



200 DAYS

AFTER ARTICLE 80

CONCENTRATION OF POWERS AND SECURITY DRIFTS

Two hundred days after the triggering of Article 80 by the President of the Republic Kais Saied, the hypotheses raised by the two previous bulletins -issued respectively 50 and 100 days after the onset of the state of exception- namely that of a “break in continuity”¹, an “erosion of the rule of law and a threat to freedoms”² are becoming more and more confirmed every day.

The **authoritarian nature of the practice of power** introduced by the President, who, since the so-called Decree 117, has had all the executive and legislative powers in his hands, is becoming established.

At the same time, **the dynamic of concentration of powers is extending to the judiciary** with the dissolution of the High Judicial Council, replaced by an interim council where the executive is now entitled to appointment and dismissal. The unilateralism of his decision-making also continues: a supplementary Finance Act promulgated by decree³; approaches to the IMF that were dogged by the lack of transparency; and a ‘roadmap’, that was finally announced in December. According to the latter, a national consultation (already underway) will take place from 1st January to 20th March 2022.

Subsequently, a committee, appointed by the President, will study the proposals resulting from the consultations and translate them into

¹ <https://asf.be/fr/tunisie-50-jours-apres-larticle-80-une-rupture-dans-la-continuite-2/>

² https://www.asf.be/fr/blog/publications/francais-100-jours-apres-larticle-80_-lerosion-de-letat-de-droit-et-des-libertes/

³<https://www.webmanagercenter.com/2021/11/17/475700/pu-blication-dans-le-jort-de-la-loi-de-finances-complementaire-2021/#:~:text=Selon%20le%20d%C3%A9cret%20du%20n,milliards%20de%20dinars%20dans%20la>

a draft of constitutional reforms, which will in turn be submitted to a referendum on 25th of July 2022. Finally, on 17th December 2022, legislative elections will be held - on the basis of a new electoral law that is still vague.

It is therefore possible to expect **a return to work of the Assembly of People's Representatives (ARP) in the first half of 2023.**

While the upcoming deadlines are certainly clearer than they were in the weeks following the initiation of Article 80 on the one hand and the enactment of Decree 117 on the other, yet they are nonetheless worrying. What about the democratic value of the national consultation in which so far few Tunisians and very few Tunisian Women have participated? Who will be in charge of 'synthesizing' the results of the consultation and who will write the new Constitution? Will the July referendum not rather - as such tools often instrumentalized - be the plebiscite of a President seeking to establish his legitimacy?

At the same time, **the civic space is shrinking:** military trials, announcements of a new alarming Decree regarding the regulation the associations, heavy-handed repression of the 14th January protests, threats and attacks against civil society actors, journalists, against the judiciary (dissolution and substitution of the High Judicial Council) ...

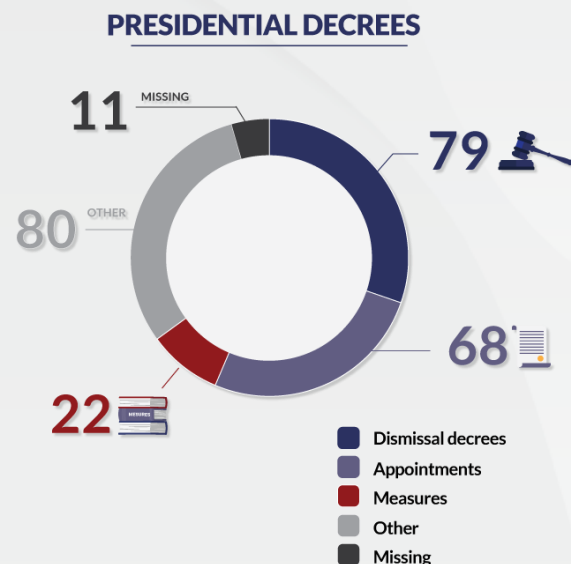
Through a quantitative and qualitative analysis, this bulletin, in its third edition since July 25th, is intended to present a comprehensive and factual view of the events that occurred within two hundred days of the initiation of Article 80.

This bulletin, resulting from the monitoring work carried out by the Alliance for Security and Liberties, focuses on **the last 100 days of political news⁴** in Tunisia while presenting **cumulative data over the entire 200 days.**

200 DAYS LATER, IN FIGURES

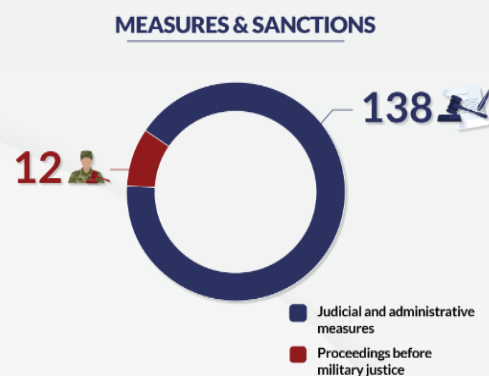
• Presidential decrees:

Since July 25, the Presidency has published **260 decrees** in the Official Journal (JORT).



• Measures and sanctions:

According to the information gathered, at least **138 judicial and administrative measures** have been taken since July 25th against public figures, politicians, media professionals and senior officials. **12 proceedings** before military courts have been initiated.



⁴ From November 3, 2021 to February 6, 2022.



THE 200-DAY STATE OF EXCEPTION: THE POLITICAL AND INSTITUTIONAL CHESSBORAD:

A. Announced roadmap and reforms:

In a speech shared on the official page of the Presidency of the Republic on December 13th, 2021⁵, President Kais Saied announced **his roadmap** and the various deadlines for closing eventually the state of exception in the long term.

This announcement came after numerous calls from civic and political actors calling for a definition of the steps foreseen for the return to normalcy within a reasonable timeframe, such as the UGTT, the central trade union, that also provided its own proposal⁶. The G7, in a communiqué issued on December 10th, 2021, also made an appeal in the same regard⁷.

The announced deadlines are as follows⁸:

- **January 1st, 2022 to March 20th, 2022**: The launch of the popular national consultation via a digital platform and direct consultations in each delegation.
- **From the closing date of March 20th**, a commission will be in charge of examining the

proposals resulting from the direct consultations.

- **End of June 2022**: completion of the committee's work responsible for examining the proposals resulting from direct and electronic consultations.
- **July 25th, 2022**: after the completion of the examination by the commission, the draft of the constitutional reforms will be submitted to a referendum.
- **December 17th, 2022**: The organization of early legislative elections in accordance with a new electoral law. Until these elections are held, ARP activities remain frozen and all official decisions are based on presidential decrees.

The Roadmap sets out several important political deadlines for 2022, which have been defined unilaterally by the President and will undoubtedly **have substantial consequences beyond the state of exception**. The lack of consultation with other civic and political actors, the lack of clarity about the details, mechanisms and institutions responsible for these various stages and the future outcomes of the national consultation and the referendum represent the major shortcomings in this process.

It appears, therefore, that all these elements constitute a bundle of indications that this

⁵<https://www.facebook.com/Presidence.tn/videos/3139262353030080>

⁶ Published on September 10th on Echaab News (the UGTT electronic newspaper), <https://echaabnews.tn/ar/article/2357/%D9%88%D8%B7%D9%86%D9%8A>

⁷ <https://tn.ambafrance.org/Communique-des-Ambassadeurs-du-G7-en-Tunisie-10-decembre-2021>

⁸ <https://nawaat.org/2021/12/16/la-feuille-de-route-de-kais-saied-en-5-dates/>

roadmap-first and foremost this consultation-serves to **legitimize a predefined project by the President of the Republic.**

a. National consultation:

The **national consultation**, which was due to be launched on January 1st, 2022, has been available on the website e-istichara.tn since January 15th, until March 20th, 2022. This platform allows Tunisians over 16 years⁹ old to give their opinion by answering thirty questions, grouped into six themes: politics and elections, economy, quality of life, sustainable development, social affairs, education, and culture¹⁰. Each axis also includes a free-expression space. It should be noted that no questions are asked about possible security sector reform nor the perceptions of Tunisians regarding security.

Choosing this format, i.e an online platform with questions is more about organizing a survey with vague questions. Furthermore, the axes which appear therein, although diverse, are not nevertheless exhaustive. It also raises the question : what is the logic behind the chosen themes and the formulation of the questions, given that the answers will be expected to feed a referendum only on issues of political and legal reform ? The questions concerning political and legal reforms seem to be aimed clearly at probing citizens about the political project of the President. For example, participants are asked to express their opinion on whether they would prefer a voting method on individuals or lists, whether they are in favor of the revocation of elected representatives, and whether they are satisfied with the current organization of the judiciary.

At this stage, **no information is provided on how the results of this consultation will be**

used, how they will be translated into the referendum question(s) nor the composition of the commission in charge of consolidating these responses.

The platform also raises **issues related to personal data protection and accessibility**. As regards the first aspect, the National Authority for Protection of Personal Data (INPDP), in a communiqué issued on January 18th 2022¹¹, informed that it had given its opinion on the platform on December 20th, 2021, before starting an audit mission on the latter on January 14th, 2022 and confirming that it “does not process data allowing the identification of users” and that “it cannot therefore be considered that the platform processes personal data”. However, the INPDP did not comment on the future of this data once the consultation was completed. This position was issued in response to concerns expressed by civil society organizations about the **potential dangers related to personal data** (to participate in the consultation, any citizen should enter his/her national ID number¹²).

As for internet access and connectivity, according to the National Institute of Statistics, only 45% of households in Tunisia had access to the internet in 2017, the date of the latest figures available¹³. For its part, the World Bank indicates that in 2019, internet users represent 66.7% of the population¹⁴. The possibility granted to citizens to be able to participate by going to the youth centers in their localities has therefore been thought out with full knowledge of the facts, but all the same seriously raises the question of accessibility to the platform and consequently of the representativeness of the results.

This explains - at least in part - **the unrepresentative participation rate of**

⁹ Initially open to those over 18, the platform was expanded to 16-18 year olds on February 10th: <https://tunisie-actu.com/e-istichara-tn-accessible-aux-eleves-de-plus-de-16-ans/>.

¹⁰ Since February 10th, 2022, the platform has become accessible to pupils enrolled in schools aged 16 years or older, via the introduction of their school identifiers

¹¹<https://www.facebook.com/INPDP.TN/posts/4754571087945808>

¹²<https://www.facebook.com/I.WATCH.Organization/posts/4651426671578525>

¹³ <http://www.ins.tn/statistiques/127>

¹⁴<https://donnees.banquemondiale.org/indicateur/IT.NET.USER.ZS?end=2020&locations=TN&start=2009>

Tunisian demography which is relatively low at this stage. As of 28/02/2022, there are 232,324 identified respondents, of whom only 61,086 are women (26%)¹⁵.

In terms of age group, the 30-39 year olds was the group most involved (29.1%), followed by the 40-49 year olds (22.9%) and the age group 20-29 (18.8%).

These aforementioned points raise serious concerns about the instrumentalization's possibilities of the consultation's results, particularly regarding the legitimization of Saïed's political project.

b. The referendum:

Without questioning **the referendum** as a democratic mechanism, the fact remains that the one that Tunisia will hold in a few months raises several concerns. As mentioned above, what about the way the results of the consultation will be used? Will Tunisians vote for a new constitution in its entirety or only for a few amendments? What will happen if Tunisians vote against the proposed text? Moreover, the composition of the presidential commission that will be responsible for drafting the proposed reforms remains unknown, as does the criteria for selecting its members.

From an organizational point of view, there are suspicions that the Independent High Authority for Elections (ISIE) may be excluded from the organization of such an appointment. In mid-December, ISIE stated that it had not been consulted on the forthcoming deadlines set out in the roadmap (Referendum, Parliamentary elections)¹⁶. In response to an open letter from Mourakiboun association regarding its ability to hold a referendum¹⁷, the ISIE stated that it can be ready and able to deploy the necessary logistics¹⁸.

On the other hand, the ISIE Vice-President Farouk Bouasker pointed out that the current electoral law stipulates that the parties represented in Parliament are the ones participating in the referendum and therefore this point must be amended¹⁹. He also indicated that in order to comply with the law and to organize the referendum on the scheduled date, the voters' invitation as well as the text of the referendum must be promulgated no later than May 25th²⁰.

The concerns about both the substance and the form of the referendum effectively question the latter's ability to be representative, especially since the reforms that might result from it will be decisive for the country.

c. Other projects:

In addition to the various steps outlined above, other announcements have been made by the Presidency and/or the Bouden Government concerning **the forthcoming enactment of a number of laws deemed worrisome by the Civil Society**.

• Penal Reconciliation Act:

This project would grant a **unilateral amnesty to any financial reconciliation applicant** with a judicial file under examination, on the condition of reimbursing or investing the sum amount committed in the dispute for regional development, a priori according to a prioritization of the regions according to their poverty rate. This law, which the President has repeatedly announced its imminent promulgation, was listed many times among the list of decree-laws discussed during the Councils of Ministers, according to the statements shared on the page of the Presidency of the Republic.

¹⁵ See the platform that lists various statistics on participation: <https://e-istichara.tn/home>

¹⁶ <https://www.businessnews.com.tn/adel-brinsi--kais-saied-na-pas-consulte-lisie-pour-lorganisation-de-legislatives-anticipees,520,114831,3>

¹⁷ <https://www.facebook.com/Mourakiboun/photos/a.562125553885949/4628142787284185/>

¹⁸ <https://www.leconomistemaghreb.com/2022/01/31/farouk-bouasker-isie-prete-referendum/>

¹⁹ Statement given to Mosaïque FM on February 16, 2022, accessible via [this link](#).

²⁰ Same statement given to Mosaïque FM on February 16, 2022, accessible via [this link](#).

The important development in this case is that the Minister of Justice had submitted to the High Judicial Council on December 27th, 2021 for an opinion on the draft decree-law for penal reconciliation which appears to be soon finalized²¹. The CSM had deliberated on this draft decree-law during its General Assembly of January 5th, 2022. On the form, the CSM ruled that it was not concerned by this draft decree-law, and that the government sought advice from the wrong interlocutor. Indeed, the CSM's organic law limits its mandate to the examination of draft-laws and not of Decree-laws.

However, on the substance, **the CSM expressed two reservations**²². Firstly, it considers that the decree-law aims to create a judicial pole for reconciliation within the Appeal Court, a measure that the CSM has considered as a major structural reform of the Judicial system's organization and thus in conflict with the CSM's organic law and unacceptable by decree. Secondly, the CSM recalled the existence of the current law 53-2013 in force establishing transitional justice, and expressed concern about the fate of Financial corruption cases before the transitional justice specialized chambers, which are not even covered by the presidential decree-law draft. This resistance by the CSM, and its explicit rejection of this project seems to have accelerated its dissolution by the President.

As elaborated in the previous bulletin²³, **this draft-law jeopardizes the entire transitional justice process** and is in breach of the mechanisms of truth-disclosure and judicial accountability²⁴.

At the same time, under the pretext of reconciliation, this project seems to seek the establishment of the social and financial foundations of the President's political project, which is the inverted pyramid²⁵. Indeed, President Saïed appears to be attempting to link the project of Penal Reconciliation with his project of "social community-based companies"²⁶ responsible for implementing, at the local level, projects financed throughout the above-described Penal Reconciliation process.

- **The biometric National ID and Passport draft Act :**

This draft bill, originally presented to the ARP in 2016, withdrawn and then re-introduced by the government in 2020, has been put back on the table²⁷. A communiqué issued by the ministry of Interior on January 17th, 2020, affirms **the government's intention to make these new identity documents effective**²⁸. Furthermore, during a press conference held on January 28th, 2022 on the occasion of the International Day for the Protection of Personal Data²⁹, Chawki Geddes, the president of the National Authority for the Protection of Personal Data, affirmed that the version of the project under consideration was indeed that of 2016.

This project raises many concerns regarding **the respect of personal data and privacy of Tunisian citizens**, especially in a context of exception and without guarantees of protection. Indeed, it remains denounced by

²¹ According to the leaked written reply of the CSM circulating on the social networks, and which was also confirmed by the President during his speech of February 24th, 2022.

²² A new version of the draft has since leaked but it is roughly the same.

²³ See "The Threatened Transitional Justice ", page 7. https://www.asf.be/fr/blog/publications/francais-100-jours-apres-l'article-80_-lerosion-de-letat-de-droit-et-des-libertes/

²⁴ See this memorandum analyzing the first draft law leaked : <https://asf.be/blog/publications/english-policy-brief-a-memorandum-to-the-president-of-the-republic-about-the-penal-reconciliation-proposal/>

²⁵ For more information , consult this analysis : [legal-agenda.com](https://agenda.com)

²⁶ A 'parent' company, a holding of Social Community-based companies, would thus be attached to the Presidency and would be responsible for carrying out studies on investing projects at the local level, which would therefore be implemented by the various social community-based companies themselves. The capital of the latter will be open to shareholders at the rate of one share per inhabitant wishing to invest.

²⁷ For more information, Consult : <https://inkyfada.com/fr/2018/03/22/carte-identite-biometrique-tunisie/>

²⁸ <https://www.aa.com.tr/fr/afrique/tunisie-reprise-du-lancement-du-projet-de-loi-sur-la-carte-didentit%C3%A9-et-le-passeport-biom%C3%A9triques/2477097>

²⁹ <https://www.youtube.com/watch?v=5EcF1t2hQoI>

Tunisian Civil Society³⁰. The hypothesis of the use of these data for surveillance purposes is thus raised. Ultimately, the timing of the relaunch of this project suggests **an instrumentalization on the part of the Ministry of Interior of the exception context** to pass this law, especially since the INPDP confirms the return to the 2016 version.

- **Draft decree-law on the status of associations :**

Lastly, **Decree-Law No. 88-2011 on the organization of associations**³¹ is also reported to be on the radar of the Bouden government.

Several associations³² and media outlets were able to become acquainted with this draft amendment after it was leaked. This draft contains new provisions that are particularly worrisome³³, and **which can severely restrict freedom of association** and substantially increase **the executive's discretion** on the matter³⁴. Indeed, the modalities for the establishment of associations would be subject to the discretion of a future directorate of associations, attached to the Government's presidency; the gradual imposition of sanctions on non-compliance by associations would be eliminated in favor of an outright and complete dissolution; the right to publish reports and analysis would be subject to the respect of certain values such as 'integrity and professionalism'; whereas foreign funding must be subject to the approval of the Tunisian Commission for Financial Analysis.

Other constitutional rights will be seriously impacted by the draft act such as limitation of the right to access to information.

Furthermore, the right of assembly and demonstration of the said associations can be guaranteed only 'if they do not contradict circulars in force'. Association members would also not be eligible for election within three years of their participation in an association.

The backsliding that the revised decree-law would entail is a real and a major threat to freedom of association and to Tunisian civil society, which has been praised for its dynamism and for its pivotal role in promoting rights and freedoms during this decade.

B. Finances and negotiations with the IMF:

Despite the seriousness of the economic and social situation and the repercussions of the Covid-19 crisis, political reforms continue to take precedence. On the economic front, however, the Bouden government does not seem to break with the practices of previous mandates by adopting a unilateral and technocratic approach.

This is confirmed **by the adoption, by decree, of the Finance Act 2022** without deliberation and debate on its draft, and without providing answers to the economic, budgetary and social emergencies. Indeed, this law does not provide any budget for public investment in the potential levers of economic recovery despite the vital imperative to face the recession caused by the pandemic.

On the contrary, it exacerbates a policy of budgetary austerity, particularly in sectors vital to Tunisians. The 16% decrease in the health budget and the gradual lifting of

30 <https://ftdes.net/ar/des-ong-desapprouven-le-projet-de-la-carte-didentite-biometrique/>

31 In its current version:

<https://www.acm.gov.tn/upload/1410083987.pdf>

32 See for example the statement of the OMCT/FIDH

Observation of 11 February 2022: <https://omct-tunisie.org/2022/02/11/tunisie-un-projet-de-loi-risque-de-museler-la-societe-civile/>

33 [https://omct-tunisie.org/wp-content/uploads/2022/01/Le-projet-de-reforme-du-decret-loi-regissant-les-associations-](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)

[menace-gravement-la-liberte-dassociation-et-doit-etre-retire-.pdf](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)

34 <https://nawaat.org/2022/02/08/droit-dassociation-le-projet-liberticide-du-gouvernement-bouden/> ;

<https://www.businessnews.com.tn/Ce-que-changera-la-r%C3%A9vision-du-d%C3%A9cret-loi-organisant-les-associations-520,116254,3>

hydrocarbon subsidies are only symptomatic examples of the State's disengagement and of an anti-social policy, in utter contradiction with the speeches of the President of the Republic.

The Finance Act also accentuates social inequalities through **regressive taxation** that surcharges the most deprived, while favoring the wealthiest. **The unjustified tax gifts** granted in particular by the previous finance laws through the political capture of Parliament by private interest groups, and rightly denounced by the President of the Republic, have nevertheless been renewed entirely. Similarly, the latter's speeches on the imperative of fighting tax fraud are at odds with the finance law that maintained **the tax administration disarmed of human and material resources** to fight against this scourge. This fiscal policy, which unreasonably weakens the country's capacity to mobilize its own resources, in a context where these have become vital, particularly in view of a budget deficit that is around 9 billion dinars and a debt burden that is close to 90% of GDP, is triggering an unprecedented crisis in public finances.

At the same time, **the government has resumed technical discussions and negotiations with the IMF** for a new program. Bouden's government has taken over the 'reform' plan prepared by the Mechichi government, to serve as a basis for these negotiations, aligning itself with the Fund's recommendations. This includes an unprecedented 'cure' of austerity through the reduction of the wage bill, the elimination of social assistance and subsidies, and the restructuring and privatization of public enterprises.

These reforms pose **economic and social challenges of the utmost importance**. They risk plunging the country into a vicious circle

of debt and could lead to the maintenance of an unproductive economic model, incapable of creating wealth, generating social inequalities and thus social conflicts. These negotiations also pose a major democratic challenge and fall under the rule of law challenge : this government does not have a mandate from the people to implement such reforms that will condition future generations, all the more so in the total absence of a countervailing power and control bodies.

C. The Political and Institutional scene :

Tunisia's political and institutional scene has also been marked by several events over the past hundred days.

On January 27th, 2022, **the Assembly of People's Representatives held a virtual plenary session** in the presence of 83 MPs, mostly from blocs of the parliamentary coalition comprising Ennahdha, Al Karama, and Qalb Tounes³⁵. The purpose of the plenary session was intended to commemorate the enactment of the 2014 Constitution, but has been widely criticized. Ghazi Chaouachi, the secretary general of the Attayyar party said that this plenary was illegal, and the party boycotted it³⁶.

Meanwhile, **the head of the presidential cabinet Nadia Akacha, known to be the President's closest and most influential collaborator, resigned from her position** and communicated this decision via social networks on Monday, January 24th, 2021³⁷. She cited 'fundamental divergence of opinion' as a reason for her departure, which led to much speculation about the content of those differences. The impeachment of Nadia Akacha (according to the JORT) and her resignation (according to her), is not the first in the President's entourage since the

³⁵ <https://lapresse.tn/121685/seance-plenierte-virtuelle-sur-le-8e-anniversaire-de-la-constitution-les-deputes-geles-se-rechauffent-en-ligne/>

³⁶ <https://www.businessnews.com.tn/chaouai--la-plenierte-de-ghannoui-est-illegale-et-un-front-socio-democrate-sauvera-le-pays,544,116075,3>

³⁷ <https://lapresse.tn/121402/quelles-sont-les-raisons-derriere-la-demission-de-nadia-akacha-de-son-poste-de-chef-du-cabinet-presidentiel/>

beginning of his term in October 2019. 13 people have thus left the Presidency since Saeid's accession to power³⁸.

The other major event was the announcement made during the night of 5th to 6th February by the President of the Republic of his intention to **dissolve the High Judicial Council**³⁹.

Apart from the fact that this attack on the independence of the judiciary is happening day in and day out with the conclusion of the 200 days since the triggering of Article 80, this announcement was made from the headquarters of the Ministry of the Interior, a place loaded with symbolism. The President had already repeatedly targeted the judiciary in his speeches, using a "vitriolic narrative" and calling on the magistrates to purify themselves from corrupted elements⁴⁰. Nevertheless, although expected, especially following the removal of bonuses and benefits for the Council Members⁴¹, this was the first time that Saied explicitly expressed his intention to dissolve the CSM, which he said should 'be considered a fact of the past'.

This dissolution, widely denounced by civil society⁴², the associations of magistrates as well as by the Office of the United Nations High Commissioner for Human Rights⁴³ and Tunisia's international partners⁴⁴, was confirmed by the announcement of the **creation of a Provisional High Judicial Council**, under Presidential Decree-Law No 11/2022 published in the JORT, replacing the CSM. The Decree-Law grants the President of the Republic with the possibility to appoint 3 magistrates to each council (three in total -

financial, administrative and judicial), to oppose the appointment, promotion or transfer of each judge on the basis of a reasoned report by the Head of Government or the Minister of Justice, and prohibits magistrates from striking.

This is an **unprecedented interference by the executive in the judiciary** and a further step in the concentration of powers undertaken since July 25 by President Saied.

RIGHTS AND FREEDOMS:

A. Press et media :

Already raised by previous editions of the bulletin, the increasing repression of journalists, with the decline of pluralism⁴⁵ and freedom of expression, continue to characterize the post-25th of July Tunisia.

With regard to the press and the media, several incidents and signals of a diminishing freedom of information are to be noted during the period:

- The media were not invited to the 'press conference' of Kais Saied and the President of the Palestinian Authority Mahmoud Abbas⁴⁶. This 'historic precedent' was denounced by the President of the SNJT, Mahdi Jlassi⁴⁷.
- During the press conference between Kais Saied and Algerian President Abdelmadjid Tebboune, only a few media outlets and no foreign correspondents were invited. The ban on asking questions⁴⁸ of the

³⁸<https://www.facebook.com/alqatiba/posts/4324866640951520>

³⁹<https://www.facebook.com/Presidence.tn/posts/307569064735034>

⁴⁰ <https://www.icj.org/tunisia-stop-attacks-on-the-judiciary/>

⁴¹ <https://lapresse.tn/121141/suppression-des-primas-et-des-privileges-des-membres-du-conseil-superieur-de-la-magistrature-saied-passe-a-laction/>

⁴² See in particular the press release "No to the dissolution of the High Council of the Judiciary" signed by 45 organizations: <https://asf.be/fr/blog/publications/fr-non-a-la-dissolution-du-conseil-superieur-de-la-magistrature/>

⁴³<https://www.ohchr.org/fr/NewsEvents/Pages/DisplayNews.aspx?NewsID=28092&LangID=F>

⁴⁴ See III) b) of this bulletin.

⁴⁵ According to Reporters Sans Frontières, while the country had 187 titles in 2011, then 245 in 2017, only 50 are still broadcasted in 2021. See the report "Journalism in Tunisia: the hour of truth", published in January 2022.

⁴⁶ <https://www.businessnews.com.tn/photo-du-jour-kais-saied-ou-lart-de-la-conference-de-presse-sans-presse,520,114641,3>

⁴⁷<https://www.facebook.com/jlassi.mahdi/posts/10227851731027427>

⁴⁸ https://inkyfada.com/fr/2022/02/08/violences-locaux-opacite-information-journalistes-tunisie/?fbclid=IwAR2KI7IPGjyb1n29RKg43iDNSZdjWDgoDZtcFMGXFiUMit-wNbm-74F-_4o

- President was communicated to journalists in advance via a protocol.
- The Prime Minister's issuance of a circular addressed to ministers and secretaries of state on 'rules of government communication'⁴⁹ has also been strongly criticized by the SNJT, which denounces an illegal restriction of the right to access to information⁵⁰.
 - President Kais Saied lashed out at the media on the sidelines of the launch of the national consultation, calling on them to put themselves 'in quotation marks' and denouncing their practices of 'defamation', 'insults' and 'lies'⁵¹.
 - According to the SNJT, the public media, including the national television channel El Watanya, have prevented all political parties from entering its premises and participating in talk shows since 25 July⁵².
 - On January 13th, 2021, security forces surrounded the national television in advance of an announced strike⁵³. At least 50 vehicles and the Anti-Terrorist Brigade were deployed, according to Walid Manser, the secretary general of the union of technicians and administrative staff of the national television.
 - During the demonstrations of January 14th, 2022, 23 journalists were assaulted by security forces, including Mathieu Galtier, foreign correspondent for *Libération*⁵⁴. Nine physical assaults and four arbitrary arrests were recorded.

- On January 28th, Ben Arous' governor, Ezzedine Chalbi, was very aggressive towards the journalist of Shems FM, Khaoula Sliti⁵⁵.

In its report published on January 19th, 2022, 'Journalism in Tunisia: the hour of truth' Reporters sans Frontières (RSF) summarizes the situation since July 25th as follows: 'Pluralism is being undermined and intimidation of journalists is becoming commonplace.'⁵⁶

The organization is thus concerned about **the lack of interaction between the Presidency and the media**, since the main source of information on the President's activities and statements is now the Presidency's Facebook page. Indeed, no press conference or media briefing has been held since the beginning of the President's term in October 2019. According to RSF, 'the lack of direct relations between the palace team and journalists creates a climate conducive to rumors and misinformation'⁵⁷.

It should be recalled that since September 22nd 2021, **the President has, under Decree 117, assumed the prerogative to enact laws governing information, the press and publishing**. However, articles 31 and 32 of the 2014 Constitution relating to freedom of the press and information are not theoretically repealed.

B. Repression of protesters and activists:

Several demonstrations and manifestations⁵⁸ have marked the last hundred days.

⁴⁹ These rules provide a very strong framework for the possibility for a public official to speak publicly and tend to centralize all relations between the media and the ministries/secretaries of state through the only duly appointed spokespersons.

⁵⁰ <https://www.facebook.com/snjt.tunisie/posts/3039037813036893>

⁵¹ <https://tunisie-actu.com/kais-saied-sen-prend-aux-medias-ils-feraient-mieux-de-se-mettre-entre-guillemets/>

⁵² ultratunisia.ultrasawt.com/7-%D8%AA%D9%88%D9%86%D8

⁵³ <https://news-tunisia.tunisienumerique.com/tunisia-walid-monce-headquarters-of-national-television-besieged-by-more-than-50-security-cars/>

⁵⁴ Already cited, https://inkyfada.com/fr/2022/02/08/violences-locaux-opacite-information-journalistes-tunisie/?fbclid=IwAR2KI7IPGjyb1n29RKg43iDNSZdjWDgoDZtcFMGXFiUMit-wNbM-74F-_4o. See also the SNJT report.

⁵⁵ <https://www.webdo.tn/2022/01/29/le-gouverneur-de-ben-arous-se-dechaine-contre-une-journaliste/>

⁵⁶ Already Cited , Page 9

⁵⁷ Ibid, Page 6

⁵⁸ <https://fr.africanews.com/2021/11/13/tunisie-les-manifestations-contre-la-decharge-d-agareb-continuent/>

In early November 2021, the decision of public authorities to reopen a waste landfill in **Agareb** (Governorate of Sfax), which was closed by court order dated October 10th, 2019 and finally closed at the end of September 2021, triggered protests by residents and civil society as well as the campaign 'Manish Msab' ('We are not a rubbish dump'). Tensions quickly escalated with the police, using excessive force and tear gas. A passer-by, Abderrazek Lachheb, died as a result of tear gas inhalation, a version denied by the authorities.

Following the death of the young man and police violence, the UGTT announced a general strike on November 9th, 2021 in the public and private sectors of Sfax's governorate, calling for the activation of the agreement on the definitive closure of the landfill. Kais Saied met on November 12th with representatives of civil society in Agareb admitting to a problem of waste in the governorates of the country and pledged to open an investigation into the circumstances of Lachheb's death. The landfill remains closed to this day⁵⁹.

The **demonstrations of January 14th** also marked the period. It is worth noting that January 14th is no longer the official anniversary of the Revolution 'date of abortion of the Revolution and perpetuation of the shadow system' according to President Saied⁶⁰ but December 17th, under a presidential decree.

In the manner of January 14th, 2021 which was characterized by hundreds of arrests⁶¹, the day was marked by **numerous incidents** of violence by security forces and violations of rights and freedoms:

- About 41 demonstrators were arrested in the city center

- As mentioned above, 23 journalists and photographers were assaulted, some had their cell phones and cameras confiscated and 4 journalists were arrested.
- The police used water cannons to disperse the demonstrators. On the other hand, tear gas grenades were used.

January 14th, 2022 is therefore very similar to January 14th, 2021: **a disproportionate security response to peaceful demonstrations and numerous human rights violations**. The parallel can thus be drawn in terms of :

- Violation of the freedom of movement and the freedom of manifestation
- Blockades of roads
- Tension and aggressive rhetoric, previously used by Ennahdha and its allies, and this time by a part of the new supporters defending the President of the Republic against any dissenting opinion (mainly via attacks on social networks)

And like last year, **the Tunisian state seems to be instrumentalizing the pandemic situation** to put in place sanitary restrictions (lockdown on the weekend of January 14th, 2021, curfew and ban of rallies on January 14, 2022) behind which it is easy to see political motives. During his speech at the Ministry of the Interior on 5th of February, the President of the Republic invited his supporters to demonstrate on 6th February to demand the dissolution of the CSM, even though the pandemic situation was more or less the same as on 14 January 2022.

This year (like the previous one), this sanitary pretext was used to ban anti-power rallies, causing several reactions of defiance. Despite the absence of the usual rendez-

⁵⁹To read more :

<https://inkyfada.com/fr/2021/11/19/decharge-agareb-tunisie-manifestations-pollution/#:~:text=Un%20combat%20de%20longue%20haleine,Agareb%2C%20remonte%20%C3%A0%20juillet%202019.>

⁶⁰ <https://lapresse.tn/116751/pour-celebrer-la-fete-de-la-revolution-et-au-lieu-du-14-janvier-kais-saied-decrete-le-17-decembre-jour-ferie/>

⁶¹ Demonstrations in 17 regions, 1920 arrests including 500 minors, restrictions on freedom of expression and demonstration, attacks on journalists and lawyers, orchestrated hate campaigns by police unions and some MPs like Seifeddine Makhoulouf

vous of the UGTT and despite the ban on rallies, several calls for demonstrations were made by the movement 'Citizens against the coup', social democratic parties, the Workers' Party and young activists (movements and individuals).

It should also be noted that **the police presence deployed (and its equipment) differed according to the demonstrations:** a massive systematic police presence was noticed during all the demonstrations declared by the anti-power movements or contesting the decisions of Kais Saied, notably on 14 December or 14 January.

Conversely, the security forces were largely less present during **the demonstrations of February 6 in commemoration of the martyr Chokri Belaïd**. The rallies were organized to demand the truth about this case and to denounce the judicial system, especially after the release of Mustafa Khedher on January 17th after serving a prison sentence of 8 years, one of the defendants in this case.

New equipment was deployed (including drones) to 'protect' the demonstrators on February 6th, while water cannons and an unprecedented number of motorcyclists in civilian clothes could be seen during the January 14 demonstration. All the arteries of the city center were cordoned off by roadblocks during this same demonstration with only one point of entry and search at the level of the place of January 14th. The entries were done as the line's trickling and most of the citizens were forbidden to enter by the police agents controlling the access on the basis of unknown criteria.

The difference in treatment between the January 14 and February 6 demonstrations is striking. On the night of 5 to 6 February, Kais Saied had indeed called (despite the health measures taken by his government), from the Ministry of Interior, the Tunisians to demonstrate and called the police to protect the demonstrators. Similarly, the security

deployment in front of the CSM on February 7 was very weak (police in bibs, without batons), while supporters of Kais Saied had gathered there to demand its dissolution⁶².

C. Continued arbitrary restrictions on Freedoms :

Despite their illegality, **administrative control measures restricting freedom** continue to be applied to a large number of Tunisians. After the activation of the State of Exception on July 25th, 2021, the application of these arbitrary measures against political figures, members of parliament, judges, and businessmen/women has brought these violations of the freedom of movement of individuals into the public spotlight⁶³.

Several public figures, including former ministers Riadh Mouakher and Anouar Maarouf and the former president of the National Anti-Corruption Authority (INLUCC), Chawki Tabib, appealed to the administrative court to obtain the suspension and, ultimately, the final cancellation of their house arrest, the most restrictive administrative control measure implemented by the Ministry. In early October 2021, the Administrative Court rejected their request to suspend these measures, despite its extensive jurisprudence qualifying these measures as unconstitutional until recently.

The administrative court has made a jurisprudential reversal that raises questions. A measure restricting liberty will normally be suspended by the court on the grounds of an urgent basis if it meets two conditions: it must be manifestly illegal and be likely to cause irreparable harm. The administrative control measures implemented by the Ministry of the Interior are arbitrary because they violate the conditions of legality, necessity and proportionality that must be respected by any measure restricting freedom. This applies in particular to house arrests, which are based on the presidential decree on the state of emergency adopted in

⁶² According to the monitors of the LTDH

⁶³ See the other two bulletins

1978 during a previous state of emergency and which is supposed to have fallen into disuse since then.

The administrative court did not rule on this manifest illegality, merely stating that there was no evidence that house arrests cause irreparable harm to the individuals under it. Yet, all restrictions on liberty imposed by the Ministry of the Interior - and all the more so house arrest- **cause undeniable psychological and material damage.** Assignments can even constitute **arbitrary detention** when the perimeter of the assignment is restricted.

These administrative Court decisions have raised **many concerns about the ability of the Administrative Tribunal to play its role as guarantor of rights and freedoms.**⁶⁴

After more than two months of implementation, and despite the decisions of the administrative court, ten house arrests were finally lifted. Nevertheless, restrictions on freedom continued against a number of people who were banned from traveling because of their profession (deputy, judge, minister, businessman/woman) mentioned on their passports, without any justification provided. New people were in turn placed under house arrest.

These attacks on the freedom of movement of individuals and other arbitrary restrictions on freedom are not new⁶⁵. Hundreds, even thousands of people have been marked on the "S" list, because of their alleged danger to public order, have been subjected to them for years.

In recent months, there have been several cases of registered people and an increase in

police harassment of individuals⁶⁶. The intensity and the systematic nature of this violence against the victims suggest that this is a conscious and orchestrated practice and not an isolated incident as the public communication of the Ministry of the Interior⁶⁷ might sometimes suggest.

The house arrest of Nouredine Bhiri and Fathi Baldi :

Nouredine Bhiri, former Minister of Justice and member of Ennahda, was arrested and placed under house arrest in an undisclosed location on December 31st, 2021, on order of the Minister of the Interior. Subsequently, his health deteriorated. He has been in the hospital Habib Bougatfa in Bizerte since January 2nd, 2022. According to information provided by the Ministry of the Interior, another person (Fathi Baldi, former adviser to the Minister of the Interior, Ali Laarayedh) is under house arrest in the same circumstances as Mr. Bhiri. If a person is assigned to a closed place from which he or she cannot leave freely, he/she therefore is also **a victim of arbitrary detention.**

At a press conference, the Minister of the Interior referring to Nouredine Bhiri without naming him, suspected the latter of terrorism for having issued Tunisian documents to a Syrian couple "illegally" and was placed under house arrest legally and in compliance with procedural guarantees. In fact, the fate reserved for Mr. Bhiri is more akin to an arbitrary detention. To be lawful, house arrest must be based on a legal text, be necessary, proportional to the objective it pursues - in this case the protection of public order - and be subject to prompt and serious review by an independent judicial authority.

⁶⁴ Faced with the multiplication of these measures and what seems to be a hardening of the administrative court's jurisprudence on this issue, OMCT has made available to victims of arbitrary restrictions of liberty two models of appeal in summary proceedings including a detailed legal analysis of the illegality of the measures concerned: a model of appeal against prohibitions to leave the Tunisian territory and a model of appeal against house arrests, available here and here respectively.

⁶⁵ Arbitrary administrative control measures can take various forms, such as house arrest, prohibition to leave the territory,

repeated summonses to the police station, searches outside of any judicial procedure, refusal to issue administrative documents, prolonged detentions during road or border controls for intelligence purposes, or neighborhood inquiries and visits by police officers to homes and workplaces.

⁶⁶ According to SANAD, OMCT's direct assistance program for victims of torture and ill-treatment

⁶⁷ In response to these arbitrary measures, SANAD Elhaq's lawyers have filed an application with the administrative court for 11 beneficiaries to obtain the immediate cessation of these abuses of power.

In addition, the assignment of M.Bhiri was in a closed area from which he cannot leave, it is indeed a detention in the sense of international law and not only a restriction on the freedom of movement. This detention was completely arbitrary and all the more illegal because the place of detention was kept secret until the detainee was transferred to the hospital. In Tunisian Penal Law, such detention can be classified as a crime of kidnapping and sequestration.

According to the Ministry of the Interior, Mr. Bhiri (never referred to by name but by the terms "the accused", "he") is subject to several criminal investigations. If the investigating judge considers that there is a serious risk that the suspect will flee or destroy evidence, he can order his placement in preventive detention in full compliance with the provisions of the Penal Code Procedure. This has not been the case and **it is not the responsibility of the Ministry of the Interior to overstep the prerogatives of justice.**

In this regard, many human rights bodies, political parties and international organizations have considered that the modalities followed by the Ministry of Interior in Tunisia to "put under house arrest" the vice-president of the Ennahdha Movement and parliamentarian Nouredine Bhiri, constitute a "sequestration outside the framework of the law".⁶⁸

D. Military trials against civilians:

In line with the diagnosis already made in the previous bulletin, **the use of military justice to try civilians continues.** It should be recalled here, as corroborated by Amnesty International⁶⁹, that ASL counted in the previous bulletin⁷⁰ as many military cases in

the three months following July 25 (at least 10 cases) as in the last decade. Five civilians were specifically prosecuted by the military justice for criticizing the President: Amer Ayed (TV host), deputies Bechr Chebbi, Abdellatif Aloui, Yassine Ayari and the blogger Slim Jebali.

Developments over the past hundred days have thus affected several cases for facts relating to the **exercise of freedom of expression** and/or criticism of President Saied:

- **Bechr Chebbi**, Ennahda MP, against whom the military justice opened an investigation for "attacking the dignity of the army" (Article 91 of the code of military justice, already regularly used) after statements on the "coup" of Saied⁷¹, was sentenced to 8 months in prison in absentia⁷².
- **Ameur Ayed**, who was placed under a detention warrant in the case of statements made on Zitouna TV, was released in late November. **Abdelatif Aloui** (MP), also accused in this case, had previously been released. Their trial, on charges of undermining the morals of the army and the President of the Republic, will be held in mid-March⁷³.
- **Yassine Ayari**, having already served after July 25 a sentence of 2 months pronounced by a military court in 2018, was again sentenced, in absentia, to 10 months in prison for "undermining the dignity of the army" and "insulting the President" after Facebook statements post July 25⁷⁴.
- The Blogger **Slim Jebali**, sentenced to one year in prison for Facebook posts by a military court in the first instance, had his sentence reduced to 6 months⁷⁵, again for offenses

⁶⁸ See, in particular, the declaration of the office of the United Nations High Commissioner for Human Rights, the National Authority for the Prevention of Torture, and the OMCT.

⁶⁹ <https://www.amnesty.org/fr/latest/news/2021/11/tunisia-alarms-increase-in-number-of-civilians-facing-military-courts/>

⁷⁰ See the precedent Bulletin, page 5-6 "a controversial justice"

⁷¹ <https://www.businessnews.com.tn/Bechr-Chebbi-compara%C3%A2-devant-le-Tribunal-militaire-,520,113735,3>

⁷² <https://www.tunisienumerique.com/tunisie-8-mois-de-prison-avec-effet-immediat-contre-ce-depute-gele/>

⁷³ <https://www.mosaiquefm.net/fr/actualite-national-tunisie/1007918/report-du-proces-de-aloui-et-ayed>

⁷⁴ <https://www.tap.info.tn/en/Portal-Politics/14895369-yassine-ayari>

⁷⁵ [mosaiquefm.net](https://www.mosaiquefm.net)

constituting of "undermining the dignity of the army" and "contempt of the President."

In addition:

- Former batonnier, **Abderrazek Kilani**, has been invited to appear as a defendant before the military justice in early March on various charges. Kilani is a member of Bhiri's defense committee and had an altercation with security forces in charge of monitoring Bhiri during his hospitalization⁷⁶.
- In the civil proceedings, the Court of Cassation rejected in early December the appeal of several **MPs Al-Karama** and **Mehdi Zagrouba** who challenged the legitimacy of the judgment by a military court in the "airport case"⁷⁷.
- **Seifeddine Makhlouf** (Al Karama MP) and **Nidhal Saoudi** were released by decision of the military court in early January⁷⁸ (airport case). Makhlouf was subsequently sentenced to a one-year suspended prison term for contempt of a military magistrate⁷⁹.

The military cases related to freedom of expression are therefore preponderant and characterize **an instrumentalization of military justice for the purpose of censoring** any speech critical of the decisions taken by Saïed since July 25th.

In a policy brief published in early December, *Avocats Sans Frontières*, the *Association de Défense des Libertés Individuelles* (ADLI) and the *Kawakibi Democracy Transition*

Center denounced the recurrence of this practice "[which] opens the way to almost **an infinite possibilities of arbitrary trials, without any guarantee of a fair trial**"⁸⁰. Human Rights Watch has also decried the multiplication of military (and civilian) trials for "offending the president."⁸¹

E. Violations of the fundamental rights of migrants :

In Tunisia, the situation of migrants has deteriorated in recent weeks. Indeed, in Zarzis and Medenine, the reception centers for refugees and asylum seekers have drastically reduced the number of people they receive and even ended the accommodation of some of them. This decision was motivated by the United Nations High Commissioner for Refugees (UNHCR), which manages these shelters, due to a "drastic reduction of the budget"⁸². Nearly 200 refugees and asylum seekers demonstrated in front of the UNHCR offices in Zarzis after their expulsion. The lack of alternative accommodation adds to **the already great level of vulnerability that refugees and asylum seekers suffer in Tunisia**, to the detriment of the protection of their fundamental rights and human dignity⁸³.

In a press release, the Association of African students and trainees in Tunisia denounced an increase in **arbitrary arrests** (particularly in the governorate of Ariana) of **sub-Saharan origin people** - including holders of a valid residence permit-, who are arrested by police forces and sometimes brutalized before being taken to police stations. The association denounces the humiliations that occur in police stations: several hours of waiting in the cold without the reason for the arrest being communicated, fingerprinting

⁷⁶ <http://kapitalis.com/tunisie/2022/02/22/tunisie-a-propos-de-la-convocation-de-me-abderrazak-kilani-par-la-justice-militaire/>

⁷⁷ <https://www.businessnews.com.tn/affaire-de-laeroport-la-cour-de-cassation-confirme-la-competence-de-la-justice-militaire,520,114610,3>

⁷⁸ <https://www.reuters.com/world/africa/tunisia-military-court-orders-release-two-opposition-politicians-lawyer-2022-01-17/>

⁷⁹ <https://lapresse.tn/123470/seifeddine-makhlouf-condamne-a-un-an-de-prison/>

⁸⁰ <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/?fbclid=IwAR3Pgi1pPCOSCl-thXOU8xBy77qVp4dIsiSejqHBCmmyOMI-8TNvj5wPcIs>

⁸¹ <https://www.hrw.org/fr/news/2021/12/23/tunisie-les-tribunaux-intensifient-leurs-poursuites-portant-atteinte-la-liberte>

⁸² <https://www.infomigrants.net/fr/post/38566/quinze-jours-pour-quitter-le-foyer--une-centaine-de-personnes-a-la-rue-campent-devant-les-locaux-du-hcr-de-zarzis-en-tunisie>

⁸³ Voir le communiqué de presse publié par la LTDH, ASF, Terre d'Asile Tunisie et Médecins du Monde Tunisie <https://www.facebook.com/ASF.Tunisie/photos/a.673789689429583/2244366065705263/>

and DNA sampling without consent⁸⁴. This wave of arbitrary arrests and degrading treatment has increased significantly since December 2021, according to the association.

REACTIONS IN TUNISIA AND ABROAD :

A. In Tunisia:

a. *Opposition(s) to Kais Saied :*

In Tunisia, the various initiatives of opposition to President Kais Saied are structured according to alliances and misalliances. To date, **six movements are identifiable in opposition** to the state of exception, the concentration of power and the Saied presidency.

- **Citizens against the coup:**

According to its spokesman Jaouher Ben Mbarek and Samira Chaouachi (first vice president of the ARP), this initiative, allied to Ennahdha and launched officially on November 8th, 2021, aims to defend the electoral and constitutional legitimacy, and to annul the state of exception declared on July 25th. They also call for the return of the Assembly of People's Representatives (ARP) by amending its rules of procedure, the completion of the election of members of the Constitutional Court, the establishment of the body of good governance and anti-corruption and the renewal of the members of the Independent High Authority for Elections (ISIE).

- **Civil Coalition:**

This is an initiative launched by the "historical" civil society organizations and associations on July 27th, 2021 and is composed of the SNJT, the UGTT, the

ONAT, the ATFD, the AMT, the LTDH and the FTDES. These organizations and associations have announced their support for the claims expressed by the Tunisian people, following the failure of the current government to find solutions to the multifactorial crisis affecting the country. The initiative was thought as a warning against any illegitimate and unjustified extension of the state of exception, and to monitor developments in the political situation.

However, after their meeting with Kais Saied on July 27, 2021, and their calls to set a roadmap involving all civil forces, to revise the electoral law and the political system and to fight against corruption, the UGTT and ONAT did not reiterate their presence at the meetings of the coalition or sign the joint statements. These two organizations, whose political and institutional weight is no longer to be demonstrated, seem to be drawing their own lines and strategies, which will also be conditioned by the stakes of their internal elections.

- **The National Meeting for Salvation:**

This initiative was born on December 14th, 2021 and was founded by 14 people including MPs, former ministers and political figures (such as Ahmed Nejib Chebbi), mainly from Qalb Tounes, Amal w aamal. The initiative is for its founders a "coordination framework" to defend the rule of law and preserve rights and freedoms. Their main objectives are the socio-economic rescue and the defense of representative democracy through the establishment of a national dialogue. This initiative has organized quadrilateral meetings with the party Ennahda, Citizens Against the Coup and the Initiative of Tunisians for Democracy led by Samir Dilou.

- **Democratic Front:**

This front was formed on September 22nd, 2021 and is composed of 4 parties: the

⁸⁴<https://www.facebook.com/AESAT.Officielle/photos/pcb.4920450051324578/4920431651326418>

Popular Republican Union, the Tunisian Movement of Will, the Party of Popular Will and the Wafa Movement. This initiative aims to coordinate their action against what they call "coup of Kais Saied". Denouncing in several of their statements the illegal nature of the measures taken by Saied, in which they believe that the impeachment of Saied is a duty for the deputies and that the judiciary has the duty to stand up. They also warned the national army, the internal security forces, the national guard and the public institutions not to obey the orders of the president in order not to be exposed to legal proceedings afterwards.

- **Social Democratic Trio Initiative:**

The initiative is composed of the Democratic Current (Attayar), the Republican Party (Al-joumhour) and the Democratic Forum for Labour and Freedoms (Ettakatol). The trio announced this coordination initiative to end the Kais Saied's unilateral management of power. The trio filed a petition with the Court of Auditors⁸⁵ against the President, the Head of Government, the Ministry of Interior and the Minister of Culture for closing the seat of Parliament, the INLUCC and the Museum of Bardo and for preventing public officials from resuming their work, considering it a "mismanagement of public money" and an "abuse of power."

- **Abir Moussi and the Free Destourian Party (PDL) :**

The PDL, although not a coalition or a recent initiative, is also positioned in opposition to President Kais Saied. The party and its

president Abir Moussi have 32 to 34% of voting intentions in legislative elections, ahead of the "Saied Party" -a name given to a potential party gathering his supporters- (25 to 30%)⁸⁶. Positioned in rupture with the decisions of Saied since July 25th, Abir Moussi announced at a press conference held on February 21st a call for a demonstration on March 13th to "save the Tunisian people, the state and Tunisia, which is in the grip of strong economic difficulties"⁸⁷. The party rejects all measures taken by the Presidency, including the national consultation, calls for the dissolution of the current ARP and for early parliamentary elections.

- b. Supporters of Saied:*

On the side of Saied's supporters, adherence to the President's decisions is sometimes relative. Indeed, while **the People's Movement** (Echaab) claimed to support the President's use of Article 80 the day after July 25th⁸⁸, the party has since distanced itself from Saied⁸⁹ on several occasions, particularly in relation to the finance law and the renunciation of the application of law no. 38-2020 (relating to the hiring of long-term unemployed people in the public sector) and because of the unilateralism of the reforms undertaken.

The Popular Current, for its part, welcomed the dissolution of the CSM⁹⁰, "a step in the process of freeing the institutions from the hands of the Muslim Brotherhood"⁹¹, and seems (officially) to continue to support the decisions of the President⁹² while demanding a "cleansing" of public and security institutions, justice and administration⁹³.

⁸⁵ <https://www.aa.com.tr/fr/afrique/tunisie-trois-partis-politiques-d%C3%A9posent-une-p%C3%A9tition-contre-ka%C3%AFs-sa%C3%AFed-najla-bouden-et-trois-ministres/2503373>

⁸⁶ According to different surveys :
<https://lapresse.tn/122159/sondage-emrhod-consulting-saied-et-moussi-toujours-aux-premieres-loges/>
<https://www.leconomistemaghrebin.com/2022/02/19/sigma-conseil-kais-saied-et-le-pdl-toujours-en-tete-des-intentions-de-vote-2/>

⁸⁷ <https://lapresse.tn/123829/le-pdl-annonce-un-mouvement-de-protestation-le-13-mars-prochain/>

⁸⁸ <https://lapresse.tn/104221/le-mouvement-echaab-soutient-les-decisions-du-president-saied/>

⁸⁹ <https://www.tunisienumerique.com/pas-de-salaire-du-primaire-aux-universites-saied-silencieux-mais-son-soutien-lui-parle/> <https://www.tunisienumerique.com/comment-saied-encassera-les-mises-en-garde-et-conseils-de-son-premier-soutien/>

⁹⁰ <https://www.tunisienumerique.com/dissolution-du-csm-le-courant-populaire-soutient-tres-fortement-la-decision-de-kais-saied-audio/>

⁹¹ shemsfm.net

⁹² <https://www.tunisienumerique.com/le-courant-populaire-reitere-son-soutien-aux-mesures-du-25-juillet/>

⁹³ shemsfm.net

However, the President continues to enjoy great popularity: in the event of presidential elections, he would still win in the first round (76% of voting intentions estimated in January 2022⁹⁴, 83.4% in February 2022⁹⁵), ahead of Abir Moussi, who would collect around 4%.

B. Abroad:

Abroad, support for the President is eroding. While the announcement of the roadmap may be reassuring, the announcement of the arrest of Bhiri and Baldi and the dissolution of the CSM has provoked strong reactions abroad.

Three days before the announcement of the Roadmap, **the G7** issued on December 10 a joint communiqué in which the group members supported the process of "economic and financial recovery", including discussions with "international partners" (notably the IMF), while reaffirming the commitment to an "inclusive and transparent political process", a "clear timetable" and a "rapid return to the functioning of democratic institutions"⁹⁶.

On December 16th, **European diplomacy** welcomed the announcement of the roadmap while recalling that the "success of this process will depend on the concrete modalities of its implementation, in particular its anchoring in democratic values and principles as well as its inclusiveness and transparency", recalling also the importance of respecting "the democratic acquis, the separation of powers, the rule of law and fundamental rights and freedoms for all Tunisians"⁹⁷.

The **Italian Minister of Foreign Affairs**, Luigi di Maio, met with Saied, Bouden and Jerandi at the end of December. He assured Tunisia of his support in negotiations with the IMF⁹⁸ and expressed Italy's satisfaction with the migration cooperation. Rescue operations and interceptions at sea carried out by the Tunisian coast guard have indeed multiplied after July 25th⁹⁹. Thus, more than 1669 migrants were intercepted in November 2021 against 849 in November 2020 (+131%), and 177 interception operations took place in November 2021 against 63 in the same month of 2020 according to the FTDES¹⁰⁰.

Across the Atlantic, **the United States** also welcomed President Saied's announcement of the roadmap in a brief statement, emphasizing on the "transparent" and "inclusive" nature of the reform process¹⁰¹. During the meeting between Ambassador Donald Blome and Prime Minister Najla Bouden Romdhane on December 29th, U.S. diplomacy reaffirmed this position¹⁰².

In response to the arrest and detention of Nouredine Bhiri (along with Fathi Baldi) in late December, the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, through its spokesperson Liz Throssel, deplored the "deterioration of the human rights situation" in Tunisia and the "repression of dissent, including through inappropriate use of anti-terrorism legislation and increased recourse to military tribunals to try civilians"¹⁰³. She also called for the release of Bhiri and Baldi, or if necessary, the launch of an ad-hoc judicial procedure.

On February 7th, **U.S. State Department** spokesman Ned Price said the United States

⁹⁴ <https://www.webdo.tn/2022/02/19/sondage-kais-saied-credite-de-834-des-intentions-de-vote>

⁹⁵ <https://directinfo.webmanagercenter.com/2022/02/01/tunisie-sondages-emrhod-consulting-kais-saied-en-tete-des-intentions-de-vote/>

⁹⁶ https://eeas.europa.eu/delegations/tunisia/108771/communiqu%C3%A9-des-ambassadeurs-du-g7-en-tunisie_fr

⁹⁷ https://eeas.europa.eu/delegations/tunisia/109063/tunisie-d%C3%A9claration-du-haut-repr%C3%A9sentant-au-nom-de-l%E2%80%99union-europ%C3%A9enne_fr

⁹⁸ <https://www.aa.com.tr/fr/afrique/ministre-des-ae-italien-nous-sommes-intervenues-aupr%C3%A8s-du-fonds->

<mon%C3%A9taire-international-pour-soutenir-la-tunisie-2459781>

⁹⁹ <https://www.ilfoglio.it/esteri/2021/12/28/news/tunisi-l-incontro-di-di-maio-con-il-presidente-kais-saied-3501023/>

¹⁰⁰ <https://ftdes.net/rapports/fr.novembre2021.pdf>

¹⁰¹ <https://www.state.gov/president-saieds-announcement-of-reforms-in-tunisia/>

¹⁰² <https://tn.usembassy.gov/ambassador-donald-blome-meets-with-prime-minister-najla-bouden-romdhane/>

¹⁰³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=28018&LangID=E>

was "deeply concerned" by Saied's call to dissolve the CSM and the ban on its employees to access the premises, noting that it was essential that the Tunisian government respect the independence of the judiciary as stipulated in the constitution¹⁰⁴.

In a joint statement by the **G7** and the **European Union Delegation** to Tunisia issued on February 8th, the heads of mission said they were "deeply concerned by the announcement of the will to unilaterally dissolve the CSM"¹⁰⁵. In an interview on TV5 Monde on February 11th, Josep Borell, vice-president of the European Commission and High Representative of the Union for Foreign Affairs, announced that the EU was considering the possibility of suspending macro-financial aid to Tunisia in the absence of a return to "democratic normality"¹⁰⁶. Jean-Yves le Drian, **the French Foreign Minister**, also expressed "concern" about the dissolution of the CSM¹⁰⁷.

On the occasion of a meeting between the **Minister of Foreign Affairs Othman Jerandi and the President of the Republic**, the latter reacted to the concerns of chancelleries stating that "Tunisia is a sovereign country that respects the agreements and international conventions"¹⁰⁸. The day before, Minister Jerandi had met with the G7 and the representative of the Office of the High Commissioner for Human Rights, stating on this occasion that the dissolution of the CSM was part of the logic of "rectification of the democratic process" launched on July 25, in accordance with Article 80 of the Constitution and Decree No. 117. He also denied any "intention to interfere or control the judiciary", the dissolution of the CSM aimed to reform its governance and strengthen the independence of judiciary¹⁰⁹.

¹⁰⁴ <https://tn.usembassy.gov/state-department-press-briefing/>

¹⁰⁵ https://eeas.europa.eu/delegations/tunisia/110708/d%C3%A9claration-commune-des-chefs-de-mission-du-g7-et-lue-en-tunisie_fr

¹⁰⁶ <https://information.tv5monde.com/afrique/presence-de-l-union-europeenne-au-mali-josep-borrell-annonce-l-envoi-d-une-mission-444472>

CONCLUSION :

In short, the state of exception, which has been in place since 25 July, is becoming more and more entrenched **with an authoritarian drift characterized by an increasing extension of the scope of the executive's prerogatives** (which is now extended to the judiciary) and **an even more pronounced security shift**. Examples of such abuses by security forces are visible through the repression of demonstrations with unprecedented measures, attacks on journalists and activists, arbitrary measures to restrict freedom of movement, harassment of migrants

The prospect of the 2022 deadlines, while they are now known to everyone. but still unclear in their terms, is far from reassuring, given the fundamental political and institutional changes that are expected.

The political crisis is therefore major, and while it no longer has the characteristics it had before July 25, it continues to fuel a deep economic and social crisis. Yet, the government seems to be completely dissociating the political and economic processes, while giving primacy to the political aspect. The negotiations with the IMF, if they lead to the envisaged structural reforms, will not be able to respond to the structural challenges of the current multifactorial crisis and thus to respond to the aspirations of Tunisians.

A major factor in the potential unpopularity of the Bouden government, and by extension President Saied, what about the popular support he continues to enjoy? Will he be able to carry out his plans for political and institutional reform? Although the opposition is becoming more clearly structured, does it really have the room to maneuver to act as a

¹⁰⁷ <https://www.lefigaro.fr/flash-actu/paris-preoccupe-par-les-initiatives-du-president-tunisien-20220215>

¹⁰⁸ <https://www.mosaiquefm.net/fr/actualite-national-tunisie/1015079/saied-que-le-monde-sache-ce-que-nous-voulons>

¹⁰⁹ <https://www.webdo.tn/2022/02/09/dissolution-du-csm-le-message-de-jerandi-adresse-au-g7/#.Yg-ltOrMLIU>

(relative) counter-power? How will the position of Tunisia's foreign partners evolve, who are now firmer on the rule of law but at the same time favor an agreement with the IMF and a firm Tunisian migration policy towards those who try to reach Europe from the Tunisian coast?

In line with the conclusions already drawn by ASL in the two previous bulletins, there are still many questions, as the complexity of the process launched on 25 July 2021 can lead to many scenarios. However, the facts described in this bulletin are **all factors which must alert us to the President's intentions** and consequently to the fate of the rule of law in Tunisia, of rights and freedoms, and of Tunisians in general.

