



AFTER ARTICLE 80

A CONSTITUTION THAT MIRRORS THE PROCESS

A year has now passed since President Saied's power grab on July 25th, 2021 and the announcement of "emergency measures" (freezing of the parliament, dismissal of the government) on the basis of a very broad interpretation of Article 80 of the 2014 Constitution. Whereas Parliament should have remained in an open session and the (non-existent) Constitutional court should have revised these provisions within 30 days, **the exception lasted over time.**

While there is still debate on how to qualify Kais Saied's enterprise (coup, power grab, halt to democratic transition, etc.), the facts confirm the hypothesis already formulated in the bulletins issued by the Alliance for Security and Liberties bulletins on 50, 100 and 200 days after¹.

The President of the Republic has continuously broadened his powers to the detriment of the judiciary and the

legislative bodies, through a thorough dismantling of State institutions, all with the support of a security apparatus whose methods continue to be enshrined in impunity, illegality and arbitrariness. The fragile rule of law born after 2011, and more specifically from the 2014 Constitution, has been deeply weakened, raising fears of a return to an authoritarian régime backed by a police state.

Several factors seem to confirm this scenario, starting with **the concentration of powers** of a President of the Republic who governs by decree-laws not subject to appeal under Decree 117, as well as **through brutal blows on the independence of the judiciary and attacks on independent constitutional bodies**; all this while **numerous violations of fundamental rights and freedoms** have marked a year of undivided rule of President Kais Saied.

¹ ["A break in continuity"](#), ["Erosion of the Rule of Law and threat to freedoms"](#) and ["Concentration of powers and security drifts"](#).

165 days have passed since ASL's previous bulletin: **steps of the roadmap presented by President Saied in December have continued** (an online consultation largely ignored by citizens, a “dialog” from which the President excluded the overwhelming majority of civil and political society, the drafting of a draft Constitution - different from the text that emerged from the dialog- published in the Official Journal on June 30th, and in an amended version on July 8). The draft constitution was submitted, as scheduled, to referendum on 25th of July 2022, **in a context of an electoral process marred by numerous irregularities and a dismantled Independent High Authority for Elections (ISIE).**

Anticipated and feared by many observers **the draft constitution enshrines a hyper-presidentialisation of the Tunisian political system**, placing the President of the Republic above any public, political or legal accountability while other powers are hollowed out, reduced to mere 'functions' and dependent of the executive branch, which is, in turn, entirely under the President's control.

The present bulletin will focus on **the major events of the last 165 days that conclude a year of exception in Tunisia** through an analysis of the political and institutional scene (I), the rights and freedoms situation (II) as well as an analysis of the reactions in Tunisia and abroad (III), while making some references to the draft constitution submitted to referendum on the 25th of July 2022.

THE POLITICAL AND INSTITUTIONAL SCENE AFTER 365 DAYS

A. A lone President in command:

As already set out by President Kais Saied in mid-December 2021², the **roadmap's** steps followed their course with the closing of the online national consultation on March 20th, the announcement and appointment of committees responsible for drafting a proposal of a draft Constitution under the leadership of Dean Sadok Belaid, and the submission of the proposal to the President of the Republic for "revision" before publication in the Official Journal of the Republic of Tunisia (JORT) on June 30th to be submitted to referendum. Finally amended on July 8, due to "errors [that] crept in", and published again in the JORT, the text was voted by referendum on July 25 with 94.6% of votes for, 5.4% against, and a **participation rate of 30.5%** according to the results of the ISIE³.

This figure has raised doubts, as the ISIE announced at the end of the voting operation a participation rate of 27.54% and that the first document presenting the preliminary results by region was removed from the site of the ISIE shortly after its publication because of discrepancies between the figures of

some regional offices (which were allegedly swapped by mistake) and the preliminary results announced by the ISIE. To the day of the publication of this report, these preliminary results have not been published on the ISIE website yet.

a. Closing of the national consultation:

The **national consultation**⁴ resulted in a total of 534,915 participants (7.6% of the electorate enlarged to 16 years and older), of which 366,210 were men (69.5%) and 168,705 were women (31.5%). Civil society⁵ has repeatedly denounced the consultation, from the outset, which was marred by numerous problems such as a complete lack of transparency, a non-participatory approach in the elaboration of the questions, delays in the launching of the platform, accessibility problems and concerns regarding security and personal data. The low turnout, despite the mobilisation of state resources, did not prevent the President from describing the exercise as a success, while denouncing a "sabotage" from undetermined parties⁶.

The results of the consultation⁷, although representing only a small sample of the Tunisian population, endorse the plans for a "presidential regime" (80% of respondents are in

² See the [200 days bulletin](https://nawaat.org/2021/12/16/la-feuille-de-route-de-kais-saied-en-5-dates/), page 3 and <https://nawaat.org/2021/12/16/la-feuille-de-route-de-kais-saied-en-5-dates/>.

³ <https://www.facebook.com/photo/?fbid=426912536141713&set=a.343986361100998>

⁴ Statistics available here : <https://www.e-istichara.tn/home>. Analysis available here : <https://inkyfada.com/fr/2022/04/28/consultation-itichara-chiffres-tunisie/>.

⁵ https://www.facebook.com/permalink.php?story_fbid=5561878150494917&id=2162835327065900

⁶ <https://www.middleeasteye.net/fr/opinionfr/tunisie-consultation-nationale-kais-saied-faible-participation-diabolisation-opposition-democratie>

⁷ <https://www.leaders.com.tn/article/33190-consultation-nationale-ce-que-nous-disent-les-tunisiens>

favour), uninominal voting 70.7%), electoral mandate withdrawal (92.2%), and the revision of the electoral law as the main institutional reforms (60.8%). The revision of the Law on Associations only gathered 44.4% of endorsement while 38% expressed support for amending the constitution and **only 36.5% called for a new constitution**. 75.7% of voters consider that the judiciary has failed to establish a genuine justice and no questions about the necessary reform of the security apparatus could be found on the online consultation.

Despite the low degree of representation, it seems that the objective of the online questions regarding "the political and electoral aspect" was to survey citizens on the President's political project; the Presidency has indeed only communicated the results of the consultation regarding the political and electoral system⁸ and disregarded the majority of the other results, which according to several observers indicates that **the consultation was in fact intended to legitimize a predetermined political project from the President of the Republic**.

The content of the final draft Constitution published in the JORT on July 8th⁹ and now adopted by referendum, **based on a hyper-**

presidentialization of power, the abolition of direct universal suffrage for the election of the members of the "Council of Regions and Districts" (new chamber in Parliament, alongside the ARP) and the possibility of withdrawing the elected mandate validates this hypothesis¹⁰.

b. What about the national dialogue?

On May 1st, President Saïd announced the establishment of a **commission to draft the constitution of the "New Republic"**, following a national dialogue led (according to President Saïd) by the 2015 Nobel Peace Prize National Quartet (UGTT, UTICA, LTDH and ONAT)¹¹. The UGTT opposed this "dialog", with its Deputy Secretary General Sami Tahri denouncing the lack of clarity about the structure and objectives of the dialog desired by the President. It is worth noting that the union has already rejected the idea that the results of the national consultation should serve as a basis to any dialog¹². The president of ONAT, Brahim Bouderbala, was enthusiastic about this proposal for dialog, while the LTDH declared that it could take part in "any initiative that would put an end to the current situation"¹³, as long as it takes place within a framework that includes all national actors and without

⁸<http://www.espacemanager.com/consultation-nationale-les-resultats-presentes-au-president-de-la-republique.html>

⁹ 1st version published on June, 30th :

<https://idaraty.tn/fr/publications/projet-constitution-tunisie-2022> ; revised version published on July, 8th :
<https://www.businessnews.com.tn/bnpdf/JournalArabe0772022.pdf>

¹⁰ To understand the major differences between the 2014 Constitution and the one voted on July 25th, 2022, see:

<https://www.hrw.org/news/2022/07/14/qa-tunisia-constitutional-referendum>.

¹¹ <https://www.rfi.fr/fr/afrique/20220502-tunisie-le-pr%C3%A9sident-sa%C3%AFed-annonce-un-dialogue-national-uniquement-avec-la-soci%C3%A9t%C3%A9-civile>

¹² <https://radioexpressfm.com/fr/a-la-une/sami-tahri/>
¹³ <https://www.tap.info.tn/en/Portal-Politics/15179220-national>

predefined rules¹⁴.

On May 20th, President Saied ratified by decree-law **the creation of the National Consultative Commission for a New Republic**¹⁵, led by Dean Sadok Belaid. According to the decree, this body “shall submit, at the request of the President, a proposal concerning the preparation of a draft Constitution” [...] and “shall comply with the principles and objectives laid down in Article 22 of Presidential Decree No 2021-117 [...] as well as the results of the national consultation”. This consultative body is subdivided into **three entities**: the Advisory Commission on Economic and Social Affairs, the Legal Advisory Commission and the National Dialogue Commission.

The members of the various committees were also (unilaterally) appointed by decree:

- The consultative commission on economic and social affairs is chaired by the president of ONAT and is composed of a representative of the UGTT, the UTICA, the Tunisian Union of Agriculture and Fisheries (UTAP), the National Union of Tunisian Women (UNFT), and a representative of the LTDH (Article 7 of the decree).
- The legal advisory commission is composed of the deans of the universities of law and juridical and political sciences of the Tunisian Republic (Article 12).

The National Dialogue Committee, whose members are those of the two committees aforementioned, shall, by virtue of the decree-law, synthesize the proposals and its coordinating chairman shall submit the final report to the President by June 20th, 2022.

With the exception of the President of ONAT, who was in favour of the process (but criticized internally), these unilateral appointments immediately attracted rejection from the UGTT, whereas the LTDH agreed to participate on conditions that it would be included in the legal advisory committee.

The Tunisian human rights league also expressed its concern about the brevity of the national dialog process and stated that it refused to participate in a dialog with predefined outcomes¹⁶. As for the deans of the universities appointed to the legal advisory commission, they said they were "honored" by the appointment but refused to participate, considering that they had to ensure the neutrality of the faculties¹⁷ and not to interfere in political affairs. The majority of political parties, totally excluded from the process, denounced the "national dialogue" and its process (Ennahda, PDL, the Trio of Attayar, Ettakatol, Al Joumhour, Afek Tounes as well as Tunisia Forward, a party that is however favorable to the President).

The dialog began on June, 6th 2022

¹⁴ <https://africanmanager.com/la-ltdh-decide-de-participer-au-dialogue-national-avec-des-conditions/>

¹⁵ <https://legislation-securite.tn/law/105267>

¹⁶ <https://www.tunisie-tribune.com/2022/05/23/la-ltdh-decide-de-participer-au-dialogue-national/>

¹⁷ <http://www.leconomistemaghrebin.com/2022/05/24/les-doyens-des-facultes-de-droit-disent-non-a-saied/>

with the presence of 42 "personalities". **Little information has been made public on the work of the committees and it is difficult to quantify their contribution to the proposed constitution** submitted by Sadok Belaid and Amine Mahfoudh to the Presidency of the Republic. It should be noted that several observers denounced **the opacity of this dialog, compared with the constituent period of 2011-2013**; an opacity which was sought by the President of the Republic, who explicitly stated in his decree-law on the establishment of the dialog commission that the results of the latter's work may be published only under instruction from the President of the Republic¹⁸.

The proposed constitution was therefore effectively published in the JORT on June, 30th 2021¹⁹. Sadok Belaïd, in an interview with the French newspaper *Le Monde*, denounced its content, explaining that the version finally published by the President is completely different from the one resulting from the work of the National Consultative Instance -released on June 20th and made public in the newspaper *Essabah* on July 3rd -, calling the president's project "dangerous"²⁰. **On July 8th, a second version of the draft Constitution was published in the JORT²¹, containing both formal and substantive changes²².**

¹⁸ Article 22 of the decree-law: <https://legislation-security.tn/law/105267>.

¹⁹ <https://idaraty.tn/fr/publications/projet-constitution-tunisie-2022>

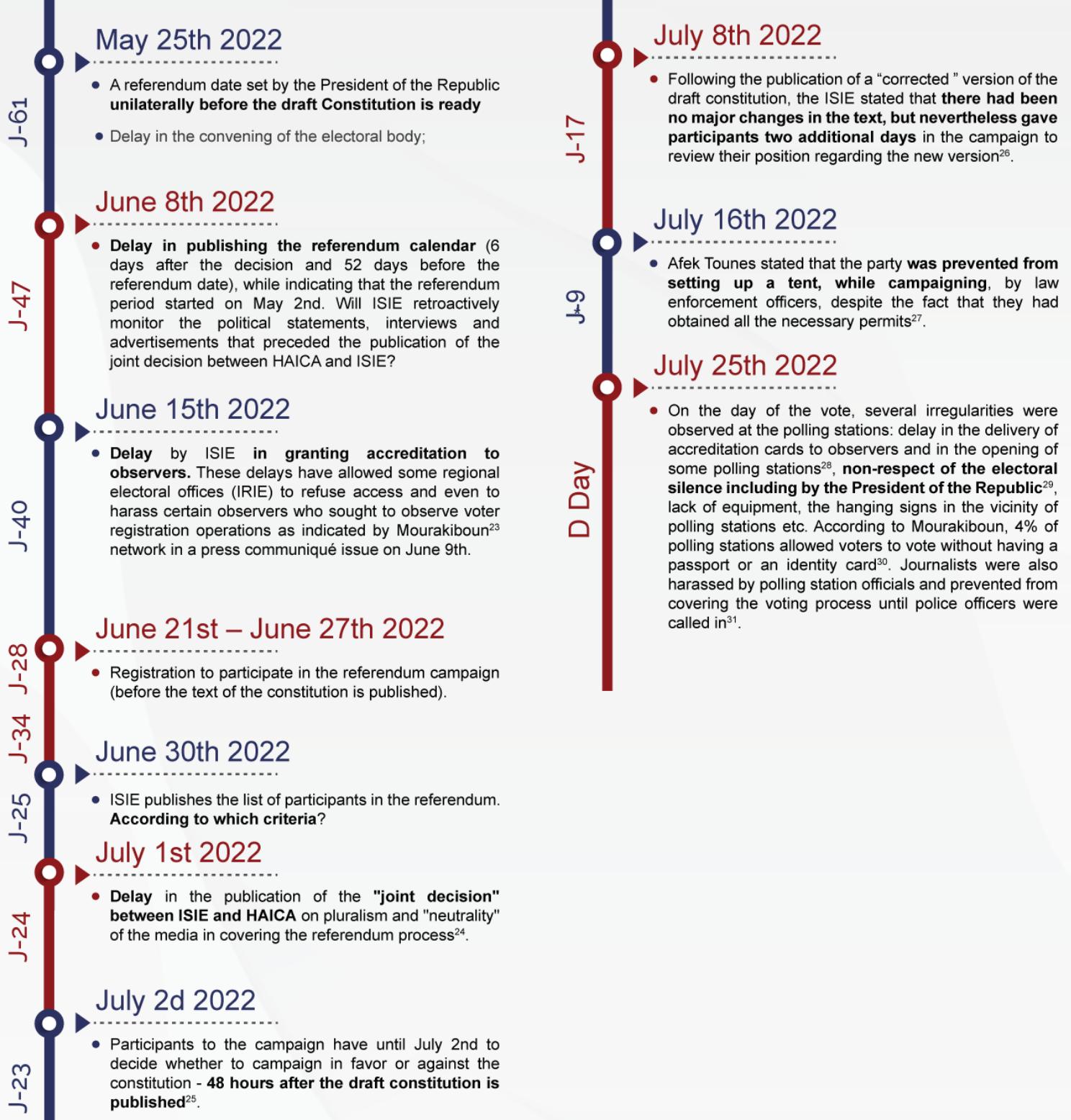
²⁰https://www.lemonde.fr/afrique/article/2022/07/03/tunisie-le-projet-presidentiel-de-nouvelle-constitution-est-dangereux_6133181_3212.html

²¹<https://www.businessnews.com.tn/bnpdf/JournalArabe0772022.pdf>

²² <https://www.aa.com.tr/fr/politique/tunisie-une-version-amend%C3%A9e-de-la-nouvelle-constitution-publi%C3%A9e-au-journal-officiel/2633779>

c. A rushed and flawed electoral process:

Beyond the changes made to the functioning of the ISIE (see part II) within a few months of the referendum date - amendments largely denounced by the political class and civil society as an attempt to take over a body that has successfully organized several elections - the referendum process planned for July 25th, 2022 was characterized by many irregularities, making **the process contrary to the standards relating to free and independent elections**. These irregularities can be described as follows:



²³<https://www.facebook.com/Mourakiboun/photos/a.124362367662272/4991454610952999/>

²⁴https://haica.tn/ar/%d8%a8%d9%84%d8%a7%d8%ba-2/?fbclid=IwAR1_5avZstsl1WzCtrLnHxKphu4s4wmQlfs6zOqT_MTbasPAZSx1NGKmlE

²⁵the elements of this timeline are based on the long interview of Raja Jabri, President of the Mourakiboun network published in the newspaper Alchara3 Al Magharibi on June 14th, 2022.

²⁶<https://www.facebook.com/RadioExpressFm/videos/374559121434040/?t=2>

²⁷<https://www.tunisienumerique.com/tunisie-abdelkefi-afek-tounes-empeche-de-tenir-une-activite-dans-le-cadre-de-la-campagne-du-referendum/>

²⁸<https://directinfo.webmanagercenter.com/2022/07/25/tunisie-referendum-lobservatoire-chahe-d-constate-des-irregularites-dans-certains-bureaux-de-vote/>

²⁹<https://www.aa.com.tr/fr/afrique/tunisie-linstance-%C3%A9lectorale-va-enqu%C3%AAtter-sur-les-%C3%A9ventuelles-irr%C3%A9gularit%C3%A9s-constat%C3%A9es-lors-du-r%C3%A9f%C3%A9rendum/2645422> ; irregularities also pointed out by the HAICA :

<https://www.tap.info.tn/en/Portal-Politics/15407849-referendum-haica>

³⁰<https://www.facebook.com/Mourakiboun/photos/a.124362367662272/5118940161537776/>

³¹<https://www.facebook.com/snjt.tunisie/posts/pfbid0gEAJAHSTppb1oL7UDkGv1XHJ7RYNXd4imt2Sb1WFuxicqajToBNFSbpBnbjdQom2/>

These irregularities, aberrations and abuses - predictable in light of the extremely tight deadlines imposed by the President of the Republic - go against standards and norms related to free and transparent elections.

They were accompanied by numerous contradictory statements by members of the ISIE³² as well as internal clashes that were made public, including between the new member Sami Ben Slama and Farouk Bouasker, promoted by the President of the Republic. Sami Ben Slama was even the subject of a dismissal request submitted to the President of the Republic by the other members of the Authority's board and was denied access to the Congress Palace on the day of the referendum results. More importantly, civil society observers and political figures condemned "the lack of impartiality of the administration and the exploitation of State resources and institutions in the referendum campaign and for electoral propaganda"³³ as well as the political publicity and urban posters in favour of the draft Constitution of the President.

It should be noted that the **whole process described above has been widely criticized by the Venice Commission**³⁴ - of which Tunisia is a member - in an urgent opinion issued on May 27th 2022³⁵, at the request of the EU Delegation in Tunisia. The Commission has thus suggested (*inter alia*), as a minimum, extending the deadlines for the preparation of

constitutional amendments and consequently postponing the date of the referendum; specifying whether the referendum is advisory or decision-making and consequences in case of rejection of the text, as well as the necessity to return to the previous composition of the for the organization of the referendum.

All these factors seriously tarnish the credibility of the referendum and, by extension, the legitimacy of the Constitution if it were to be adopted after the review of appeals. It should be noted that according to its spokesperson, the administrative court will only consider appeals lodged by participants listed in the referendum campaign³⁶.

B. Continuation of the dynamics of concentration of power:

The process of widening the perimeter of presidential power, already initiated by the ratification of decree 117, the successive attacks by the President of the Republic on independent bodies or the dissolution of the High Judicial Council, widely described in the previous bulletins, **has continued in parallel with the implementation of the President of the Republic's roadmap.**

³²<https://www.leconomistemaghrebin.com/2022/05/18/isie-dissensions-bouasker-ben-slama/>

³³<https://www.facebook.com/Mourakiboun/photos/a.124362367662272/5068778743220585/>

³⁴Advisory body to the Council of Europe.

³⁵[https://www.venice.coe.int/webforms/documents/?pdf=C-DL-PI\(2022\)026-f](https://www.venice.coe.int/webforms/documents/?pdf=C-DL-PI(2022)026-f)

³⁶<https://www.observatoire-securite.tn/fr/2022/07/27/tribunal-administratif-seuls-les-participants-au-referendum-ont-droit-au-recours/8/>

a. Dissolution of parliament:

The legislative body, suspended since the introduction of the measures accompanying the state of exception, has experienced new twists and turns during the period covered by this bulletin.

Following a call by the ARP office, **an online plenary session** was held on the 30th of March in the presence of 120 MPs (out of 217) in order to **adopt a draft law aiming at overturning the exceptional measures and the decree-laws** issued by the President of the Republic since July 25th 2021. The proposal, adopted by 116 MPs, provoked **an immediate reaction from the President of the Republic**, who qualified this vote - during a meeting of the National Security Council held the same day - as a “failed coup attempt” and announced the dissolution of the institution in order to “preserve the State and its institutions”, invoking Article 72 of the 2014 Constitution³⁷. President Saied asked the Ministry of Justice to open investigations against the MPs concerned; six of them were summoned by the counter-terrorism pole³⁸. Although under Article 89 of the 2014 Constitution, parliamentary elections must be held within 45 to 90 days after the dissolution of Parliament, the President never considered this option and stuck to the original roadmap.

³⁷ <https://lapresse.tn/126964/kais-saied-annonce-la-dissolution-du-parlement/> ; article 72 of the 2014 Constitution : “The President of the Republic is the Head of the State and the symbol of its unity. He guarantees its independence and continuity, and ensures respect of the Constitution”.

b. Stranglehold on the ISIE: the dismantling of constitutional bodies continues:

Following the closing of the INLUCC on August 20th, 2022 by security forces and without any explanation from the authorities, President Saied continued his attacks on the independent constitutional institutions during the past period. Despite being praised at the national and international levels for ensuring four free and transparent electoral appointments, **the ISIE did not escape the efforts of the President of the Republic to expand his power**, who, by means of a decree-law, changed the composition of the ISIE bureau by reducing its number from 9 to 7 members while granting himself authority to appoint three of those (including the President of the board) from among former or current members. Three others are proposed by the judiciary (which President Saied has also taken control of) and the seventh member is an IT specialist. The members of the now-reformed ISIE were appointed on May 9th, 2022³⁹, and president Nabil Baffoun - a critic of Saied - was replaced by Farouk Bouasker. **Thus, the new ISIE team took office only 77 days before the referendum scheduled for July 25th, 2022.**

This measure, in total contradiction with Article 70 of the Tunisian Constitution,

³⁸ <http://www.ici.org/tunisia-investigating-parliamentarians-for-conspiracy-against-the-state-a-new-law-for-president-saied/>

³⁹ <https://www.businessnews.com.tn/nouvelle-composition-de-lisie-par-decret-presidentiel,519,118994,3>

which excludes the field of the electoral system from decree-laws⁴⁰ is above all **contrary to good practices relating to free and independent elections**. This new measure is problematic both in terms of form (modification of a law governing a constitutional body by decree and in a period of exception) and in terms of substance (appointment of the President and members of the body by the President of the Republic) and is above all fundamentally detrimental "**the independence of the body and the credibility of the entire electoral process**", as noted by Mourakiboun network⁴¹.

At the international level, decree-law 2022-22 amending and supplementing the ISIE Organic Law gave rise to **numerous reservations, especially from the Venice Commission**. In its urgent opinion issued on May 27th, the Commission stated:

- the incompatibility of decree-law 22 with the Constitution, decree 117 and international standards (item 71 of the urgent opinion) and that therefore the said decree should be repealed (item 75);
- that "it is not realistic to plan to hold a credible and legitimate constitutional referendum on the 25th of July 2022" in the absence of "clear rules established well in advance" and "especially in the absence of the text of the new Constitution that will be submitted to the

referendum" (item 72);

- Furthermore, the Commission stresses that it would be preferable to hold parliamentary elections as soon as possible in order to "restore the existence of parliamentary power" and that the amendment of the electoral law - if taking place before the parliamentary elections - should be carried out in the framework of a broad consultation of political parties and civil society. Elections should be organized by the ISIE in its composition prior to Decree 22 (item 73).

c. Dismantling the judiciary:

- **Dissolution of the CSM:**

Let us recall that, as already discussed in the previous bulletins⁴², **the process initiated by President Saïed took as a main target the independence of the judiciary**. This is evidenced by the suspension of the benefits and remuneration of the members of the High Council for the Magistrature (CSM), the announcement of the suspension of the latter from the headquarters of the Ministry of Interior until its effective suspension and its replacement by a Provisional Council of the Judiciary (CSM-P) largely reshuffled for the benefit of the President of the Republic. These

⁴⁰ <http://www.tunisie-constitution.org/fr/article-70-0>

⁴¹ <https://africanmanager.com/mourakiboun-critique-le-changement-de-la-composition-de-lisie/>

⁴² See page 9 : <https://asf.be/publication/eng-200-days-after-article-80-concentration-of-powers-and-security-drifts/>

serious attacks on the judiciary have provoked strong reactions from national magistrates' representatives and international civil society as well as from Tunisia's international partners and the United Nations, which have urged "the Tunisian President to reconsider his decision to dissolve the High Judicial Council"⁴³. Despite this strong opposition, Kais Saied continued to fuel a "vitriolic" discourse against the judiciary and to lead initiatives to weaken its independence⁴⁴.

- **Dismissal of judges:**

Visibly dissatisfied with the performance of the CSM-P, which gives the President the right by virtue of decree No. 11-2022 to request the dismissal of any magistrate who has failed in his or her duties, **President Saied delivered another critical blow against the judiciary in the past period**. In a speech at the Ministerial Council of June 1st 2022⁴⁵, President Saied announced his decision to remove 57 judges on the basis of various charges ranging from "obstructing terrorism investigations" to "financial corruption" to charges of "corruption of morals" such as adultery and participation in alcoholic meetings.

On the same evening, **the list of 57 judges was issued⁴⁶. Published simultaneously in the JORT, decree-**

⁴³ <http://www.aa.com.tr/fr/afrique/l-onu-appelle-le-pr%C3%A9sident-tunisien-%C3%A0-annuler-sa-d%C3%A9cision-de-dissoudre-le-conseil-sup%C3%A9rieur-de-la-magistrature-/2497395>

⁴⁴ <https://www.icj.org/fr/tunisie-le-president-doit-renoncer-a-son-plan-de-dissolution-du-conseil-sup%C3%A9rieur-de-la-magistrature/>

⁴⁵ <https://www.facebook.com/Presidence.tn/videos/5000246053415829>

law 2022-35⁴⁷ also grants the President the possibility to carry out revocations, further extending the President of the Republic's reach over the judiciary. The latter can now remove judges and prosecutors at will, on the basis of reports from unidentified "competent authorities" when they [judges] pose a threat to "public security" or to the "higher interest of the country", or for actions that would "jeopardize the reputation of the judiciary, its independence or its proper functioning"⁴⁸. In addition and by virtue of the same decree law, **the President has made the dismissal of magistrates immune to any form of direct appeal** as stated in a press release issued by a group of international organizations in reaction to this measure⁴⁹. Furthermore, **"public action is set in motion" automatically against any dismissed judge according to the decree law**.

These dismissals and this decree-law provoked an outcry and an unprecedented crisis within the judiciary⁵⁰. A **general strike of magistrates was also announced** after the organization of an urgent National Council on June 4, 2022⁵¹ at the initiative of the Association of Tunisian Magistrates (AMT). Following the National Council a statement bringing together - in an unprecedented manner - the main magistrates' unions

⁴⁶ http://www.ior.gov.tn/WD120AWP/WD120Awp.exe/CTX_2980-56-syVgbOmngq/AfficheJORT/SYNC_362418062

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ <https://www.hrw.org/news/2022/06/10/tunisia-arbitrary-dismissals-blow-judicial-independence>

⁵⁰ Ibid. Regarding foreign reactions, see B, III.

⁵¹ <https://www.businessnews.com.tn/57-magistrats-revoques-lamt-organise-un-conseil-national-urgent-520.119740.3>

and associations was published, firmly denouncing "the President's permanent interference in the judiciary" and accusing the President of violating "the most basic right of defense, guaranteed in the Constitution"⁵².

The strike continued for three weeks in a row. Three magistrates went on **hunger strike** on June 22nd (after the health of two magistrates deteriorated and they had to suspend their hunger

strike, two others replaced them at the beginning of July⁵³) and on June 23, a day of anger was organized by the coordination of judicial structures (formed by magistrates' associations and unions) in front of the Court of First Instance of Tunis⁵⁴.

The mobilization of the judges and more particularly the hunger strikers generated a lot of support, especially from **national and international civil society**.



⁵²<https://www.france24.com/fr/afrique/20220606-tunisie-les-magistrats-en-gr%C3%A8ve-pour-d%C3%A9noncer-l-ing%C3%A9rence-permanente-du-pr%C3%A9sident-ka%C3%AFs-sa%C3%AFed>

⁵³<https://www.mosaïquefm.net/fr/print/1065729/greve-de-la-faim-deux-magistrats-rejoignent-le-groupe>

⁵⁴<https://www.businessnews.com.tn/journee-de-colere-desmagistrats-jeudi-23-juin.520.120269.3>

In return, there was no reaction or opening of dialogue from the authorities; only an announcement by the Minister of Justice on June 20th declaring that she launched the payment procedures for compensating judges who were dismissed but that the disruption of the work of the courts (due to the strike that was widely followed) had prevented the transfer of the magistrates' files to the judicial authorities⁵⁵.

- **Is the judiciary a victim of the security shift operated by President Kais Saied?**

The expression “competent authorities” empowered to submit reports enabling the President of the Republic to dismiss magistrates has led several observers to indicate that the President refers to security authorities. The above-mentioned infographic clearly shows a willingness for control over the public prosecutor's office and the investigating judges. The absence of any disciplinary measure taken against the dismissed judges seems to confirm this hypothesis.

- **Defamation campaign against one of the revoked judges:**

A very disturbing fact occurred during the justice crisis. Khira Ben Khelifa, one of the dismissed judges, testified at the National Urgent Council of Magistrates and gave her version of the story behind her dismissal, accusing the first lady's sister for being behind the

decision. Following this testimony, she was subjected to a smear campaign on social media - by bloggers and pages supporting the President of the Republic - on the basis of an official document attesting virginity test undertaken in the context of an adultery case closed in 2020.

- **A sword of Damocles on the heads of magistrates:**

It should be recalled, as mentioned above, that “**criminal proceedings**” are automatically initiated against any judge who has been dismissed by decree 35-2022 of June 1st. As recalled in the press communiqué *“Arbitrary dismissals of judges, a hard blow against the independence of the judiciary”* signed by 10 international organizations: “The automatic initiation of criminal proceedings against judges on these grounds amounts to confusing administrative and criminal cases. In so doing, **the decree-law arbitrarily departs from the usual Tunisian Penal Code and is contrary to the principle of equality before the law and equal protection provided by the law**”⁵⁶.

Furthermore, “**The decree-law also fails to respect the principle of legality** [...] the grounds for which a judge may be subject to criminal prosecution are identified in general and vague terms, making it impossible for judges to know what conduct on his part would constitute a criminal offense, and **allowing the executive to act**

⁵⁵ <https://www.businessnews.com.tn/le-ministere-de-la-justice-annonce-le-versement-des-indemnitees-aux-magistrats-revoques.520.120231.3>

⁵⁶ <https://www.hrw.org/news/2022/06/10/tunisia-arbitrary-dismissals-blow-judicial-independence>

arbitrarily⁵⁷. It should also be noted that the president of the AMT, Anas Hmedi, was summoned twice by the General Inspection of the Ministry of Justice⁵⁸. He appeared on June 28th but was not received, according to the press release issued by the association.

The fact remains that, with regard to the draft Constitution adopted on July 25th, President Saied was able to definitively ratify **his plan to dismantle the judiciary and to subjugate it to the executive** - turning the judicial (counter-) power into a mere « fonction » while prohibiting judges from going on strike.

C. A transitional justice process still widely threatened:

Transitional justice remained in a worrying situation during the period covered by this report as the process was not part of the priorities of the President of the Republic. It is important to note that until July 25, President Kais Saied showed empathy towards the situation of victims and martyrs and interest towards the files of ill-gotten goods and the Instance Vérité et Dignité (IVD) final report recommendations.

The main issue before the 25th of July 2021 regarding transitional justice (at least with regard to the judiciary process) was the performance of the

specialized chambers in several cases and the absence of the accused before them. **The process of dismantling the independence of the judiciary described above adds another level of complication to a transitional justice process that continues to lack political support.** Yet the President of the Republic has not shown support for this crucial issue but has taken decisions that run against it. For example, in August 2021, he appointed two senior security officials who are part of a list of accused individuals in front of the specialized chambers⁵⁹. More dangerously, he published **a decree-law on criminal reconciliation** in March 2022⁶⁰ which could jeopardize the entire transitional justice process. Indeed, penal reconciliation contravenes the principles of truth revelation and accountability - *a sine qua non* condition for the guarantee of non-repetition⁶¹.

Since then, the President has issued decree-law No. 20-2022, on the 9th April 2022, establishing **the Fidaa Foundation**⁶². The text was widely disapproved by many victims' families because it not only violates the principles of transitional justice but it also effectively puts perpetrators and victims of the revolution at equal footing.

Finally, the process of drafting the new Constitution and its content are also

⁵⁷Ibid.

⁵⁸<https://www.facebook.com/AmiTunisie/photos/pcb.2325574224249445/2325574180916116/>

⁵⁹ One of them was quickly dismissed, see the 100 days [bulletin](#).

⁶⁰ See page 6, <https://asf.be/publication/eng-200-days-after-article-80-concentration-of-powers-and-security-drifts/>.

⁶¹<https://asf.be/publication/arabic-policy-brief-recommendations-to-the-president-of-the-tunisian-republic-on-the-economic-reconciliation-initiative/>

⁶²<https://legislation-securite.tn/law/105244>

worrying: Ahmed Friaa, Minister of the Interior during the revolution and accused before the specialized chambers, participated in the Advisory Committee in charge of drafting the proposal submitted to the President⁶³. **The inclusion of an accused (who does not even attend trials) in the drafting of a new Constitution further enshrines impunity and demonstrates the contempt of the current leadership towards transitional justice mechanisms and guarantees of non-repetition.** As for the draft Constitution itself, it contains no mention of transitional justice, whereas the 2014 Constitution endorsed in Article 148 the State's commitment to implementing the transitional justice system in all its areas - a fundamental guarantee for the process.

D. Threats against civic space and civil society:

Shortly after the leak of a draft reform of Decree 88, which was reported in the previous bulletin, the President of the Republic stated at the Ministerial Council of Thursday, February 24, 2022, the need to establish “a text prohibiting any foreign funding for associations”, which are equivalent to, according to the President, “extensions of foreign forces”⁶⁴. This statement followed **the leak of a draft reform of the decree governing the**

organization of associations, which was widely denounced by national civil society organizations - such as the feminist dynamic, which expressed its "categorical rejection of the draft revision of Decree No. 88 of 2011 [for what it entails of] restrictions on freedom of association and freedom of associative work in Tunisia"⁶⁵ - and internationally via a statement issued from 13 international associations that described the text as “a major setback to the progress made on freedom of association following the Tunisian revolution of 2011”⁶⁶.

The Observatory for the Protection of Human Rights Defenders also stressed that this reform project seems to reflect the Tunisian authorities' desire to acquire legal tools to control and to possibly muzzle civil society, especially since it comes in a context of increasing attacks on human rights defenders in the country and in the absence of any dialogue between the authorities in place and civil society actors⁶⁷.

Since this strong mobilization, as well as the statement of Michelle Bachelet, the UN High Commissioner for Human Rights, on the occasion of the 49th session of the Human Rights Council, who expressed her "great concern" about these decisions that risk "profoundly damaging civic and democratic space"⁶⁸, **it seems that plans to restrict civic space through**

⁶³ <https://lapresse.tn/132224/dialogue-national-les-participantsinvites-a-presenter-leurs-visions-de-lavenir-du-pays/>

⁶⁴ <https://www.facebook.com/Presidence.tn/videos/959141931436749>

⁶⁵ <https://www.aswatnissa.org/communiquer/revision-of-decree-no-88-of-2011-a-threat-on-civil-society-freedoms/>

⁶⁶ <https://www.hrw.org/news/2022/03/11/tunisia-looming-curbs-civil-society-must-be-stopped>

⁶⁷ <https://omct-tunisie.org/wp-content/uploads/2022/01/Le-projet-de-reforme-du-decret-loi-regissant-les-associations-menace-gravement-la-liberte-dassociation-et-doit-etre-retire-.pdf>

⁶⁸ <https://www.youtube.com/watch?v=KYa5Gnz-6XY&t=1089s>

legislative reform have been suspended for the time being.

Beyond a few isolated attempts to restrict civic space or aggressions committed by state representatives that we observed/have been reported to us in recent months, such as the harassment and aggression suffered by a group of young people (including minors) during a graduation party of the BIL:LPM association; attempts to discourage the creation of a new association by the directorate-general of associations ; additional complications for association staff wishing to renew their national identity cards or the harassment suffered by some LGBTQI++ activists, **the civic space in Tunisia has been drastically reduced since July 25th mainly due to the suppression of any space for exchange between civil society and decision-makers.** The dialog announced by the President of the Republic on the 2nd May 2022 and subsequently formalized by decree-law (Decree-Law No. 2022-30 of 19 May 2022, on the establishment of the "National Consultative commission for a New Republic") largely excluded civil society - as it did with political parties (Part I.b).

With regard to the referendum of the 25th July, 2022 **national and international civil society were invited to take part in the observation of the referendum by the ISIE and submit their applications for accreditation**⁶⁹ (only

these were granted very late). They were also invited to submit their "declarations" of participation in the referendum campaign. However, out of the more than 20,000 registered associations in Tunisia, only 27 - rather present at the local level - submitted their request to participate in the referendum campaign.

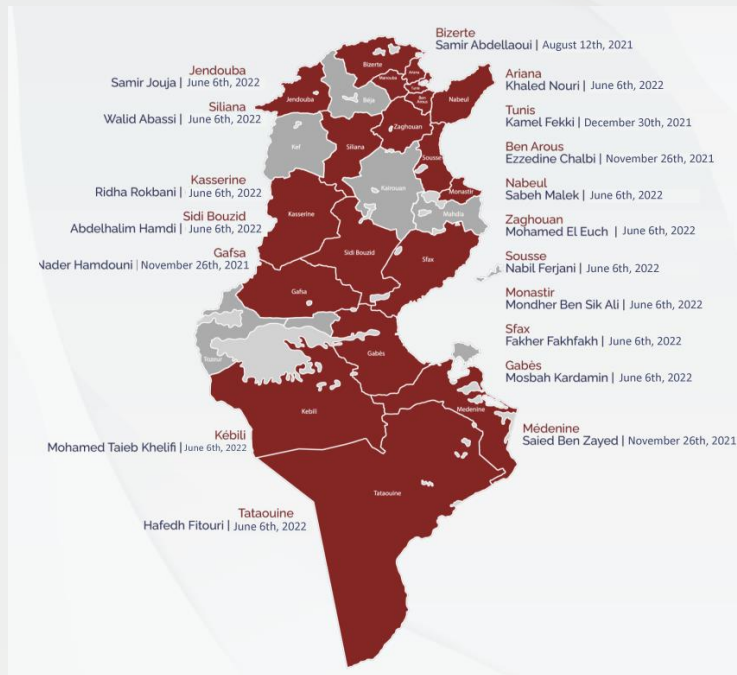
In a country where civil society is particularly active and used to speaking out on major public issues, many questions arise: **will the most vocal associations known for their opposition to President Saied's project be prosecuted for their media appearances or for events organized around the draft constitution?** This is at least what Ahmed Tlili Mnasri, member of the ISIE, seems to indicate⁷⁰. If so, will they be prosecuted under the Electoral Code or the Penal Code? Will the same rules apply to CSOs who are against the draft constitution and to CSOs who approve it?

⁶⁹<https://www.facebook.com/photo/?fbid=398352245664409&>

⁷⁰ radionationale.tn

E. Dismissals and appointments:

In addition to the above-mentioned dismissals, 18 out of 24 governors have been replaced by President Saied since July 25th, 2021, 13 of whom on June 6th, 2022⁷¹:



Map of the governors appointed by President Saied since July 25th, 2021.

In addition, over the 365 days, many dismissals and appointments are worth noting:



⁷¹https://fr.wikipedia.org/wiki/Liste_des_dirigeants_des_gouvernorats_tunisiens#cite_note-mouv2233-1

F. Economic developments:

In parallel with the political developments described above, negotiations on the financing opportunities (by foreign debt) of the Tunisian State have continued to make the headlines.

Macroeconomic indicators continued to deteriorate over the last period: downgrading of Tunisia's sovereign rating to CCC by Fitch agency on March 18th, growing public debt, galloping inflation (7.8% in May) and increased public deficit (9.7% of GDP). The country also experienced a second major exogenous shock - the first being the COVID-19 crisis - with the outbreak of the conflict in Ukraine.

The war has indeed had a very strong impact on the economy and on the prices of raw materials, both the price of a barrel of crude oil and that of wheat (Tunisia imports most of its wheat from Ukraine) have sharply risen. Marouane Abassi, the president of the Central Bank of Tunisia (BCT) has warned on several occasions that the consequences of the war will exacerbate the already strong strains on the state budget. The Ministry of Finance declared at the end of April that the war in Ukraine could cost the Tunisian state 4 billion dinars when it

comes to the energy sector⁷². **These financial difficulties make the Tunisian authorities' room for maneuver particularly limited.** In the context of difficulties in mobilizing resources⁷³ and increasing funding needs, the State struggles to close its 2022 budget and to pay salaries for civil servants - salaries that make up more than 50% of the country's public spending⁷⁴. The prospect of a debt default has thus been raised several times⁷⁵, making the urgency of a financing solution all the stronger and certainly the only one that the country has to date.

The "technical" negotiations with the IMF, suspended after the 25 of July of last year resumed last November, on a basis similar to the reform proposals made by former head of government Hichem Mechichi before his dismissal on 25 July 2021. Following multiple IMF visits and several weeks of technical discussions and the presentation in early June by the head of government Najla Bouden of the envisaged reform project⁷⁶, the IMF announced on June 22nd that it was ready to start more formal discussions for the elaboration of a program⁷⁷. A new IMF mission started on July 4th⁷⁸ and ended on July 18th "with satisfactory progress"⁷⁹.

⁷² <https://finance.yahoo.com/news/refile-ukraine-crisis-causes-1-133707356.html?guccounter=1>

⁷³ See Al Bawsala's policy brief, published in November 2021 :

<https://www.albawsala.com/ar/publications/rapports/20225132%20?fbclid=IwAR2PXS4f1jxzQuiMHiZMNe1whXS5PE2pqgoQ89kAwIK%20AFrJpKd-UQyxz0oU>

⁷⁴ <https://inkyfada.com/fr/2021/12/16/reprise-negociations-recours-fmi-tunisie/>

⁷⁵ By Morgan Stanley and Bloomberg Economics.

⁷⁶ <https://www.aa.com.tr/fr/afrique/tunisie-le-gouvernement-d%C3%A9voile-les-grandes-lignes-de-son-programme-national-des-r%C3%A9formes-2605718>

⁷⁷ <https://www.imf.org/fr/News/Articles/2022/06/22/pr22220-tunisia-statement-by-director-jihad-azour-at-the-conclusion-of-a-visit-to-tunisia>

⁷⁸ <https://www.aa.com.tr/fr/afrique/d%C3%A9but-des-n%C3%A9gociations-officielles-entre-la-tunisie-et-le-fmi/2628447>

⁷⁹ <https://www.imf.org/en/News/Articles/2022/07/19/pr22267-tunisia-imf-staff-concludes-mission-to-tunisia-with-good-progress>

These **structural reforms would essentially consist of reducing public expenditure by restructuring the public service** (early retirement, freezing of salaries for public servants) systems on taxing and subsidies (on food and energy) and state-owned enterprises. These fiscal austerity measures are widely criticized by **UGTT⁸⁰ and civil society⁸¹ who continue to oppose them -in terms of content- for their very likely major socio-economic consequences for the most vulnerable categories but also in terms of form given that the negotiations are considered non-participatory and non-inclusive.**

The approval of the UGTT remains a prerequisite for the IMF to conclude such an agreement (USD 4 billion in loans are foreseen). This approval from the union might be hard to achieve given the current tensions, and it is likely that the Tunisian State moves forward with the deal without it.

Apart from the budgetary urgency of releasing these billions, the IMF's financial support is in fact a guarantee for the country to be able to borrow from other donors and to reduce the risk on its debt.

Still on the economic front, a **decree-law on speculation** became enacted on March 21st⁸². As part of President Saied's "hunt against the speculators", the decree criminalizes speculation and

the dissemination of "fake news or information" that could distort the market. According to Amnesty International⁸³, the decree "contains vaguely worded provisions that could result in prison sentences ranging from 10 years to life imprisonment, including for publicly discussing the economy". The penalties are indeed particularly severe. For the NGO, the decree paves the way for "unfair and abusive prosecutions" and undermines freedom of expression.

⁸⁰<https://lapresse.tn/132906/negociations-entre-la-tunisie-et-lefmi-le-gouvernement-espere-le-fmi-confirme-et-lugtt-sinquiete/>

⁸¹ AlBawsala and the FTDES started the "Yenzi ma rhentouma" campaign in 2021 : <https://www.webmanagercenter.com/2022/03/16/482421/>

[a-societe-civile-tunisienne-veut-sinviter-dans-les-negociations-avec-le-fmi/](https://www.webmanagercenter.com/2022/03/16/482421/).

⁸² <https://legislation-securite.tn/law/105237>

⁸³ <https://www.amnesty.org/fr/latest/news/2022/03/tunisia-new-anti-speculation-law-threatens-freedom-of-expression/>

RIGHTS AND FREEDOM



Measures taken against public figures and (ex) senior officials.

A. Media and press:

In the continuity of the observation already made in previous bulletins, **freedom of information and expression continue to be undermined since July 25**. The fall of Tunisia from 73rd to 94th place in the world press freedom ranking carried out by Reporters Without Borders (RSF)⁸⁴ is very telling of the freefall that Tunisia is witnessing since President's Saied power grab.

The National Union of Tunisian Journalists (SNJT) and the General Federation of Information (part of the UGTT) reacted strongly to this ranking, denouncing that **'freedom of the press and freedom of expression are facing imminent danger'**, recalling that the loss of 21 places in the RSF ranking is a direct consequence of 'the decline in the indicators of freedom of the press, the high frequency of

violations against journalists, trials and arrests [against them], the continued prosecution of civilians before military courts, the lack of communication from the government in power and the infringement of citizens' right to information"⁸⁵.

Several incidents have marked the period covered by this report⁸⁶:

- On March 18th, **the journalist Khalifa Guesmi (Mosaïque FM) was arrested and detained for a week for refusing to disclose his sources** after publishing information on the dismantling of a terrorist cell in Kairouan. Two of his fellow co-workers were auditioned by the anti-terrorist unit⁸⁷. A sit-in was organized in front of the SNJT in solidarity, its president Mahdi Jlassi denouncing "the pressure and harassment suffered by journalists" and the "shameful"

⁸⁴ <https://rsf.org/fr/classement?year=2022>

⁸⁵ <https://lapresse.tn/129450/le-snjt-et-la-federation-generale-de-linformation-tirent-la-sonnette-dalarme-la-liberte-de-la-presse-menacee/#:~:text=Elle%20a%20perdu%2021%20places.o,ccupait%20le%2073e%20rang>

⁸⁶ <http://snjt.org/wp-content/uploads/2022/05/resume%CC%80-rapport.pdf>

⁸⁷ <https://lapresse.tn/126550/khalifa-guesmi-remis-en-liberte/>

practices⁸⁸.

- On March 23rd, **two journalists from Nawaat, Seif al-Kosani and Tarek al-Abidi, were arrested while reporting on the citizen initiative 'T3allem 3oum' in memory of Omar Laabidi⁸⁹**, who was killed by police officers in 2019. Even though they had the necessary permits, plainclothes police officers prevented them from filming and confiscated their identity documents. Their reporting material was seized and taken to the police station, who allegedly contacted Nawaat's editor-in-chief in order to identify who had encouraged them to carry out the report. The two journalists were given a subpoena to appear on April 14th, and the case was subsequently closed. The newspaper strongly condemned these practices in a press release⁹⁰.
- **Blogger and activist Amina Mansour** was sentenced to six months' imprisonment in military custody in late May following a Facebook post from 2021 criticizing President Saied⁹¹.
- In mid-June, **journalist Salah Attia** was arrested by the authorities after making comments on Al Jazeera,

stating, in particular, that President Saied had requested military intervention against the UGTT⁹². He was taken into custody because of his refusal, according to his lawyer, to reveal his sources, and for offending the army and inciting violence. A detention warrant was issued against him by the military justice⁹³.

- On July 22nd, journalists such as **Yosra Chikhaoui⁹⁴** and **members of the SNJT board** and its President **Mahdi Jlassi** were violently attacked by security forces during a demonstration against the referendum in the Habib Bourguiba Avenue⁹⁵. These attacks were denounced by the Syndicate in a press release⁹⁶.

Additionally,

- The SNJT has once again denounced **the authorities' lack of transparency**, while only a dozen journalists were able to attend the press conference organized by Ms Bouden and her Egyptian counterpart Mr Madbouly in mid-May⁹⁷.
- The HAICA called on the media in early June **to guarantee freedom of expression by extending media coverage to**

⁸⁸ Ibid.

⁸⁹ https://twitter.com/Ghaya_BM/status/1506666184258867202

⁹⁰ <https://www.facebook.com/nawaat/photos/a.423635536213/10160053438771214/>

⁹¹ <https://www.article19.org/resources/tunisian-activist-jailed-facebook-posts/>

⁹² https://www.lemonde.fr/afrique/article/2022/06/13/en-tunisie-un-journaliste-en-garde-a-vue-apres-des-declarations-sur-l-armee_6130075_3212.html

⁹³ <https://www.businessnews.com.tn/Mandat-de-d%C3%A9p%C3%B4t-contre-Salah-Attia.520,120049,3>

⁹⁴ <https://www.facebook.com/photo/?fbid=3178406459048673&set=a.1716986868523980>

⁹⁵ <https://www.businessnews.com.tn/mehdi-jelassi-tabasse-par-la-police.520,121269,3>

⁹⁶ <https://www.facebook.com/snjt.tunisie/photos/a.1501676556773034/3203685179905488>

⁹⁷ <https://www.tap.info.tn/en/Portal-Politics/15191431-snjt-decries-ban-on>

actors from all political backgrounds⁹⁸.

- As mentioned in the section on the referendum, the ISIE's decision to require public figures, associations and political parties wishing to express their views on the referendum to register beforehand (and the resulting HAICA/ISIE guidelines) is highly likely to restrict freedom of speech in Tunisia. Faouzi Charfi, Secretary General of the Al Massar party, was canceled from a radio broadcast one hour before his appearance because he was not registered for the official campaign⁹⁹. It will nevertheless be impossible for HAICA and ISIE to exercise an *ex ante* control over all media appearances. What will happen to people who speak out about the referendum without being registered in the official campaign and under which law will they be sanctioned? Will those who spoke in favor of the 'Yes' vote be treated in the same way as those who called for a boycott or a 'No' vote?

In its annual report published on May 3rd, 2022¹⁰⁰ on the occasion of World Press Freedom Day, the SNJT also made a number of observations regarding press freedom violations over the past year:

- Interventions from the

Presidency in the planning of the TV Journal;

- military trials against journalists and impunity for attacks on journalists made by security forces;
- the repeated declarations of the President of the Republic regarding his intention to "regulate the media sector" and to promulgate decrees in this sense;
- the opacity of the government, which does not address the Tunisian people, does not organize press conferences and does not appoint a media adviser to facilitate the work of journalists and protect the right to information;
- the publication of circulars n°19 and 20 by the Presidency of the government, which infringes on the right to organize, guaranteed by the Constitution and international pacts.

For the SNJT, **this is an attempt by the Presidency of the Republic and the government to influence the editorial line of the media**, in total disregard of journalists' rights and the right to information.

⁹⁸<https://www.facebook.com/photo/?fbid=350988990495021&set=a.255887093338545>

⁹⁹<https://www.facebook.com/faouzi.charfi/posts/pfbid0tENTkhqbwof2cTHMFUMLf6Zsks9ih8UMJa5w8Y32GpEXTDonbCvZLszDhFXHmoqBl>

¹⁰⁰ <http://snjt.org/2022/05/05/23525/>

B. Freedom of protest and violence against opponents:

- **Double standards when it comes to freedom of demonstration:**

The freedom to demonstrate has been further undermined in recent months. In an unprecedented decision, **the new governor of Tunis who is close to President Kais Saied, Kamel Fekki, banned political demonstrations on Habib Bourguiba Avenue**, the city's main artery and the epicenter of the January 2011 protests, reserving it for "tourist, cultural or artistic activities" only¹⁰¹. Nevertheless, Kamel Fekki, who previously called anti-power demonstrators "people from the past", went to support pro-Kais Saied demonstrators on May 8th 2022, accompanied by law enforcement officers¹⁰².

A quite different treatment has been reserved for President Kais Saied's opponents. The demonstration on June 4th 2022 in front of the ISIE headquarters was repressed with tear gas and the historical left-wing opponent Hamma Hammami was brutalized by law enforcement officers¹⁰³. The Free Destourian Party (PDL) was also banned from demonstrating in front of the ISIE on

July 7, 2022 by a large number of security forces which "repressed and injured members of the party" according to a statement issued by the latter. The president of the party Abir Moussi, who declared that she took all legal procedures for the demonstration, was taken to the clinic following a fainting during the demonstration¹⁰⁴.

Hamma Hammami, and Samia Abbou of the Ettayar party, were assaulted on July 22 during a demonstration organized by the Civil Coalition for Freedom, Dignity, Social Justice, and Equality¹⁰⁵. Security forces, deployed en masse and heavily equipped, violently assaulted the demonstrators with tear gas, batons and foot beatings¹⁰⁶. During the same demonstration 11 activists were arrested, and as mentioned above, journalists as well as other activists and demonstrators were attacked including Mahdi Jlassi, president of SNJT, who was sprayed in the face and at close range with tear gas¹⁰⁷. Similarly to the 14th of January demonstrations, The Ministry of the Interior blocked all accesses to the main artery of the city with barriers and installed water cannons.

The 11 demonstrators were released within 24 hours following the mobilization of civil society and lawyers. However, the testimony of Saif Ayadi, a

¹⁰¹ <https://news.gnet.tn/tunisie-le-gouverneur-de-tunis-interdit-les-manifestations-politiques-a-lavenue-habib-bourguiba/>

¹⁰² <https://www.facebook.com/waelbangader2008/videos/356035949840346/?t=56>

¹⁰³ <https://www.france24.com/fr/afrique/20220605-tunisie-heurts-lors-d-une-manifestation-contre-le-r%C3%A9f%C3%A9rendum-%C3%A0-tunis>

¹⁰⁴ <https://www.businessnews.com.tn/abir-moussiinterdite-de-manifester-devant-lisie-par-les-forces-delordre.520.120800.3>

¹⁰⁵ <https://www.facebook.com/snjt.tunisie/photos/a.1501676556773034/3201381013469238/>

¹⁰⁶ <https://www.facebook.com/ahmed.zarrouki.1272/posts/pfbid02mzEWh2GtGqkJmtcMVrmU8NCcux9DtETitSTmk8ChNvkT45GsPeLqPmaJ1pTUQihfl>

¹⁰⁷ <https://www.facebook.com/ilassi.mahdi/posts/pfbid02DxgIzqzFdo4yMQHFVpZaXrbCu1k8ZaRu3UDR2vdqFD8UpuS6Bn4v7f6RWBGPMzrhI>

queer activist from the association DAMJ who was also arrested, recounts some harrowing facts: illegal detention for several hours, denial of access to a lawyer for several hours (in total violation of custody procedures) ill-treatment, intimidation, sexual harassment, DNA extraction under threat etc¹⁰⁸.

- **Passive attitude of the authorities in the face of violence committed by President Saied's supporters:**

New worrying trends have emerged in recent months as several opponents of President Saied's project have been attacked by civilians during public events. **The 5 parties of the national campaign to stop the referendum were brutally attacked verbally and physically** (stoning) during a demonstration organized in Sousse on June 26th 2022 by young men carrying pro-Kais Saied banners¹⁰⁹.

Similar events occurred during a meeting organized by the "Citizens Against the Coup" collective on June 4th in Tozeur, where a dozen individuals broke into the hall and prevented the meeting from taking place while insulting the organizers¹¹⁰.

In Regueb, **Afek Tounes party was prevented from holding its meeting** on July 3rd as part of its "No" campaign by other citizens. According to a statement published on the party

leader's page, the organizers of the meeting were threatened by men armed with sticks and stones and citizens were prevented from accessing the meeting venue¹¹¹. A member of the same party was attacked in Teboulba on July 17th 2022, while distributing flyers campaigning for the "No", by 12 individuals who physically and verbally assaulted him and severely damaged his vehicle with stones, as indicated in a press release issued by the party¹¹².

It is important to note here that the three political events mentioned above (rally, demonstration and campaign for the No vote) were legally organized and the authorities were notified of their conduct. A further worrying commonality was the fact that the three aggressed parties denounced the passivity - and even complicity - of the local and law enforcement authorities in dealing with these assaults.

- **Harassment of critics and opponents of President Saied:**

In line with observations made in previous reports, **opponents of President Saied's project - activists and political figures - continue to face online and offline harassment with complete impunity.** As a result of this impunity, smear campaigns and lynching are taking on a new twist. As mentioned in the justice section, Judge Keira Ben Khelifa was the victim of a very violent campaign on social

¹⁰⁸ <https://www.facebook.com/photo/?fbid=8025033444204022&set=a.102918723082240>

¹⁰⁹ <https://www.businessnews.com.tn/le-collectif-pour-le-boycott-du-referendum-denonce-les-agressions-des-milices-de-kais-saied.520.120417.3>

¹¹⁰ www.facebook.com/1095355399/videos/5078726008909196/

¹¹¹ <https://news.qnet.tn/tunisie-afek-tounes-empeche-de-tenir-un-meeting-populaire-a-regueb/>

¹¹² <https://www.facebook.com/AfekTounes.PageOfficielle>

networks after she testified about the reasons for her dismissal.

Anas Hmadi, president of the Association of Tunisian Magistrates¹¹³, was also the victim of a smear campaign on social networks, as was the honorary president of the same association, Raoudha Karafi, and her family¹¹⁴. These campaigns took place in parallel with President Saïed's decision to dismiss 57 magistrates.

Zyna Mejri, a columnist on Mosaique FM and founder of Falso platform, was also the victim of a defamation campaign on social media following a chronic¹¹⁵ she produced on the President's misleading speeches and the fake news published by his supporters.

Several prominent public and political figures such as Abir Moussi¹¹⁶ (President of the PDL), Nourredine Tabboubi¹¹⁷ (Secretary General of the UGTT), Mahdi Jlassi¹¹⁸ (President of the SNJT) or Souad Abderrahim¹¹⁹ (Mayor of Tunis) have also been the victims of the same type of methods following positions or decisions they have taken against the President of the Republic and his circle.

All these campaigns are led by pages on social networks, such as the page

¹¹³ <https://www.facebook.com/photo.php?fbid=964621807564315&set=pb.100020495133322.-2207520000..&type=3>

¹¹⁴

<https://www.facebook.com/watch/?v=2797566787053190>

¹¹⁵ <https://www.facebook.com/photo.php?fbid=963783667648129&set=pb.100020495133322.-2207520000..&type=3>

¹¹⁶ <https://www.facebook.com/photo.php?fbid=969839250375904&set=pb.100020495133322.-2207520000..&type=3>

¹¹⁷ <https://www.facebook.com/photo.php?fbid=967028737323622&set=pb.100020495133322.-2207520000..&type=3>

“Mouvement du 25 Juillet 2021”¹²⁰ or by “bloggers” claiming to be supporters of the President of the Republic, such as Ben Arfa¹²¹. These campaigns have not led to any investigation by the prosecutor's office. **Several observers also attribute this climate to the violent and divisive discourse of the President of the Republic**, who has never denounced such practices¹²².

C. Persistence of arbitrary restrictions of freedom:

The security pressure on S-listed individuals has seen a worrying upsurge in recent months.

Administrative searches, restrictions on freedom of movement, arbitrary summons to police stations, harassment in the workplace and other arbitrary restrictions on freedom have increased. In the first half of 2022 alone, SANAD¹²³ took over 21 new S-registered beneficiaries without any link to a terrorist activity or any other threat to public order having ever been established. Some victims of such cases had already been acquitted by the courts. The arbitrariness of such administrative control measures - which were already widespread against people on S lists before 25 July 2021 - is at the moment under the spotlight because they now affect a wider spectrum of Tunisian citizens, including MPs, politicians,

¹¹⁸ https://m.facebook.com/story.php?story_fbid=pfbid08qQYZXP5L9JsBTEyaU2UAeEo8bRxuLzN16mmdFqvo3kboFxyV/h1Sw2bhG8wa2QhRI&id=1494972305

¹¹⁹ <https://www.facebook.com/photo.php?fbid=970724960287333&set=pb.100020495133322.-2207520000..&type=3>

¹²⁰ <https://www.facebook.com/revolution2021tunis>

¹²¹ <https://www.facebook.com/BenArfa>

¹²² <https://www.businessnews.com.tn/le-discours-de-kais-saied-suscite-une-vive-polemique.519.113495.3>

¹²³ SANAD is the OMCT direct assistance program for victims of torture : <https://omct-tunisie.org/assistance-directe/>

judges and businessmen/women¹²⁴.

When they become so prevalent as to constitute **police harassment**, the administrative control measures suffered by the persons registered have a **profound and lasting impact** on these individuals, as well as on their families and in particular their children who are traumatized by house visits.

The media also reported **several cases of personalities prevented from leaving the country by simple administrative decisions**. This is the case of the former minister and leader of the Ennahdha movement, **Saïda Ounissi**¹²⁵. She went to Tunis airport on June 15th to travel abroad. According to a statement by Samir Dilou, a lawyer and member of the Ennahdha movement, the border police required a judicial authorisation to allow her to travel. After several attempts to find out the origin of her restriction of freedom of movement, Ms. Ounissi learned that it was the result of an informal administrative decision with no legal basis and not a decision ordered by a judge. Jamila Ksiksi, a member of parliament from the same political party Ennahdha, **was prevented from traveling without a judicial order** on July 16th, 2022¹²⁶.

On July 4th, it was Nouredine Ben Ticha, the former adviser to former President of the Republic Beji Caïed

Essebsi, who declared that he had been banned from traveling with his wife because of the profession on his passport - adviser to the Presidency of the Republic - and his national identity card¹²⁷. He was accused of not having changed his profession on his Tunisian identity documents.

Last March, **the Minister of the Interior, Tawfik Charfeddine, had denied the arbitrary nature of the restrictive measures**, explaining that all the people who are under house arrest, or placed under house arrest, are concerned by criminal investigations¹²⁸. Some restrictions on freedom of movement have indeed been ordered by magistrates, as is the case of the ban on leaving the country imposed on Rached Ghannouchi. **However, in most cases, restrictions on freedom are not ordered by the judiciary but by the Ministry of the Interior, without any legal basis. The administrative court remains the only safeguard against abuse.**

However, there are obstacles to victims' access to administrative justice. First of all, it is slow; for example, in December 2021, SANAD Elhaq, the legal assistance group for victims of torture of OMCT's SANAD programme, filed emergency appeals for 11 beneficiaries in order to obtain the suspension of the administrative control measures they were subjected to. It was only five

¹²⁴ See the OMCT position paper : <https://omct-tunisie.org/wp-content/uploads/2021/09/Lettre-de-positionnement.pdf>

¹²⁵ <https://www.tunisienumerique.com/tunisie-une-ancienne-ministre-nahdaoui-interdite-de-voyager/>

¹²⁶ <https://www.espacemanager.com/interdite-de-voyage-jamila-ksiksi-denonce-une-violation-de-ses-droits-fondamentaux.html>

¹²⁷ <https://www.webdo.tn/2022/07/05/nouredine-ben-ticha-interdit-de-voyager/>

¹²⁸ <https://www.businessnews.com.tn/taoufik-charfeddine-accuse-ennahdha-de-propager-les-rumeurs-et-les-fausses-informations,520,117760,3>

months later that the first four decisions of suspension of execution were rendered, whereas the legal time limit for ruling is normally one month maximum. **Moreover, the four decisions, although positive, include dangerous reasoning.**

The lawyers had argued that the administrative control measures against the persons were illegal because they were presumably based on the 1975 decree governing the powers of the Ministry of the Interior, a decree (which is not a law) and which also gives the Ministry's agents vaguely defined prerogatives with regard to restrictions of freedom. **The court only found that the Ministry did not provide evidence that the individuals concerned posed a threat to public order, implying that if such evidence were presented, the restrictions of liberty against them would be admissible.**

Recent attacks on the judiciary have raised concerns that magistrates, including those of the administrative court¹²⁹, are increasingly engaging in **self-censorship in order to avoid retaliation from the executive.**

D. Military trials against civilians:

The trend, identified in previous ASL bulletins¹³⁰, of **a substantial increase**

in the use of military justice against civilians since 25 July has been confirmed. In the majority of cases, these trials are generally related to freedom of expression following criticism towards the President of the Republic. The LTDH, which has denounced these practices at many occasions, published a new statement at the end of March, stating that "The League refuses to adhere to a legislative system that leads civilians to be exposed to military trials" and calling for the amendment of these laws¹³¹.

Developments in the last 100 days have included:

- **MP Seifeddine Makhoulf**, sentenced to a one-year suspended prison sentence and a five-year ban on practicing law on February 17th, 2022 for contempt of court¹³².
- **MP Yassine Ayari**, sentenced again (in absentia) to 10 months on February 18th for "undermining the morals of the army" and "offending the Head of State"¹³³.
- **MP Issam Bargougi** was sentenced in absentia to 10 months' imprisonment at the beginning of March for "offending the morals of the army", "offending the President of the Republic" and "harming others through telecommunications networks"

¹²⁹ See the 200 days [bulletin](#), page 8.

¹³⁰ See the 200 days [bulletin](#), page 15-16 and the 100 days [one](#), page 5-6.

¹³¹ See the policy brief published by ASF, Kawakibi and ADLI on November 2021: <https://asf.be/fr/blog/publications/francais-policy-brief-le-jugement-des-civils-par-les-tribunaux-militaires-une-menace-a-la-democratie-et-a-letat-de-droit/>

¹³² <https://www.aa.com.tr/fr/politique/tunisie-le-d%C3%A9put%C3%A9-seifeddine-makhoulf-condamn%C3%A9-%C3%A0-un-an-de-prison-avec-sursis-%C3%A0-lex%C3%A9cution/2506166>

¹³³ <https://www.aa.com.tr/fr/politique/tunisie-le-d%C3%A9put%C3%A9-du-parlement-suspendu-yassine-ayari-condamn%C3%A9-par-contumace-%C3%A0-10-mois-de-prison/2507034>

following critical statements against the President¹³⁴.

- **The lawyer and former chairman of the Tunisian bar, Abderrazak Kilani**, was summoned by the military court on February 23rd, placed in preventive detention on March 2nd and released on March 21st. The proceedings against him were prompted by an exchange in early January with police officers while he was trying to visit his arbitrarily detained client, Nourredine Bhiri¹³⁵. He was finally sentenced to a one-month suspended prison term for contempt towards a public official¹³⁶.
- Journalist **Ameur Ayed** and MP **Abdellatif Aloui** were sentenced in early April to four and three months' imprisonment respectively by a military court for "undermining the morals of the army" after comments made on Zitouna TV in October 2021 against the President of the Republic. They have appealed the decision¹³⁷.
- In early May, Al Karama MP **Mohammed Affes**, who was prosecuted in the airport case, was heard by the Tunis Military Court, where he turned himself in after nine months on the run. The examination of the airport case was postponed to mid-

May.

- In mid-May, **4 MPs and the lawyer Mehdi Zagrouba** were sentenced to 6 months in prison for Mr Zagrouba, 5 months for MPs Seifeddine Makhoulf and Nidhal Saoudi and 3 months for MPs Mohammed Affes and Maher Zid in the airport affair. MP Abdellatif Aloui was acquitted¹³⁸.
- As reported in the media in mid-June, **journalist Salah Attia** was arrested by the authorities after comments made on Al Jazeera. A detention warrant was issued against him by the military justice¹³⁹, while **blogger Amina Mansour** was sentenced in May to 6 months imprisonment following a Facebook post on President Saied.

As already pointed out by the ASL Alliance in the previous bulletins, most of these cases represent **an instrumentalization of military justice for the purpose of censoring** any critical remarks against the decisions and the person of President Saied. It should also be noted that the draft constitution voted on July 25 removes the provisions of Article 110 of the 2014 constitution which states that the jurisdiction of military courts is

¹³⁴ <https://www.webdo.tn/2022/03/06/le-depute-gele-issam-bargougui-condamne-a-10-mois-de-prison-ferme/>

¹³⁵ <https://www.hrw.org/fr/news/2022/03/14/tunisie-un-tribunal-militaire-emprisonne-un-eminent-avocat>

¹³⁶ <https://lapresse.tn/130832/abderrazek-kilani-condamne-a-un-mois-de-prison-avec-sursis/>

¹³⁷ <https://kapitalis.com/tunisie/2022/04/08/tunisie-ameur-ayed-et-abdellatif-aloui-condamnes-a-4-et-3-mois-de-prison/>

¹³⁸ <https://www.aa.com.tr/fr/afrique/tunisie-des-peines-de-trois-%C3%A0-six-mois-de-prison-dans-laffaire-de-la-%C3%A9roport/2590368>

¹³⁹ <https://www.businessnews.com.tn/Mandat-de-d%C3%A9p%C3%B4t-contre-Salah-Attia.520.120049.3>

limited only to military offenses¹⁴⁰.

E. Violations of the rights of migrants, asylum seekers and refugees:

Migrants, asylum seekers and refugees continue to be exposed to violations of their rights on Tunisian territory¹⁴¹. Tunisians attempting to reach Europe are also exposed to forced repatriation from Italy.

Some continue to be **victims of arbitrary detention**. In July 2020, the Administrative Court suspended the detention of 22 migrants at the El Ouardia centre on the grounds that their deprivation of liberty was contrary to Tunisian law and Tunisia's international commitments. Despite this decision, the Ministry of the Interior has continued to use the centre to arbitrarily detain people. In May, at least nine individuals were arbitrarily deprived of their liberty there.

Beyond the deplorable conditions of detention, the problem lies above all in the principles that govern this center and its lack of any legal basis. Detention in this center is characterized by the absence of legal procedures or judicial review, limited access to a lawyer, the absence of written notification of the legal basis for the detention, as well as the absence of the possibility to appeal, which may expose

the victims (arbitrarily deprived of their liberty) to further violations of their fundamental rights. **The detention at the El Ouardia center is punitive, arbitrary and illegal** according to the Tunisian administrative justice. Tunisian authorities continue to use it nevertheless¹⁴².

The situation also remains difficult for the hundreds of refugees and asylum seekers in Tunisia who live in an extremely critical situation. On April 16th 2022, **around 214 refugees, asylum seekers and stateless people** - including women, children and unaccompanied minors - **began a sit-in in front of the Tunis headquarters of the United Nations High Commissioner for Refugees (UNHCR)**¹⁴³. This demonstration is a continuation of the sit-in initiated on February 9, 2022 in Zarzis, in an act of protest against the difficult conditions¹⁴⁴ in which these people have been living for several years and after the expulsion of several asylum seekers and refugees from an accommodation center managed by the UNHCR in Zarzis. Faced with the negligence and failures of the Tunisian authorities on the one hand (although they are signatories to the Geneva Convention on Refugees) and of the UNHCR on the other hand, the agency responsible for the protection of refugees and asylum seekers, they gathered in a sit-in for two

¹⁴⁰<https://www.hrw.org/news/2022/07/14/qa-tunisia-constitutional-referendum>

¹⁴¹https://www.lemonde.fr/afrique/article/2022/02/22/rafles-insultes-violences-le-traitement-des-etudiants-subsahariens-empire-en-tunisie_6114762_3212.html

¹⁴² <https://asf.be/fr/blog/publications/fr-communique-de-presse-le-centre-del-ouardia-zone-de-non-droit-ou-9-personnes-sont-arbitrairement-privees-de-leurs-libertes/>

¹⁴³ <https://inkyfada.com/en/2022/04/23/demonstrations-demanding-asylum-hcr-zarzis-tunis-tunisia/>

¹⁴⁴ See the press release signed by 27 civil-society organizations: <https://asf.be/fr/blog/publications/fr-communique-de-presse-en-tunisie-refugie-e-s-et-demandeur-se-s-dasile-abandonnes-dans-une-situation-humanitaire-critique/>. See also the press release published for the World Refugee Day: <https://asf.be/fr/blog/publications/20-juin-pour-la-protection-des-refugie-e-s-et-demandeur-se-s-dasile/>

months demanding their evacuation from Tunisia.

On Saturday June 18th, 2022, an evacuation with an excessive use of force by the police dispersed the sit-in of the remaining demonstrators in front of the UNHCR headquarters, at the request of the UNHCR who did not consider the whole group to be covered by its mandate¹⁴⁵. While a group of persons were transferred to a shelter, several were subject to **verbal and physical assaults** and at least **three persons**, including refugees and asylum seekers, were **arrested and taken into custody**, while all others were dispersed to unknown destinations. In early July, **violence was committed against Senegalese citizens at the Tunis-Carthage airport by security forces**¹⁴⁶. Passengers had been blocked for several days while many flights to sub-Saharan Africa were canceled by Tunisair. These incidents were denounced by the FTDES in a statement published on July 7th¹⁴⁷.

It should also be recalled that the policy of outsourcing the European Union's borders to third countries is no exception in Tunisia. The country is thus engaged in a "migration management" system which is based mainly on **border control** and in particular on the reduction of the

number of "illegal" departures to the EU. The number of interceptions at sea by the Tunisian coast guard has indeed increased substantially in recent years: in 2018, 4,519 people were intercepted, compared to no less than 25,657 in 2021¹⁴⁸. The trend remains the same this year, with at least 7 250 people intercepted during the first five months of 2022, with very high peaks in April (1 515 people) and May (2 658 people)¹⁴⁹.

While Tunisia, financially supported for this purpose by European Union member States, is committed to strengthening its borders, it is confining hundreds of migrant people to a **country that does not have a reception, care, protection and integration policy**.

In a socio-economic context that continues to deteriorate, the migration of Tunisians to Italy continues, with at least **2,206 arriving in Italy, i.e. 11% of all arrivals in the country**¹⁵⁰. At the same time, as a result of the readmission agreements concluded between Tunisia and Italy, at least **431 people were forcibly repatriated to Tunisia**, while at least 24 Tunisians were turned back at Italian border points (air and sea)¹⁵¹.

¹⁴⁵ <https://www.infomigrants.net/fr/post/41358/a-tunis-fin-du-sitin-des-demandeurs-dasile-devant-les-locaux-du-hcr>

¹⁴⁶ <https://english.alaraby.co.uk/news/outrage-senegalese-passengers-assaulted-tunis-airport>

¹⁴⁷ <https://ftdes.net/ar/aeroport-tunis-carthage/?fbclid=IwAR2DpP75j6dTjvG91N8hkZGBGlbNe6WPYvPiWKJrSsb17DRReTykxeOAJWrQ>

¹⁴⁸ <https://ftdes.net/annual-report-on-irregular-migration-tunisia-2021/>

¹⁴⁹ Page 6, <https://ftdes.net/rapport-mai-2022-des-mouvements-sociaux-suicides-violences-et-migrations/>

¹⁵⁰ Page 7, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-05-2022.pdf

¹⁵¹ Page 27 and 30, <https://www.garantenazionaleprivatiliberta.it/gnpl/resource/s/cms/documents/efaf5dcb6ffc3a58172badee56bb73a.pdf>

REACTIONS IN TUNISIA AND ABROAD

A. In Tunisia:

The Tunisian political scene post 25 July is particularly complex to map. **President Saïd's decisions did not lead to a binary dichotomy between allegiance and opposition within the various political formations** (parties or others); on the contrary, the positions in reaction to his actions became more complex and shifted over the weeks. It is impossible to present the positions according to a simple interpretation of whether or not they are opposed to the process set in motion by Saïed.

At the same time, if President Saïed's *coup de force* and his person have benefited from **an important support from citizens** - on July 29th, 87% of those polled said they supported Kais Saïed's decisions¹⁵². **This support is gradually eroding** (64.8% in January 2022)¹⁵³, although he is still the winner if presidential elections were organized today according to the same polls. These figures should be nuanced however, given that 15% of the people surveyed do not communicate their voting intention for the presidential elections and that the polls are conducted by telephone. It should also be noted that there is no control over the survey protocols, given the absence of a law regulating polls.

This evolution of the positioning of

political/social actors is due to several factors; a (small) change in public opinion on the one hand, and a reshuffling of the positions of political actors in the country in parallel with an increase in the number of initiatives created; while some have positioned themselves while others went in coalitions. **Nevertheless, the tipping point of this mutation among political actors (parties and civil society) is surely the dialogue proposed by the President and described above for the foundation of a "New Republic" who largely excluded them.**

- **Developments in terms of positioning:**

- **The National Salvation Front:**

An initiative announced in a press conference on May 30th 2022 and chaired by Nejib Chebbi. It represents for its founders a response to the 10 months of "coup d'Etat" and aims to unify the struggle against the regime of Kais Saïed by becoming a political counterweight to "save" the country and get it out of the crisis. This initiative is composed of eleven political forces, namely Ennahdha, Al Amal, Hizb el-Harak, Qalb Tounes, Al Karama Coalition, Citizens Against the Coup d'Etat, National Meeting for Salvation, Tunisians for Democracy, Meeting for Tunisia, Coordination of Deputies and the Meeting of Youth for Democracy and Social Justice¹⁵⁴. The Front

¹⁵² <https://lapresse.tn/104654/sondage-emrhod-87-des-tunisiens-soutiennent-kaies-saied-et-approuvent-ses-decisions/>

¹⁵³ <https://www.facebook.com/Insights-TN-102899135046354/photos/pcb.324240062912259/324238889579043>

¹⁵⁴ <https://www.aa.com.tr/fr/afrique/tunisie-le-front-du-salut-national-informe-lambassade-des-etats-unis-de-ses-activites/C3%A9s/2609209>

organized its first demonstration on May 15th, with slogans rejecting the national dialogue deemed as "false and theatrical" and a deceptive referendum "instrumentalized" in order to impose the will of an individual on an entire people¹⁵⁵. The Front declared its support for the independence of the judiciary, the independence of national organizations, the defense of freedoms and the rejection of military trials against civilians¹⁵⁶.

- **National campaign against the referendum:**

This initiative is an extension of the trio of social democratic parties (Attayar, Ettakatol and Al Jouhoumri)¹⁵⁷ with the integration of the Workers' Party and Al-Qotb¹⁵⁸. Launched on June 2nd during a press conference, its leaders reaffirmed their boycott of the referendum and their categorical refusal of any contact with President Saied and his regime, recalling that the process of July 25 did not come to "correct" the trajectory of the revolution but seeks to establish the regime of a "populist individual hostile to freedoms". On June 4th, the initiative organized a demonstration in front of the ISIE headquarters, which was repressed by the security forces who prevented access to protesters¹⁵⁹.

- **Abir Moussi and the Parti Destourien Libre (PDL):**

The PDL and its president Abir Moussi, who continue to lead the polls in case of legislative elections (34% of voting intentions, against 25% for Saied's "party"¹⁶⁰), remain among the main opponents to President Saied. If Moussi is considered as the biggest opponent of political Islam and Ennahda, and although she called on Saied to accelerate the dissolution of the Parliament¹⁶¹, the president of the PDL denounces a desire to oust her (via the amendment of the electoral law in particular)¹⁶² and qualifies the use of article 80 and the referendum process as illegal¹⁶³.

- **Civic coalition (or Civil Alliance)¹⁶⁴:**

An initiative born at the end of July 2021 and initially composed of the SNJT, the UGTT, ONAT, ATFD, AMT, LTDH and FTDES. Its format has since evolved. The positions taken on the "national dialogue" and the referendum have made it impossible for these different entities to work together. Although the UGTT quickly suspended its membership from the coalition, it nevertheless continued to propose solutions and to demand the maintenance of a collective process. The announcement of the organization of the national dialogue by President Saied has meanwhile placed the UGTT in a direct power relationship with him. In contrast, the current president of

¹⁵⁵ alaraby.co.uk/politics

¹⁵⁶ Ibid.

¹⁵⁷ See the 200 days [bulletin](#), page 18.

¹⁵⁸ <https://www.observatoire-securite.tn/fr/2022/06/02/cinq-partis-lancent-une-campagne-pour-le-boycott-du-referendum/>

¹⁵⁹ <https://www.jeune-independant.net/tunisie-cinq-partis-dopposition-manifestent-contre-kais-saied/>

¹⁶⁰ <https://www.webdo.tn/2022/04/01/sondages-kais-saied-et-le-pdl-de-abir-moussi-poursuivent-leur-dominat/>

¹⁶¹ https://www.facebook.com/watch/live/?ref=watch_permalink&v=739262843645513

¹⁶² <https://www.leconomistemaghreb.com/2022/05/19/abir-moussi-kais-saied-veut-changer-la-loi-pour-mempecher-de-gouverner/>

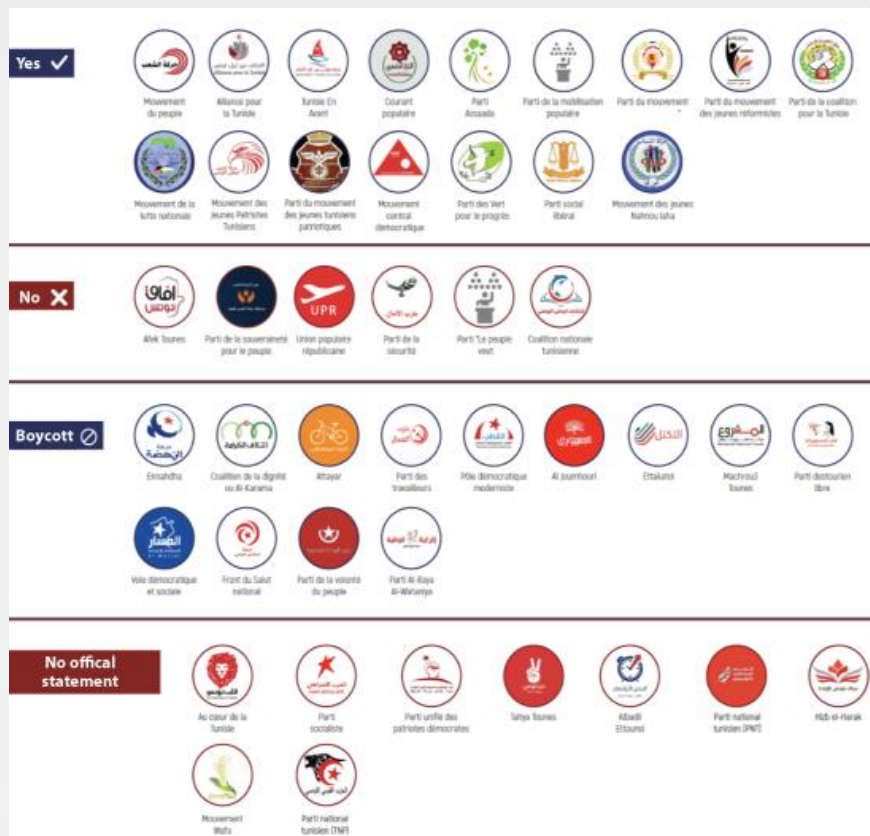
¹⁶³ <https://www.mosaiquefm.net/fr/actualite-midi-show/1048997/moussi-saied-n-a-pas-le-droit-de-gouverner-avec-l-article-80>

¹⁶⁴ See the 200 days [bulletin](#), page 17.

ONAT, who was appointed president of the Consultative commission openly support President Saied's decisions. As a result of these changes, the civil coalition expanded its membership (39 organizations are now members) in the wake of the publication of the new draft constitution¹⁶⁵, and is currently led by the FTDES, ATFD and SNJT.

- **The position on the referendum:**

On the specific subject of the referendum, the Tunisian political scene was divided into 4 poles¹⁶⁶:



Source: INKYFADA

- **Civil society confronts the President's blunders:**

The powerful trade union center UGTT has, like most national organizations, has supported the popular movements while demanding from President Saied

a well-defined and constitutionally compliant timetable¹⁶⁷. **One year after the President's *coup de force*, the UGTT has crescendoed its position towards President's maneuvers:** the pressure has notably increased when, despite Nourredine Taboubi's public

¹⁶⁵ <https://www.webdo.tn/2022/07/13/fij-le-projet-de-la-nouvelle-constitution-menace-la-liberte-des-medias/>

¹⁶⁶ <https://inkyfada.com/fr/2022/07/13/constitution-referendum-25-juillet-kais-saied-vote-boycott-oui-non-tunisie/>

¹⁶⁷ ugtt.org.tn

refusal to participate in the committee in charge of drafting the new constitution, Kais Saied nevertheless appointed him by decree¹⁶⁸. A public sector strike was organized by the UGTT and well followed on June 16th¹⁶⁹, as the union denounced the breakdown of dialogue with the Presidency as well as the opacity of the ongoing negotiations with the IMF.

Although the UGTT welcomed the revision of the 2014 Constitution by adopting the project of the Tunis School of Politics¹⁷⁰, it considered that the new draft submitted to referendum enshrines **a monopolization of powers by the President and expressed its reservations regarding the exemption of the President from any political or criminal accountability as well as the suppression of independent authorities**¹⁷¹.

UGTT have escalated tensions with President Saied during the last period and in particular regarding the dialogue, notably by holding meetings during the month of June with political opponents and representatives of national and international organizations. However, the syndicate seems to have made a change following the publication of the draft constitution as **it left its members**

the freedom to make their own mind regarding the draft constitution¹⁷² and also by considering the changes made to the draft constitution of July 8th as "bold improvements" - while maintaining a certain number of reservations about the separation of powers¹⁷³. It should be noted that Kais Saied and Nourredine Tabboubi met in Algiers, on the occasion of the 60th anniversary of Algeria's Independence Day, at the invitation of Algerian President Abdelmajid Tebboune¹⁷⁴.

On another hand, **the ATFD, the SNJT, the FTDES and the LTDH**¹⁷⁵ as well as **36 other associations** announced¹⁷⁶ on July 14th the creation of **the Civic Coalition for Dignity, Social Justice and Equality**¹⁷⁷. The associations denounced the process initiated by Saied a year ago, the referendum process and a "liberticidal" draft constitution¹⁷⁸. They demanded the abandonment of the referendum, the organization of a global dialogue and declared themselves fully prepared to organize all forms of peaceful demonstrations that they deem useful against the process imposed by the President. **The coalition called for a demonstration on July 22nd 2022, which was largely obstructed and repressed as described above**¹⁷⁹.

¹⁶⁸ <https://www.mosaiquefm.net/fr/actualite-national-tunisie/1057316/taboubi-non-a-un-dialogue-sans-transparence>

¹⁶⁹ https://www.shemsfm.net/fr/actualites_tunisie-news_news-nationales/362581/l-ugtt-annonce-une-greve-generale-le-16-juin-dans-le-secteur-public

¹⁷⁰ <https://news.qnet.tn/tunisie-ahmed-idriss-presente-le-projet-damendement-constitutionnel-de-lept-adopte-par-lugtt/>

¹⁷¹ <https://www.mosaiquefm.net/fr/referendum/1067340/projet-de-la-constitution-les-reserves-de-l-ugtt-occultees>

¹⁷² news.tunisiatv.tn

¹⁷³ <https://www.webdo.tn/2022/07/14/tunisie-lugtt-salue-la-revision-du-projet-de-la-constitution-mais/>

¹⁷⁴ <https://www.mosaiquefm.net/fr/actualite-national-tunisie/1065483/saied-et-taboubi-se-rencontrent-a-alger>

¹⁷⁵ 3 members of ASL.

¹⁷⁶ <https://ftdes.net/ar/tunisie/>

¹⁷⁷ <https://www.facebook.com/ftdes/videos/369909158602362/>

¹⁷⁸ <https://kapitalis.com/tunisie/2022/07/15/sana-ben-achour-avertit-contre-linstabilite-politique-en-tunisie/>

¹⁷⁹ <https://www.facebook.com/snjt.tunisie/posts/pfbid0296UbvGdp1fLsms2ga1UvU4mVx7dMNt37T75FN5h9CmAcTm bJ8DLp1QGtRysz9AZtI>

B. Abroad:

The political developments of the last hundred days in Tunisia have not failed to generate reactions abroad. In early February, **the dissolution of the CSM has particularly crystallized criticism and concern** from Michelle Bachelet, the United Nations High Commissioner for Human Rights¹⁸⁰, the Biden administration through the voice of Ned Price, spokesperson for the State Department¹⁸¹ as well as the heads of mission of the G7 in Tunisia and the European Union¹⁸², who stressed that "a transparent, independent and efficient judiciary - as well as respect for the principle of separation of powers - is essential for the proper functioning of democracy at the service of the people, based on respect for the rule of law and fundamental rights and freedoms."

In parallel, **Tunisia's position on the Ukrainian-Russian conflict was also criticized** at the end of February by the European Union ambassador. Ambassador Marcus Cornaro declared in a tweet "to remain neutral between the aggressor and the victim is taking a stand!"¹⁸³, referring to the fact that Tunisia had not taken a firm position against Russia in the conflict, calling more for "dialogue" and "negotiations" during a meeting with the Russian ambassador in Tunisia. While Tunisia

voted in early March in favor of a UN General Assembly resolution calling for an immediate end to Russia's use of force in Ukraine¹⁸⁴, the country abstained in early April in a vote to suspend Russia from the Human Rights Council¹⁸⁵.

In early March, Michelle Bachelet expressed once more **the OHCHR's concern** about the dissolution of the CSM, **the attacks on civic and democratic space** through threats to civil society to ban foreign funding, and deploring "the rapid erosion of key institutions"¹⁸⁶. On the other side of the Atlantic, the tone is also getting tougher: a group of 23 Democratic members of congress sent a letter¹⁸⁷ on March 25th to the US Secretary of State Antony Blinken calling for the democratic backsliding observed since July 25th to be taken into account in the amount of financial support to be granted to Tunisia next year, and in particular to its security forces. In a letter to Blinken at the end of April, 50 NGOs called for an immediate suspension of military aid to Tunisia¹⁸⁸.

In the wake of the dissolution of parliament and threats to prosecute MPs, **Ned Price expressed the US concern**¹⁸⁹ and called for a return to "constitutional governance" including an elected parliament as it "will ensure

¹⁸⁰ <https://news.un.org/fr/story/2022/02/1113852>

¹⁸¹ <https://www.state.gov/briefings/department-press-briefing-february-7-2022/#post-312152-TUNISIA>

¹⁸² <https://www.facebook.com/234212308225/posts/10158735222338226/?d=n>

¹⁸³ <https://twitter.com/ambuetunisie/status/1498343878784655373>

¹⁸⁴ <https://information.tv5monde.com/info/vote-de-la-resolution-de-l-onu-sur-l-ukraine-une-abstention-des-pays-africains-remarquee-447179>

¹⁸⁵ <https://www.businessnews.com.tn/La-Tunisie-sabstient-de-voter-contre-la-Russie-%C3%A0-IONU,520,118124,3>

¹⁸⁶ <https://www.ohchr.org/fr/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear>

¹⁸⁷ https://mcusercontent.com/e711646c72c197262ff8d3d32/files/1b4b2041-9e50-a30f-89ed-67dd0a232ee5/03.25.2022_Letter_to_Blinken_on_Tunisia_Final.pdf

¹⁸⁸ <https://dawnmena.org/faith-anti-war-and-progressive-organizations-urge-biden-to-suspend-military-assistance-to-tunisia/>

¹⁸⁹ <https://tn.usembassy.gov/statement-by-ned-price-spokesperson/>

widespread and lasting support for needed reforms to help Tunisia's economy rebound" - seemingly referring to conditional IMF support. In early June, Ned Price spoke again about the continued erosion of democratic institutions after Saied's dismissal of 57 judges¹⁹⁰. **No substantial reaction from the European side or from the Member States following the arbitrary dismissal of the 57 judges was reported.**

On the United Nations side, the attacks on justice have continued to provoke strong reactions. A few days after the visit to Tunisia of Mr. Christophe Régnard, Honorary President of the International Union of Judges, the Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán, **"expressed his deep concern about the right to a fair trial and the status of the judiciary in Tunisia"** while expressing his extreme worry "about the health of the judges" on hunger strike¹⁹¹.

From Turkey, **President Erdogan also said in early April that he regretted the dissolution of the parliament** and the opening of investigations against the deputies who participated in the virtual plenary, calling these developments a "coup against the will

of the people"¹⁹². Tunisia, through its Foreign Minister Othman Jerandi, rejected the Turkish President's statement, denouncing it as "foreign interference"¹⁹³. France expressed its wish to see a return "as soon as possible, to the normal functioning of institutions"¹⁹⁴.

The reform by decree of the ISIE did not fail to prompt reactions from the European Union¹⁹⁵ as well, for whom this amendment "risks reducing [the] independence [of the ISIE] at an important political moment and shortly before key electoral events for Tunisia". **The EU, through its delegation in Tunisia, then asked the Venice Commission to give an urgent opinion** on the decree-law (see above), an opinion that provoked the wrath of Saied, who declared the Commission members "persona non grata"¹⁹⁶. The EU did not react to this attack by Kais Saied and even declared through a declaration by the High Representative on behalf of the European Union on July 12 that the 25th July (the date of the referendum) **"should be an important milestone in the process towards institutional normalcy and democratic balance"**¹⁹⁷.

In addition, **the European Union has released a new loan of €300 million for Tunisia**¹⁹⁸, the second installment

¹⁹⁰ <https://tn.usembassy.gov/statement-by-ned-price-spokesperson-3/>

¹⁹¹ <https://www.ohchr.org/fr/press-releases/2022/07/tunisia-presidential-decrees-undermine-judicial-independence-and-access>

¹⁹² <https://www.webdo.tn/2022/04/04/erdogan-la-dissolution-du-parlement-un-coup-a-la-volonte-du-peuple-tunisien/>

¹⁹³ <https://www.mosaiquefm.net/fr/actualite-national-tunisie/1034759/erdogan-s-insere-la-tunisie-reagit>

¹⁹⁴ <https://tn.ambafrance.org/Tunisie-Extrait-du-point-presse-du-Quai-d-Orsay-5-avril-2022>

¹⁹⁵ https://www.eeas.europa.eu/eeas/tunisie-d%C3%A9claration-de-la-porte-parole-sur-la-r%C3%A9forme-de-l%E2%80%99instance-sup%C3%A9rieure-ind%C3%A9pendante_fr?s=126

¹⁹⁶ <https://www.youtube.com/watch?v=qrCkXjCkz88&t=1s>

¹⁹⁷ https://www.eeas.europa.eu/delegations/tunisia/tunisie-d%C3%A9claration-du-haut-repr%C3%A9sentant-aux-nom-de-lunion-europ%C3%A9enne_fr?s=126

¹⁹⁸ <https://www.reuters.com/world/africa/european-union-disburses-300-million-euro-loan-tunisia-2022-05-25/>

of the €600 million foreseen in May 2020 to help the country overcome the Covid-19 crisis¹⁹⁹. This aid is the largest amount that Western countries have made available since July 25th, 2021.

France has been more measured, not mentioning the ISIE directly, **President Emmanuel Macron** expressed during a telephone conversation in early May with Saied "his concern at the scale of the institutional, economic and social challenges facing the country, which can only be met through dialogue and unity"²⁰⁰.

More surprisingly for the Tunisian authorities²⁰¹, **Algerian President Tebboune** made a remarkable declaration at end of June on the sidelines of a press briefing with his Italian counterpart Mattarella, saying that the Algerian state was "ready to help Tunisia to get out of the difficult situation in which it has sunk and to return to the democratic path, just like neighboring Libya"²⁰². The situation seems to have improved following the visit of President Kais Saied to Algiers on July 4th 2022; a visit during which President Tebboune announced **the reopening of land borders** between the two countries and even wished in passing **"a strong influx of Tunisians towards the new constitution of Tunisia"**²⁰³.

¹⁹⁹ <https://www.tap.info.tn/en/Portal-Top-News-EN/14058052-eu-disburses-300>

²⁰⁰ <https://tn.ambafrance.org/Entretien-telephonique-entre-les-Presidents-Emmanuel-Macron-et-Kais-Saied>

²⁰¹ <https://www.courrierinternational.com/article/diplomatie-coup-de-froid-dans-les-relations-entre-la-tunisie-et-l-algerie>

²⁰² <https://www.businessnews.com.tn/abdelmajid-tebboune-le-meteorologue-de-la-tunisie,519,119532,3>

President Saied also seems to continue to look towards the East, from Egypt to the Gulf States, both for possible funding and for political support. On the 31st March, the day after the dissolution of the Parliament, Egyptian President Sissi and President Saied held a telephone exchange²⁰⁴ about their common desire to strengthen ties between the two countries. In mid-June, a delegation from the United Arab Emirates met a delegation led by the head of government Najla Bouden to discuss investment and development opportunities²⁰⁵. During his visit to Algeria in early July, Saied also met with Syrian Foreign Minister Faisal Mekdal; President Saied conveyed his "greetings" to President Bashar al-Assad and compared the two countries' struggle against "dark and reactionary forces"²⁰⁶.

Following the referendum, US Secretary of State Antony Blinken issued a press release stressing that the vote was marked by a low voter turnout, that the United States shares the "concerns expressed by many Tunisians that the process of drafting the new constitution limited the scope for genuine debate" and that the new constitution could "weaken Tunisia's democracy and erode respect for human rights and fundamental freedoms"; this at a time when "Tunisia

²⁰³ <https://information.tv5monde.com/afrique/l-algerie-annonce-la-reouverture-des-sa-frontiere-avec-la-tunisie-463338>

²⁰⁴ <https://www.tap.info.tn/en/Portal-Politics/15054225-saied-and-al-sissi>

²⁰⁵ <https://www.tap.info.tn/en/Portal-Economy/15295045-gov-t-members-uae>

²⁰⁶ <https://www.facebook.com/Mofaexsy/posts/pfbid02QZXASkWNXcaM4arbLTBYUyNwWcLYDgdsT4Z7cwzWZ2idbCt2dHao4AB6HzLeVKbzI>

has experienced an “alarming erosion of democratic norms over the past year”²⁰⁷.

On the side of the European diplomacy and the EU Commission, Josep Borell assured that the EU “takes note of the provisional results of the referendum [which was] marked by a low turnout”, dwelling more on the forthcoming elections (the legislative elections in December): “the election of the Parliament will be the cornerstone of the country's return to the regular functioning of the institutions, in full respect of democratic principles, in particular the separation of powers”²⁰⁸. However, on July 22nd, MEPs called on the Commission to take a firmer stance²⁰⁹, arguing that **the EU's "weak" stance is seen by some as a sign of "tacit" acceptance or "support" for President Saied's status quo**, and calling for European aid to be conditional on the re-establishment of democratic institutions, respect for the separation of powers and constitutional reform based on an inclusive national dialogue. This position was echoed on Twitter by MEP Maria Arena, who called on the EU to express concern that the referendum did not meet international standards of transparency and independence²¹⁰.

²⁰⁷ <https://www.state.gov/tunisia-july-25-referendum/?fbclid=IwAR2XT3Z81Ga1cjTE0LZOA2lig4gX-YnpI8mTgpYiPp6bRYLDDuGb5XU8FQ>

²⁰⁸ <https://www.consilium.europa.eu/fr/press/press-releases/2022/07/27/tunisia-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-constitutional-referendum/>

CONCLUSION

The past period shows with increasing precision President Saied's authoritarian design - a design which is corroborated by the content of the text of the Constitution submitted to referendum on July 25, 2022. In retrospect, all the events described in this bulletin and the previous ones - especially the ones linked to the decisions taken by taken by the President of the Republic - shows the logic and dynamics behind the process initiated on July 25, 2021. Everyone questioned at that time what the President wanted to do, the legitimacy of his decisions and of his way of legislating (by decree-law, in disregard of the hierarchy of legal norms and sometimes in incoherence with his own legislative productions) and especially on the capacity of his “exceptional” actions to answer the multi-factorial crisis (social, economic and political) that shakes the country.

In the continuity of his total appropriation of power, recently confirmed by the dissolution of Parliament and the latest blow to the independence of the judiciary, and supported by a **meticulous enterprise of dismantling of the various independent authorities**, his project now seems clear: he wishes, through the vote of the referendum to ratify the implementation of **his autocratic and hyper-presidentialist political project**

²⁰⁹ <https://www.euractiv.com/section/global-europe/news/meps-urge-borrell-to-take-stand-against-tunisia-slide-to-autocracy/>

²¹⁰ <https://twitter.com/MariaArenaEU/status/1551882087371767809>
<https://twitter.com/MariaArenaEU/status/1551882116237086720>

while concomitantly establishing **his project of construction from below/inverted pyramid**. No counter-power could survive the Constitution voted on July 25 and "political Islam", until then embodied by Ennahda and reviled in the name of the failures of the past decade, will be statized: the State will ensure (alone) the "concretization of the aims of Islam", losing *de facto* its civil character (consecrated in the 2014 constitution).

From harassed journalists to military trials against civilians, arbitrary restrictions on freedom of movement, the dismantling of the judiciary and personal attacks on dismissed judges to threats against freedom of association, **President Saied has demonstrated his ability to revive the authoritarian state** in the continuity - as we wrote 50 days after his *coup de force* - of a power that is exercised with **the complicity of a security apparatus operating in free wheel and in total impunity**. His project, now provided with a constitutional basis, will therefore only become all the more dangerous.

In parallel, **the economic crisis that has hit the country continues to worsen** and Tunisia is losing gradually each week the little room of maneuver that it could have had in the face of a plan of "structural reforms" that will be imposed by the IMF in exchange for a loan - a plan whose outcome will probably be more painful for the most vulnerable segments of the population. This economic situation is likely to lead in turn to a social crisis and social conflicts. In a climate of increasing

polarization of society under the effect of the collapse of the institutions, laws and rules that are supposed to absorb and regulate societal divergences but also under the effect of a hate speech fueled by the highest representative of the state, **Tunisia could enter into a cycle of political and social instability difficult to measure in terms of amplitude and the duration.**

