his mother's absence when a drunk police officer arrived and demanded to take packs of cigarettes without paying. When Khaled refused, the officer beat him up and ransacked the shop. A neighbor of Khaled, an agent of the national guard, intervened and advised Khaled to formally complain. Khaled went to the police station. The agents asked him to be examined at the hospital before returning to lodge the official complaint. When he returned to the police station, he found his aggressor awaiting Khaled's interview as a victim, despite the fact that the officer was the suspect in this case. The police officers finally convinced the young man to drop the complaint. Khaled was afraid and changed his mind.

Tarek

A similar story took place in Sfax in 2020. Tarek attended a junior soccer game to cheer on his nephew, who was participating in the game. While Tarek was singing and clapping to encourage his nephew, a civilian police officer threw him to the ground. The impact resulted in an injury to his mouth. Tarek protested and another officer arrived. The two officers punched and kicked him and then put him in the police car. They beat him in the car but before they could rush off, a police chief approached the vehicle to ask what was going on. Tarek was then able to escape.

In the majority of cases, torture and ill-treatment inflicted for punitive purposes are the result of a dispute between a Tunisian citizen and a police agent or national guard officer in service.

Mokhtar

In early 2021, Mokhtar went to a sports center in a city in northwestern Tunisia with his sister and several friends. As they waited for the sports competition to begin, two civilian police officers standing nearby were talking loudly and using vulgar language. Mokhtar asked them to avoid using such language in front of his sister. The officers began to insult him and then punched him in the face. Mokhtar responded and the officers called colleagues. Mokhtar found himself surrounded by a dozen officers, some in civilian clothes, others in uniform. Several of them hit him all over his body. They also hit his sister and his friends when they tried to intervene to stop the assault. Mokhtar was taken to the police station where he remained for more than eight hours. He was accused of insulting a public official and damaging public property. Upon leaving the police post, he went to the emergency room. The doctor ordered three weeks of recuperation time.

Oussema

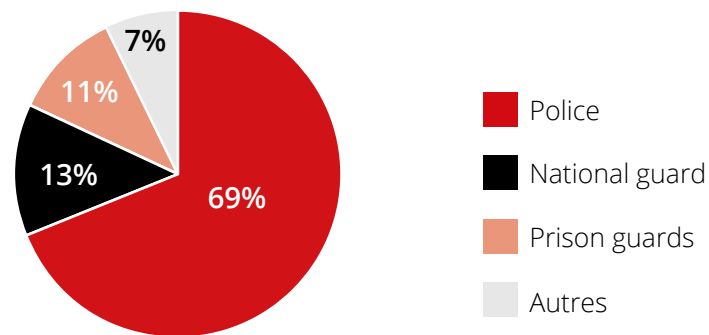
Oussama is a young entrepreneur working in Tunis. He tells us that he had to bribe officers in the neighborhood on several occasions. When he stopped paying, the said agents retaliated. In April 2021, two of them stopped Oussama while he was driving, forced him out of his car, handcuffed him and beat him in the street in full daylight. While in the police car, the officers again punched and kicked him all over his body, including the face and neck. They brought Oussama back to their police station. While still handcuffed, they clubbed, punched and slapped him and threatened to implicate him in a drug trafficking case. The chief of the brigade arrived and ordered Oussama's release but made him promise not to issue a complaint against the officers. After leaving the station, Oussama went to the hospital. The doctor noticed that he had scratches and marks on his face and neck and bruises on his shoulders, as well as a sprained hand.

Torture for punitive purposes may also be carried out in prisons by prison officers. These cases are fewer in number than those involving police or national guard officers, but they are not anecdotal.

Foued

Foued was arrested in February 2020 following a fight. He was placed in pre-trial detention in prison. One day, he got into an altercation with a prison guard and was placed in isolation for ten days. The retaliation was extremely violent. During the period of isolation, a group of officers came into his prison cell and humiliated and sexually abused him for insulting their colleague. A few months later, when Foued was suffering from abdominal pain, he asked to see a doctor, but the guards refused his request. They took him out of the collective room and kicked and punched him all over his body and face, leaving traces that his lawyer and the prosecutor could still notice several days later. The director of the prison tried to intimidate him, but Foued insisted on filing a complaint.

Alleged perpetrators



In addition to the punitive use of violence, law enforcement officers continue to use violence during arrest or in custody to extort confessions. This applies in particular to persons suspected of having committed an offense under common law:

Kamel

Kamel was subjected to an ID check on the street in early 2020. He informed the officers that he had left his ID card at home. The police got angry and Kamel got scared, pulled out a blade and threatened to mutilate himself. The officers beat him up in the street on his head, stomach and legs until he lost consciousness. They took him to the hospital. According to the police record, Kamel signed a report at the hospital that evening without the presence of his lawyer nor the advisement of his family. Another report mentions, however, that he was only questioned the next day. The following month, he was sentenced to prison for «insulting a government official and carrying a knife without authorization».

Bilel

In June 2020, Bilel witnessed a violent dispute between a police officer and Basma, one of his neighbors. The officer punched Basma and asked his colleagues to take her to the police office. Bilel had his cell phone in his hand and the officers thought he had filmed the scene. They forcefully put him in a police car, handcuffed him and beat him. The violence continued at the police office. They punched him in his ear to force him to sign a statement, but he resisted. He was taken to the prosecutor who noted the traces of violence but still accused Bilel of using personal data without authorization. Basma was also arrested but agreed to sign a statement condemning herself as in contempt of the law after the officers threatened that she would not see her children again.

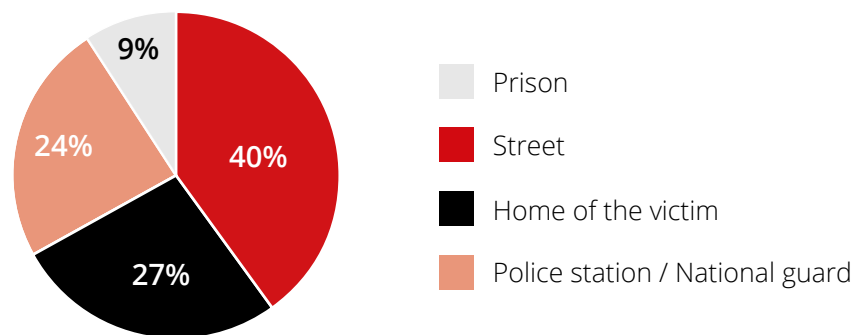
Regardless of whether violence is used for punitive purposes or to get a confession, in most cases the violence starts in **public places** (at the stadium, on the street, in the hospital, etc.) and continues at the **police station**.

Adam

Adam was arrested in September 2021 in Tunis with some friends, under the pretext of suspicion that they were trying to emigrate to Europe without authorization. The officers severely beat them in the street and then at the police station, slapping, punching and kicking them. The officers confiscated their money without noting it in the statements of offence.

The violence most often consists of punches, kicks, baton or stick blows inflicted all over the body, sexual aggression, humiliation and threats of rape, death and prosecution on the basis of false accusations. The resulting consequences are at times grave.

Location of violations



Suspicious deaths

Since its creation in 2013, SANAD has documented 14 cases of suspicious deaths that occurred while the victims were in the hands of the police, national guard, prison administration or hospital agents as part of an enforced hospitalization.

Among the 14 cases, three deaths have occurred in the last two years. One young prisoner officially died of a cerebral hemorrhage in November 2020. The exact circumstances of the death remain unknown. Two other young men died at the hands of police officers.

Abdesslam

One of them, Abdesslam Zayan, died as a result of continuous neglect. Abdesslam was arrested after curfew on the night of February 28, 2021. He was diabetic and dependent on insulin. His health condition continued to deteriorate during his detention and his time in court. His brother, who was arrested with him, notified officers of Abdesslam's medical condition at the various detention locations to which they were taken while in police custody, but the efforts were in vain. Abdesslam was taken to the hospital for a short time, but the doctor did not so much as take note of the results of the medical examinations ordered. On March 2, Abdesslam was taken into pre-trial detention in Thyna prison without even seeing the prosecutor. The next day, he was in such poor condition that he had to be transferred to the hospital. He died on the way, a victim of serial neglect under circumstances that remain unclear. Abdesslam's case was reported by the media to such an extent that a parliamentary commission of inquiry was created. Despite the slowdown in judicial activity, the investigating judge has started an investigation that SANAD Elhaq continues to follow closely.

Conditions of detention

One of the biggest challenges in prisons is overcrowding, which significantly diminishes the quality of life within the prison. For example, as part of the health measures taken in March and April 2020 during the first lockdown, the prison population was reduced from 23,500 to 17,500 prisoners¹, the latter of which corresponds to the real total bed capacity in prisons. This reduction has clearly had a positive impact on the effective management of prison space.

Overcrowding is a source of violence among prisoners as well as between prisoners and officers, and also affects the organization of and procedures for family visits. The primary reason for overcrowding is the dysfunctional justice system: More than half of the prisoners are in pre-trial detention awaiting final judgment in their cases. The implementation of alternative sanctions as well as penal policy reform have both been delayed, thereby rendering the prisons as «parking zones» for a great number of citizens.

The OMCT's SANAD program meets regularly with the general inspection of the General Committee of Prisons and Re-education (CGPR) in order to discuss the complaints of beneficiaries in detention and to formulate shared responses. Over the past two years, SANAD has supported 37 beneficiaries in detention and their families². The majority of complaints concern requests for access to health care (51%), and especially requests for psychological counseling (31%). Prisons are confronted with an extreme lack of healthcare staff and financial resources, which affects the quality of services. These unmet needs also arise from the compulsory hospitalization of persons with psychiatric disorders in prisons due to a lack of beds in psychiatric hospitals. The management of physical and mental health issues in prisons requires urgent action by the Ministry of Health and the Ministry of Justice.

20% of the claims of SANAD's beneficiaries in detention relate to requests for prison transfer with various motivations, either to move closer to family or to escape a violent environment among detainees or with prison agents. SANAD also discusses allegations of harassment (19%) and aggression (27%) by officers against prisoners in meetings with the general inspection.

In addition, SANAD follows up on requests for special visits submitted by its beneficiaries in detention suspected of involvement in terrorism. Parent-inmate special visits with children are allowed for children under the age of 13 years, but the period of Covid-19 has resulted in the suspension of these visits since March 2020. During the lockdown, «normal»

1. Alliance for Security and Freedom, Two months of fighting COVID-19 in Tunisia. Rule of Law Analysis, 2020, p. 24.

2. During the period of this report, SANAD addressed 80 complaints to the general inspection of the CGPR concerning 20 beneficiaries in 2020 and 27 in 2021. For some beneficiaries with long prison sentences, SANAD intervened several times.

visits continued with usual access provided that the number of visitors per detainee did not exceed two people.

The CGPR is working constructively and creatively to improve the conditions of detention. The greatest challenges remain the need for a change of mentality and a lack of resources and political interest.



2.2. THE RETURN OF INSTITUTIONALIZED VIOLENCE

Institutionalized violence never disappeared in Tunisia. After the revolution, it resurfaced in the form of systematic police harassment of individuals registered on the «S» list of administrative control measures as a result of the presumed threat these individuals represent to public order and national security.

Over the past two years, SANAD has witnessed a further increase in violence for the purpose of punishment and the acquisition of a confession against two types of actors: protesters (or alleged protesters) and activists defending the rights of the LGBTIQ++ community. The intensity and systematic nature of the violence perpetrated against these individuals leads to the conclusion that such violence constitutes a conscious and orchestrated practice rather than isolated incidents, as the public communication of the Ministry of Interior may sometimes suggest.

Police harassment of listed persons: A severe form of institutional violence

Institutional violence can take other forms than physical aggression and be just as violent and traumatic. This is the case of police harassment of people classified as «S» because of their presumed danger to public order. In the last two years, SANAD has documented 29 new cases of beneficiaries listed as «S». All of them are subject to restrictive measures due to their classification. These restrictions, also known as administrative control measures, are ordered and implemented by the Ministry of the Interior without any judicial authorization.

The measures may take different forms, such as house arrest, prohibition to leave the country, repeated summonses to the police station, searches outside of any judicial procedure, refusal to issue administrative documents, prolonged detention during roadside or border controls for informational purposes or neighborhood investigations and visits by police officers to the individual's residence and workplace.

Most SANAD beneficiaries on the «S» list are exposed to several kinds of measures, some of which are repeated to the point of constituting police harassment and even ill-treatment. All of the restrictions of freedom imposed on people listed as «S» are arbitrary due to their lack of legal basis; the measures are neither necessary nor proportional, and they violate both the Tunisian constitution and the standards of international law governing restrictions on freedoms. A detailed analysis of the arbitrary nature of these measures was carried out by the OMCT in the report «To be 'S': Arbitrary Administrative Control Measures in Tunisia», published in December 2019.

Restrictions of freedoms have caused serious physical and psychological damages. Many of the listed persons assisted by SANAD have lost their jobs or their homes as a result of police pressure. Some have been rejected by their families or spouses. They all suffer from serious psychological consequences.

Anissa

Anissa is 27 years old. A few years ago, one of her brothers went to Syria and died there. Anissa contacted some of the members of the group her brother had joined in Syria in an attempt to obtain information about his life there and the circumstances of his death. The Tunisian police were informed of this contact and arrested Anissa. She spent a week in police custody in Tunis without a lawyer, being interrogated and verbally abused. Anissa was eventually released but remains a police suspect. Since her release, she and her family have been victims of police harassment. Her parents have been subjected to several administrative searches that have stigmatized them in their neighborhood. Anissa got married shortly after her release and her husband has been harassed as well. The police called him several times, going so far as to visit his workplace. The pressure was so extreme that he ended up

divorcing Anissa, who moved in with her brothers and sisters. She still receives visits from the police at her home to the point that the landlord has threatened to evict her. She is frequently summoned to the police station and is often stopped and questioned at the local police station. She applied for a passport in the spring of 2021 but has yet to receive an answer. For seven years now, Anissa has lived a nightmare with no end in sight. Her case is particularly emblematic of the ongoing ill-treatment of listed persons and its serious consequences on the individual and surrounding family.

Repression of protests

In the weeks following January 14, 2021, the 10th anniversary of the Tunisian revolution, groups of young persons from impoverished areas protested in the streets to denounce their economic and political marginalization as well as police violence and the prevailing impunity in Tunisia. In a crackdown on these protests, authorities arrested nearly 1,500 protestors or those suspected of participating in protests. The arrests were often violent. Security officials interrogated detainees without lawyers and forced some to sign court reports.

In reaction to this suppression and in support of the victims, many human rights defenders also responded by going to the streets. The security response and harassment of these actors intensified, accompanied by further arbitrary arrests, with 30% of those arrested being minors.

This country-wide crackdown has targeted protesters, but has also extended to activists and youth from marginalized areas who were suspected of participating in protests. This is particularly the case of Hafid, who says he did not participate in the protests but whose activism had been rankling local authorities for several years already.

Hafid

On a January night in 2021, a group of ten police officers burst into Hafid's home. They broke down his door, apprehended him, handcuffed him, pinned him against the wall and punched him. They also hit him in the face with a tear gas canister. The officers then dragged him to a police car and beat him on the way to the police station. There, Hafid was severely punched, especially in the face, and the officers forced him to give them access to his social media accounts on his phone. Then two officers undressed and photographed him to humiliate him. In the middle of the night, he was forced to sign statements that he was unable to read and only later discovered that they charged him with rebellion, defamation and incitement to participate in protests. At no time was he able to notify his family of his arrest or contact a lawyer. Hafid was then transferred to the police district where he spent three days in police custody and was then presented to a prosecutor. Thanks to the lawyers present that day, the prosecutor took note of the allegations and traces of violence presented by the detainee and ordered his release.

SANAD together with the OMCT's advocacy team mobilized to collect information on this massive wave of repression. The accounts of the arrested activists and protesters show that in the majority of cases, the procedural guarantees provided for by the Tunisian Code of Criminal Procedure were not respected, giving free rein to police violence without any judicial protection. In all cases, persons were arrested without a warrant. Many of those arrested were caught in the street in a violation of the curfew decreed in the context of the Covid-19 public health crisis. The curfew was thus used as a legal weapon to justify waves of arrests, most often in working-class areas.

In other cases, the young protesters or alleged activists were arrested in their homes or on the street, without a formal arrest warrant and without having committed any crime.

Jbel Jloud

A lawyer from SANAD Elhaq assisted four young persons who were arrested on January 19, 2021 in Jbel Jloud, one at home and the other three in the street. The day before, some youngsters had celebrated the centenary of the soccer club "Esperance Sportive de Tunis". There were confrontations with the police. The next day, the police arrested several young people, some of whom had not even participated in the previous day's event but were only wearing a T-shirt with the club's logo. A dozen young people were put in custody, then fined 50 TND for allegedly having broken the curfew the day before their arrest.

In addition to the charge of breaking curfew, the majority of people were accused of other offenses such as causing damage to public property, illegal occupation of public roads, looting, rebellion and violation of public health measures during the pandemic.

Mourouj

On January 17, 2021, about 15 young persons were arrested in Mourouj after a protest. They were accused of breaking the curfew and attempting to damage public property. A lawyer contacted by SANAD represented one minor and two adults among the group. According to him, they were arrested on the street after curfew but had passes to circulate. They were subjected to violence in police custody and ended up signing reports without reading them. The minor was given a suspended prison term, but the two young adults were sentenced to more than a year and a half in prison.

Most of those arrested were subjected to violence during arrest and/or while in police custody, often questioned without a lawyer, and some were forced to sign court reports. Those who were allowed to have a lawyer present while in police custody were not allowed to speak with them in private as required by the law. According to a lawyer from SANAD Elhaq, the police used the lack of space as an excuse because there were too many detainees.

Sfax

On January 17, 2021, six young people were arrested by the national guard in Sfax in front of their home after the curfew started. According to the lawyers who were mandated by their families to defend them after their placement in pre-trial detention, many of them were beaten during their arrest. One of them had an authorization to circulate during the curfew, but it was ripped apart by the officers while in custody. The youths were taken to a national guard station where at least two of them were beaten. One had a tooth broken. They were then taken to a research and investigation police brigade (BRI), where they were accused not only of breaking curfew but also of damaging public property, illegally occupying a public road and violating public health measures decreed during the pandemic. The officers falsified the reports by claiming that the six were arrested for burning tires at a protest site. In fact, they were arrested far from that location. The six youngsters were not questioned while in police custody. The BRI officers wrote up the reports and asked the youths to sign them. Abdallah, the first to sign, initially refused because he had not even been interrogated and did not know the contents of the document. The officers beat him with sticks, slaps and kicks, including in the face, until he signed. The agents then threatened the other five with the same violent measures and they all signed. Due to Covid-19 measures, they were not presented to the prosecutor at the end of the police custody and were instead directly remanded in pre-trial detention.

In the majority of cases, detainees were not notified of their right to a medical examination and did not receive it when they requested it. In addition, most adults who were arrested were unable to notify their families. In some cases, even minors were not allowed to call their parents.

Achref

Achref, a 17-year-old boy, was arrested in his neighborhood in Sfax around noon on January 17, 2021, along with a friend. The officers accused them of breaking the curfew and burning tires on the public highway. During his arrest, Achref was dragged on the ground and insulted. He was not notified of his rights while in police custody. At the police station, he was punched in the head and kicked in the stomach. He was humiliated and threatened with prosecution on other false charges. He signed court reports without being able to read them. Although he is a minor, his parents were not notified of his arrest until he was brought to the juvenile judge after three days in custody. The juvenile judge refused to hear him and ordered his transfer to pre-trial detention at the Sidi Bouzid juvenile detention center. He did not have a lawyer and was not informed of his right to have one.

In many cases, prosecutors ordered the pretrial detention of defendants without even seeing them. A lawyer from SANAD Elhaq reported that out of 30 clients he assisted after their arrest in connection with the protests, none saw the prosecutor. Some detainees then had to wait weeks before seeing a judge and being sentenced. The justice system failed completely.

Since the massive repression of January-February 2021, other protests have resulted in disproportionate security interventions, police arrests and police custody tainted by numerous violations.

Sidi Hssine

In June 2021, while protests shook the capital following an act of police aggression, the police violently intervened to disperse the protesters. Among them was a 15-year-old boy, who was caught by police officers in Sidi Hssine, forcibly stripped naked and kicked before being put into a police van. Videos of the scene caused a wave of indignation, forcing the Ministry of the Interior to take action by suspending the perpetrators of these acts. At the time of reporting, a judicial investigation is in progress.

The targeting of activists from the LGBTIQ++ community

The last two years have also seen an increase in attacks against members of the LGBTIQ++ community, perpetrated by both police officers and individuals. In many cases, the victims refuse to complain for fear of being prosecuted on the basis of article 230 of the Tunisian criminal code criminalizing homosexuality.

Attacks and harassment have also been inflicted on members of associations defending the rights of LGBTIQ++ persons, including DAMJ, whose legal activism rankles the authorities. Since the end of 2019, DAMJ has in fact filed 49 complaints for torture or violence. The organization recently played an important role in observing and providing legal assistance during the protests that rocked the country in January 2021. As a result, its members were again intimidated and threatened to the point that they could no longer meet at the organization's offices. Some even received death threats and verbal assaults by phone. Several have open legal proceedings against them as a result of their activism. SANAD together with the OMCT's advocacy team collected information on several cases of aggression or harassment against activists from the LGBTIQ++ community, including Badr Baabou, the president of DAMJ.

Badr

In recent years, Badr Baabou has been repeatedly harassed and assaulted. In November 2020, the police pressured the owner of the apartment Badr rents until he was evicted. The following month, Badr's family received anonymous calls reporting Badr's allegedly immoral actions. In February 2021, Badr noticed that his house was under police surveillance. The following month, he was assaulted by four individuals in downtown Tunis. They beat him up and threatened to kill him under the complacent gaze of a police officer stationed a few meters away, with whom the attackers joked around afterwards. Badr was attacked again in September 2021, again in the presence of a police officer who did not intervene. Finally, last October, Badr was assaulted again, this time by police officers. Two officers approached him in the street and beat him up, insulting him and threatening to kill him. They made it clear that the assault was meant to punish him for filing complaints against police officers. They left him on the ground. They stole his phone, his laptop, his wallet and other documents. To this day, none of these assaults have been seriously, promptly nor impartially investigated.

2.3. FROM VIOLENCE TO RETALIATION: A STRATEGY OF RELENTLESSNESS



Victims of institutional violence, regardless of their profile and the circumstances in which they were tortured or assaulted, are often pressured or retaliated against to discourage them from or punish them for filing complaints against officials.

Mokhtar

Mokhtar, a young man who was beaten up in a sports center in northwest Tunisia after making a remark to civilian police officers, filed a complaint against his attackers. The scene of the aggression had been filmed and he had the testimony of several people. However, Mokhtar finally decided to withdraw his complaint and to accept mediation after strong pressure was put on him and his family.

Nejma

Nejma is a young woman of 25 years from the center west of Tunisia. She had planned to marry a police officer, but the relationship deteriorated and Nejma decided to put an end to it. At that point, her ex-fiancé began to harass her. One day in May 2021, Nejma went to the police station where her ex-fiancé works to report his actions to his superior. Her harasser saw her arriving, however, and rushed at her to attack her. He punched her, tried to strangle her with her veil and undress her

in the street while insulting her. She suffered from hematomas and a trauma to her neck that necessitated physiotherapy. A woman who accompanied Nejma was also punched and kicked. An officer intervened to stop the assault. The two women went to the hospital and then to another police station to file a complaint. Nevertheless, the officers at the station laughed at them and tried to convince them not to report the incident. The officers finally notified the ex-fiancé, who arrived shortly afterwards with members of his family and agents from the region's law enforcement syndicate. The aggressor and his syndicate colleagues threatened the two women and told them that they would never be able to prove the assault. They even threatened to file charges against them for contempt of public office. The two women resisted but eventually withdrew a few weeks later under pressure.

Many victims are wrongly accused of contempt of public officials on the basis of the controversial article 125 of the Tunisian Criminal Code. This accusation is usually made in conjunction with the violence and is intended to justify arbitrary arrests afterwards and/or to pressure the victim into not prosecuting the assaulting officers. The use of false accusations by officers is commonplace and especially problematic as it often leads to effective prosecution aided by judicial complicity. These prosecutions proceed much more quickly than investigations into torture or violence allegedly committed by law enforcement officials. In addition, while law enforcement officials are never taken into custody - with very few exceptions - those charged with a simple contempt offense usually spend time in prison before being acquitted or receiving a penalty that corresponds to the time spent in custody.

SANAD documented the case of Farid, a journalist, who was questioned by the police on the street in Tunis on January 26, 2021, while covering a protest. He was arrested after the curfew but had an authorization to circulate. The officers who stopped him beat him. He asked to file a complaint against them. Another police brigade arrived and took him to the police station. The officer, who heard him at the scene, noted the signs of violence. Farid's lawyer arrived to assist him. But the assaulting officer also arrived, claiming that Farid had assaulted him. Farid was taken into custody for contempt of public office. The attacking officer immediately had a medical certificate issued at the hospital, while Farid had to wait three days to be examined. The national syndicate of journalists mobilized. Farid was presented to the court and fined 200 TND. He did not get justice for what he had suffered.

The stories told in this report are just a few of many that SANAD hears. They provide an overview of the scale of institutional violence in Tunisia that goes far beyond these cases. Violence is a scourge that has ravaged the country for far too many decades, and far too little is being done to eradicate it. Successive Tunisian governments have many times been questioned by various Tunisian³ and international⁴ authorities that have shared recommendations aimed at eradicating the phenomenon of torture. Security sector reform and the fight against impunity are the cornerstones of this effort. It is imperative that the authorities stop hiding behind the stated necessities of protecting national security in order to justify the multiple threats to human security. Indeed, rule of law and respect for human rights are the best bulwarks against security threats.

3. See the recommendations of the Truth and Dignity Commission and the National Authority for the Prevention of Torture.

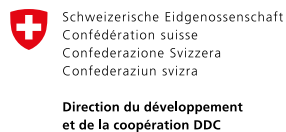
4. See the recommendations of the UN Committee against torture, the Human Rights Committee, the Universal Periodic Review and several United Nations special procedures.

**NOTHING
CAN JUSTIFY
TORTURE**

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INSTITUTIONAL VIOLENCE
UNTIL WHEN?