



TORTURE ROADS

MAPPING
OF VIOLATIONS

SUFFERED BY PEOPLE ON
THE MOVE IN TUNISIA

OMCT

SOS-Torture Network

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DECEMBER 2023

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LIST OF ACRONYMS

CAT	UN Convention against Torture
CRT	Tunisian Red Crescent
DCIM	Directorate for Combating Illegal Migration (in Libya)
DGFE	General Directorate for Borders and Foreigners of the French Ministry of the Interior
UNHCR	United Nations Refugee Agency
HCDH	Office of the United Nations High Commissioner for Human Rights
OIM	International Organization for Migration
OMCT	World Organization Against Torture
SAR	Search and Rescue
AVRR	Assisted voluntary return and reintegration
KII	Key Informant Interview

METHODOLOGY

The research was based on:

- In-depth analysis of reports and communications from international organizations, non-governmental organizations and national and local associations on the migration issue.
- Extensive documentation of publicly available secondary data, including analysis of videos, images, GPS coordinates, satellite images, written testimonies, having identified 94 episodes of violations between July 2 and August 21, 2023.
- A total of 28 semi-structured interviews conducted between August and November 2023 with officials from international organizations, international, national and local non-governmental organizations (based in Tunis, Sfax, Zarzis, Medenine, Ben Guerdane, Tozeur, Nefta, Djerba), independent activists, researchers and journalists.
- A fact-finding mission to Zarzis and Médenine, which enabled us to meet local players involved in migration issues.
- Documentation of individual cases handled by the SANAD program of direct assistance to victims of torture - two of who were the subject of a referral to the United Nations Committee against Torture in July 2023 and of victims assisted and documented by partner organizations.¹

Several limitations inherent to the documentation of human rights violations suffered by people on the move prevent access to consensual quantitative data, such as: the constant mobility of the alleged victims, the juxtaposition of several different migratory flows over the same period and on the same routes, the cross-border nature of the violations suffered by migrant people, the difficulty of access to the areas of alleged violations. However, after studying in detail and verifying the typology, incidence and prevalence of violations on Tunisian territory, this report presents conclusions relating to the qualitative aspect of these violations in terms of patterns and consequences on individuals, their families and their communities.

1. See OMCT Tunisia press releases: [July 10 press release](#) and [July 20 press release](#).



ACKNOWLEDGEMENTS



OMCT's direct assistance program, SANAD, provides holistic, tailor-made support to victims of torture and ill-treatment. We combine field expertise with advocacy to inspire reform, undertake strategic legal action and support institution-building in partnership with Tunisian civil society and government. This report was written by Gauvain Pallez and Paola Barsanti. Our warmest thanks go to our partner organizations, researchers, human rights defenders, journalists, associations providing aid to migrants, refugees and asylum seekers who shared their views on the human rights situation of people in mixed migration flows residing in Tunisia and to all our colleagues at OMCT Tunisia and Libya, notably Hafid Hafi and Oussama Bouagila. This report has been greatly enriched by their insights and perspectives. Special thanks go to the direct victims of violations who shared their suffering ; through this report;the OMCT hopes that their voices can be heard.

All quotes have been anonymized to respect the identity of the interviewees. The contents of this report are the sole responsibility of OMCT. The terminology used throughout the report should not be taken as indicative of any particular legal or policy position. This report is intended to inform OMCT's future work and positioning on the subject and will be shared with interested partners and stakeholders.



SUMMARY

Tunisia is currently the main departure point by sea for migrants, refugees and asylum seekers seeking to transit to Europe. Under continuing pressure from the European Union to reduce irregular migration in the Mediterranean, and in a context of social and economic crisis, the Tunisian state is finding it difficult to manage the arrival and presence of people on the move from all over sub-Saharan Africa. Since October 2022, Tunisia has seen a progressive intensification of violations against migrants, refugees and asylum seekers, against a backdrop of racial discrimination. Following the speech by the President of the Republic of Tunisia on February 21, 2023, the exercise of rights by this population group, already in a highly vulnerable situation, has become increasingly difficult. Previous OMCT research had already mapped these violations and the response of civil society, as well as highlighted the plight of people on the move in Tunisia between February and June 2023. However, July 2023 marks a turning point in the scale and type of human rights violations committed.

The study confirms the responsibility of Tunisian state authorities for violations committed on Tunisian territory, including border areas under the effective control of the Tunisian state. Through a series of maps, the report presents an overview of the geographical prevalence, incidence, and variety of the different types of violations committed. The information presented in this study is based on analysis of publicly available sources, testimonies and episodes of violence reported in over 30 interviews with representatives of partner organizations and activists working with people on the move throughout Tunisia, and by some 20 direct testimonies of victims of violence documented by OMCT and its partners.

This report sheds light on the scale and nature of human rights violations committed between July and October 2023 against migrants, refugees, and asylum seekers, as well as their long-term consequences on individuals, their families, and their communities. The study confirms the direct responsibility - the actions of the Tunisian authorities (mainly committed by the security forces - the Police, the National Guard, the Army and the Coast Guard) - and indirect responsibility of the Tunisian state, referring also to the omissions or tolerance of state authorities towards violence committed by non-state actors (traffickers or smugglers) and/or individuals (Tunisian civilians). Through a series of interviews, the analysis of victims' testimonies, and a sound data and desk review, the report

describes a vast and varied typology of violations of international human rights law: a series of forced expulsions in July concomitant with multiple waves of arbitrary arrests, arbitrary and forced displacements to border areas, and acts of institutional violence. The inhumane living conditions to which migrants, refugees and asylum-seekers have been subjected in the desert since this summer, as well as in the areas of concentration of displaced persons on the Tunisian coast (El Amra and Beliana), may constitute torture and ill-treatment. The study confirms that from September 2023 onwards, deportations and expulsions to Algeria and Libya have been carried out on a regular basis, in a climate of denial of access to justice and disregard for procedural guarantees.

At the time of finalizing this report (December 2023), a series of incidents involving migrants, refugees and asylum seekers, and Tunisian security forces in Sfax and El Amra, reflects the level of tensions existing within the Tunisian social fabric and the inability of the Tunisian authorities to protect this group of people residing on its territory and guarantee the enjoyment of their fundamental human rights. Migrants, refugees and asylum seekers in Tunisia continue to live in undignified conditions, without access to basic services, employment and sources of income. While Europe is considering additional measures on migration, border management and security cooperation with Tunisia, women, children and young migrants in Tunisia have no lasting solution. Hundreds of people on the move are reportedly still being expelled or stranded in the desert at border crossings. Thousands of them are trying to raise enough money to pay the criminal networks that will enable them to cross the sea.

As OMCT's research shows, a migration policy based on border blockades, rights violations, violence, and racial discrimination is unlikely to resolve the complexity of the migration phenomenon in the region; on the contrary, it continues to cause immense human suffering. This report calls on the Tunisian state to put an end to human rights violations against migrants, refugees and asylum seekers residing on its territory, and to protect this population group against further abuses. It also calls for a change in Europe's policy towards Tunisia, as attempting to deter mobility in the region by closing off options for people moving along the Tunisian coast is not a viable long-term solution.



1. INTRODUCTION

1.1. CONTEXT

The recent forced displacements and deportations of migrants, refugees, and asylum seekers² from Tunisia to desert border areas documented from July 2023³ are far from being a novelty in migration management by the Tunisian state. For years, at regular intervals, security forces have used this method to manage the presence of people on the move on Tunisian territory⁴. Nor are the physical assaults, denial of access to justice and other human rights violations suffered by migrants since July phenomena confined to the July-October 2023 period. Previous OMCT research has already mapped these violations and civil society's response, and highlighted the plight of people on the move in Tunisia between February and June 2023, particularly those from sub-Saharan Africa.⁵ Since October 2022, Tunisia has seen a progressive intensification of violations against migrants, refugees, and asylum seekers against a backdrop of (racial) discrimination and, following the speech by the President of the Tunisian Republic on February 21, 2023⁶, the exercise of civil, political, economic, cultural and social rights by this population group already in a situation of great vulnerability has proved increasingly difficult.

However, the first week of July 2023 marks a turning point in the scale and type of human rights violations committed. On July 2, the first group of sub-Saharan migrants was forcibly removed to the militarized border buffer zone with Libya⁷. On July 3, following the death of a Tunisian citizen in Sfax during an altercation with sub-Saharan migrants, the city of Sfax⁸ experienced an unprecedented outburst of racial hatred characterized by extreme violence targeting people of sub-Saharan origin. In the space of a few days, as the violence continues in Sfax, more than a thousand people⁹ have been displaced to desert areas on the borders with Libya and Algeria. While unprecedented violations committed by civilians have taken place in Sfax, a profound change in the treatment of migrants is also taking place at the institutional and social level, both nationally and at the governorate level, characterized by illegal and forced evictions of migrants from their homes, forced displacement, the establishment of prima facie places of deprivation of liberty¹⁰ and by a more recent policy of deportation to Libya. In all, more than 3,700 people are reported to have been displaced and/or deported.¹¹

2. In accordance with OMCT's report «Routes of Torture» (2022), and a more recent OMCT Tunisia report «Mapping Responses to Human Rights Violations: The cases of people in mixed migratory movements in Tunisia, OMCT Tunisia» (June 2023), this report alternately uses the terms «people in mixed migration/movement flows», «people on the move», «migrants, refugees and asylum seekers» and «migrant people» as an overarching category encompassing migrants, refugees and asylum seekers, unaccompanied and separated children, victims of trafficking, migrant workers, migrants (including those in irregular situations) and stateless people. The term describes the cross-border movement of people whose protection profiles, reasons for moving and needs vary widely. Motivated by a multiplicity of factors, the people involved in mixed flows have different legal statuses and present different vulnerabilities. While refugees and migrants belong to distinct legal categories, they are increasingly taking similar routes and means of transport by land and/or sea. At every stage of their journey, they face extreme human rights risks and violations, including torture and other cruel, inhuman or degrading treatment or punishment («ill-treatment»), unlawful killings, sexual and gender-based violence, kidnapping, extortion, forced labor and human trafficking.

3. <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-tunisia-act-swiftly-uphold-migrants-rights>

4. See the box «Forced displacement: a practice rooted in Tunisian migration policy» for more details.

5. Cartographie de réponses apportées aux violations de droits de l'homme : les cas des personnes en mouvements migratoires mixtes en Tunisie, OMCT Tunisia, June 2023.

6. **CERD, 03.31.2023**

7. These zones were created in 2013, by Republican Decree no. 2013-230 of August 29, 2013, proclaiming a border buffer zone, extended by Decree no. 2023-573 of August 25, 2023. Access to these zones is very limited and subject to authorization by the Governor concerned, and they are placed under the control of the Tunisian armed forces.

8. At the time of writing, Sfax has been without a governor since January 6, 2023, and without a sitting mayor since March 2023. Both have been dismissed by the President of the Republic.

9. Humanitarian source

10. This study uses the term de facto detention center prima facie to describe the places set up by the Ministry of the Interior and the Tunisian Red Crescent (CRT) from July 10, 2023, to which hundreds of migrants, refugees and asylum seekers have been forcibly and arbitrarily moved. These places (often schools) are not official detention centers under the control of the CGPR, but have for the most part an undeniably closed character and do not comply with any international legal standards. See **De facto detention - PICUM**

11. Source: **In Tunisia, the authorities continue to hunt migrants at the Algerian border (lemonde.fr)**; confirmed by humanitarian sources operating in Libya and Tunisia.

FORCED DISPLACEMENT: A PRACTICE ROOTED IN TUNISIAN MIGRATION POLICY

In interviews, several heads of associations specializing in migration issues said they had been dealing with cases of forced displacement in Tunisia since 2003. In 2013, 193 people intercepted at sea had been taken by bus to the Libyan border before being brought back, under pressure from associations, and detained in a place transformed into an arbitrary deprivation of liberty center in Médenine.¹² Forty-six other people, also intercepted at sea at the same time on another boat, were detained in a warehouse transformed into another deprivation of liberty center in Médenine.¹³ At the end of August 2015, a group of around ten migrants detained at the El Ouardia center had been transported in police vehicles to the Algerian border, following an arrest for irregular situation and arbitrary detention that did not respect procedural guarantees.¹⁴ The story of this deportation is similar to the testimonies of this summer: physical violence with batons, death threats, abandonment in desert and militarized areas. However, after mobilizing the associations contacted by the group in question, they were able to reach Tunis. The most emblematic case before 2023 was the forced displacement of 53 illegal immigrants of sub-Saharan origin in August 2019, from Sfax to a desert area bordering Libya, without a prior court decision.¹⁵ In November 2021, UN experts had condemned the practice of collective expulsion and violent refoulement of migrants and asylum seekers on racially discriminatory grounds at the border with Libya.¹⁶ This condemnation followed several cases in the space of a month of forced displacement and deportation of sub-Saharan people intercepted at sea bound for Libya. A group of civil society organizations, including OMCT, had already denounced the exposure of these people to a high risk of torture and other ill-treatment.¹⁷

12. Nawaat- Risk of exiles being sent back to Libya - 23/08/2023

13. Ibid

14. Inkyfada, Migrants deported at the Algerian border, 01/09/2015

15. Nawaat, Ivorian drama between a warring Libya and a disengaged Tunisia, 08/08/2019

16. Reliefweb, Tunisia and Libya: UN experts condemn collective expulsion and deplorable living conditions of migrants, 10/11/2021

17. OMCT, Press release 02/10/2021

1.2. SCOPE AND OBJECTIVES OF THE RESEARCH

The aim of this report is to highlight the scale and nature of the alleged human rights violations committed between July and October 2023 against migrants, refugees and asylum seekers, as well as their long-term consequences on this group of individuals, their families and their communities. Particular emphasis is placed on violations falling within OMCT's mandate, in particular institutional violence, torture, excessive use of force and ill-treatment perpetrated by security forces, denial of access to justice and procedural guarantees, forced displacement, arbitrary detention and all other forms of deprivation of liberty.

The study examines the responsibility of the Tunisian state authorities and focuses on violations committed on Tunisian territory, including border areas under the effective control of the Tunisian state.¹⁸ In line with OMCT's mandate, this study investigates the direct responsibility (actions of the Tunisian authorities, mainly the security forces) and indirect responsibility of the Tunisian state (omissions or tolerance by state authorities towards violence committed by non-state actors and/or individuals against migrants, refugees and asylum seekers)¹⁹.

THE CONCEPTUAL FRAMEWORK: TORTURE ROADS²⁰

OMCT's research confirms that torture and other forms of ill-treatment are widespread at every stage of migration, in countries of origin (often a trigger for migration) and along the migration route, and in countries of destination, at the hands of state actors, as well as exposure to violence committed by non-state actors. Torture and other types of ill-treatment can take many forms, including poor conditions of detention such as extreme overcrowding, and lack of (or delayed access to) medical care, food, drinking water and sanitation facilities. Other recognized forms of torture and ill-treatment include incommunicado detention and/or prolonged solitary confinement and deportation, return or extradition to another state where there is a risk of torture/ill-treatment. Rape and other forms of sexual violence have also been recognized as equivalent to torture. Threats and being forced to witness the torture of others are psychological torture. These types of violations undermine the full and effective enjoyment of the rights of people in situations of displacement.

18. Alleged violations committed by Algerian, Libyan and Italian authorities were also reported, but not analyzed in the report.

19. By becoming parties to international treaties, states assume obligations and duties to respect, protect and fulfill human rights under international law. The obligation to respect means that states must refrain from hindering or restricting the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights violations. The obligation to fulfill means that states must take positive measures to facilitate the enjoyment of fundamental human rights.

20. OMCT, «Routes of Torture. The cycle of abuse against people on the move in Africa», 2022.

2. A CONTINUUM OF VIOLENCE AND HUMAN RIGHTS VIOLATIONS

2.1. CHRONOLOGY

This report covers the period from July to October 2023. The following chronology is not exhaustive, but provides an overview of the main episodes of human rights violations against migrants, refugees and asylum seekers in Tunisia, the significant moments illustrating the Tunisian State's policy on the subject, as well as the trends of violations.

CHRONOLOGIE

25/06



Sfax residents demonstrate against **THE PRESENCE OF PEOPLE OF SUB-SAHARIAN NATIONALITY IN SFAX**²¹

25/06

Press release from Kaïs Saïed reiterating his **ANTI-MIGRANT RHETORIC, MENTIONING SFAX**²²

02/07

First group of

48 PEOPLE ARRESTED IN SFAX AND MOVED TO BEN GUERDANE²³

03/07

ALLEGED MURDER OF A TUNISIAN CITIZEN BY TWO PERSONS OF CAMEROONIAN NATIONALITY IN SFAX, followed by several nights of targeted violence against **SUB-SAHARAN PEOPLE IN SFAX**



08/07

State authorization for a Tunisian Red Crescent a

08/07

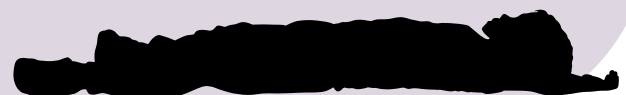
Presence of 650 to 700 people in the coastal buffer zone north of the Ras Jedir border crossing; official statement by the Presidency denying accusations of violence. 1,200 people stranded in the buffer zones with Libya, and 700 displaced at the Algerian border.²⁶

08/07

THE STATE HAS ENTRUSTED CRT WITH THE TASK OF INTERVENING IN BORDER AREAS AND IN SFAX.²⁵

05/07

AT LEAST 350 PEOPLE STRANDED AT RAS JEDIR (followed by a statement by MP Moez Barkallah welcoming 1,000 "repatriations" per day since Eid).²⁴



21. Businessnews, Sfax - Demonstration against waves of sub-Saharan migrants, 25/06/2023
 22. RFI, Tunisia: President Kaïs Saïed reiterates his opposition to the presence of sub-Saharan migrants, 27/06/2023
 23. According to information gathered by OMCT, 20 of them were then moved to the Libyan border in the coastal buffer zone north of Ras Jedir.
 24. Businessnews, «Moez Barkallah : 1200 migrants have been expelled since Eid el Kebir», 05/07/2023
 25. Sources: KII 14/09, 20/09 - Communication from the Presidency of the Republic, 08/07/2023
 26. Humanitarian source
 27. Humanitarian source

a humanitarian intervention by the
at Ras Jedir in the buffer zones²⁸



10/07

Forced displacement of 633 people from border areas to Medenine before distribution among various prima facie places of deprivation of liberty and IOM shelters²⁹ approximately 160 people are displaced from Sfax to the buffer zone on the Libyan border.³⁰

13/07

200 people displaced by Tunisian forces in border buffer zones with Libya³¹



**MID-JULY
FREQUENT POLICE INTERVENTIONS IN EL AMRA WITH ARREST CAMPAIGNS. HUNDREDS FLEE TO MORE REMOTE RURAL AREAS³²**

16/07

Signature of the Memorandum of Understanding between Tunisia and the European Union³³

WEEK OF 17/07

Return to Sfax of persons displaced in early July to areas bordering Libya and Algeria

22/07

3,000 migrants of sub-Saharan origin gathered in Sfax (700 of Sudanese nationality) . The two downtown gardens alone are home to 1,740 people, including 300 women and 400 minors³⁷

21/07

A TOTAL OF 750 PEOPLE had been moved from the border areas to Medenine and distributed among various prima facie centres of deprivation of liberty set up by the Ministry of the Interior and managed by the CRT and by IOM for vulnerable persons or those awaiting voluntary return and reintegration assistance.

20/07

200 people forcibly displaced by Tunisian authorities from Gafsa are registered by IOM in Tebessa, Algeria³⁵

18/07

JOINT COMMUNICATION FROM UN EXPERTS URGING TUNISIA TO TAKE SWIFT ACTION TO ENSURE RESPECT FOR MIGRANTS' RIGHTS³⁴

28. RTCI, «Le Croissant Rouge Tunisien au secours des migrants irréguliers, bloqués à Ben Guerdane», 10/07/2023

29. Humanitarian source

30. Complaint to CAT, OMCT, 20/07/2023

31. Source: humanitarian organization operating in Libya. It has been reported that 200 people were displaced a few days earlier at the border, before being intercepted by the Libyan authorities who detained them in Al Assah in Libya.

32. Source: KII on 19/09

33. Memorandum of Understanding EU - Tunisia

34. OHCHR - UN experts urge Tunisia to act swiftly to uphold migrants' rights, 23/07/2023

35. Source: humanitarian organization operating in Libya

36. Humanitarian source

37. Humanitarian source



23/07



200 PEOPLE
TURNED BACK AT THE BORDER
WITH LIBYA BY TUNISIAN
SECURITY FORCES³⁸

24/07



Second operation to evacuate the
most vulnerable people from buffer
zones with Libya, led by CRT

27/07

IOM AND UNHCR
call for urgent solutions for
migrants and refugees stranded on
the borders of Tunisia and Libya³⁹

03/08

REFOULEMENT MASSIF
À LA FRONTIÈRE
TUNISO-ALGÉRIENNE
DE PRÈS DE 500 PERSONNES



03/08

28 DEATHS CONFIRMED
in buffer zones
to Libya⁴⁰

31/08

30/08



16 10 MIGRANTS, REFUGEES
AND ASYLUM SEEKERS

RESCUED BY LIBYAN AUTHORITIES AT THE
BORDER WITH TUNISIA SINCE JUNE 2023⁴⁶

25/08

ARRIVAL OF 400 MIGRANTS



in Tunisia from Libya,
distributed among
and deprived of their
liberty between
three military bases
and two bases of the
National Guard⁴⁵.

17/08

JOINT COMMUNICATION

from several United Nations
Special Rapporteurs to Tunisia on
the situation of migrants,
refugees and asylum seekers⁴³

09/08

AGREEMENT REACHED



between Tunisia and Libya for
the distribution of 350 people
still trapped in the southern
buffer zone of Ras Jedir,⁴¹
including

 **26**
children

 **67**
women⁴²

38. Source: humanitarian organization operating in Libya

39. IOM - Call for urgent solutions for migrants and refugees stranded on the borders of Tunisia and Libya, 27/07/2023

40. Humanitarian source

41. Jeune Afrique, «Accord Tunisie-Libye pour accueillir les migrants bloqués à la frontière», 10/08/2023

42. Source: humanitarian organization operating in Libya

43. Joint communication from the United Nations Special Rapporteurs of 17/08/2023

44. Source: humanitarian organization operating in Libya.

45. Source: humanitarian organization operating in Libya.

46. Source: humanitarian organization operating in Libya.

958
DEATHS

ON THE TUNISIAN COAST DURING ATTEMPTS
TO CROSS TO ITALY SINCE JANUARY 2023⁴⁷

01/09



OFFICIAL END TO
CRT'S SPECIAL
INTERVENTION

halting food distribution and assistance
in downtown Sfax⁴⁸

11/09

VOLKER TÜRK,
UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS,
EXPRESSES HIS CONCERN AT THE WAVE OF FORCED
DISPLACEMENT AND DEPORTATIONS IN TUNISIA
TO LIBYA AND ALGERIA⁴⁹

13/09

MORE THAN 6,800 PEOPLE, MOSTLY FROM TUNISIA, ARRIVED
IN LAMPEDUSA WITHIN 24 HOURS⁵⁰



16/09

EVACUATION OF DOWNTOWN SFX

by security forces and forced relocation of over
500 people to El Amra. Between 5,000 and 7,000
migrants, refugees and asylum seekers gathered
between Jbeniana, El Amra and Beliana⁵¹



18/09 TO 20/09
BETWEEN 40 AND
80 MIGRANTS

were forcibly moved between
Le Kef and Tebessa (Algeria),
without being deported.⁵²

29/10

A GROUP OF 60 PERSONS

intercepted at sea on the coast
have reportedly been moved
northeast of Tunisia to a desert
area bordering Algeria⁵⁷

16/10

OVER 3,700 PERSONS

have been forcibly displaced
and/or deported to Libya since
June by the Tunisian
authorities⁵⁶

13/10

According to information
gathered during visits to the
Al Assa detention center and
testimonies from people
deported to Libya, 720
deportations of refugees and
asylum seekers have been
confirmed, including at least
40 Syrians and 120 Sudanese⁵⁵

13/10

REPORT

on the displacement and
subsequent expulsion of 400
people of Sub-Saharan origin,
including 250 Sudanese
nationals, to Nalut, Libya,
where they were allegedly held
in a detention center belonging
to the 60ème *Stability Support
Battalion*⁵⁴

47. Mediterranean Sea | Missing Migrants Project (iom.int)

48. Source: KII 20/09.

49. Türk: Human rights are antidote to prevailing politics of distraction, deception, indifference and repression | OHCHR

50. Euronews, «Italy: Lampedusa reels after thousands of migrants arrived in 24 hours», 13/09/2023

51. Source: KII, confirmed in five interviews.

52. Source: KII - Le Monde, «Ils jettent les migrants ici» : à El Amra en Tunisie, lieu de refoulement et port de départ vers l'Europe», 28/09/2023.

53. Human Rights Watch, «Tunisia: African Migrants Intercepted at Sea, Expelled», 10/10/2023

54. Confirmed by two KIIs.

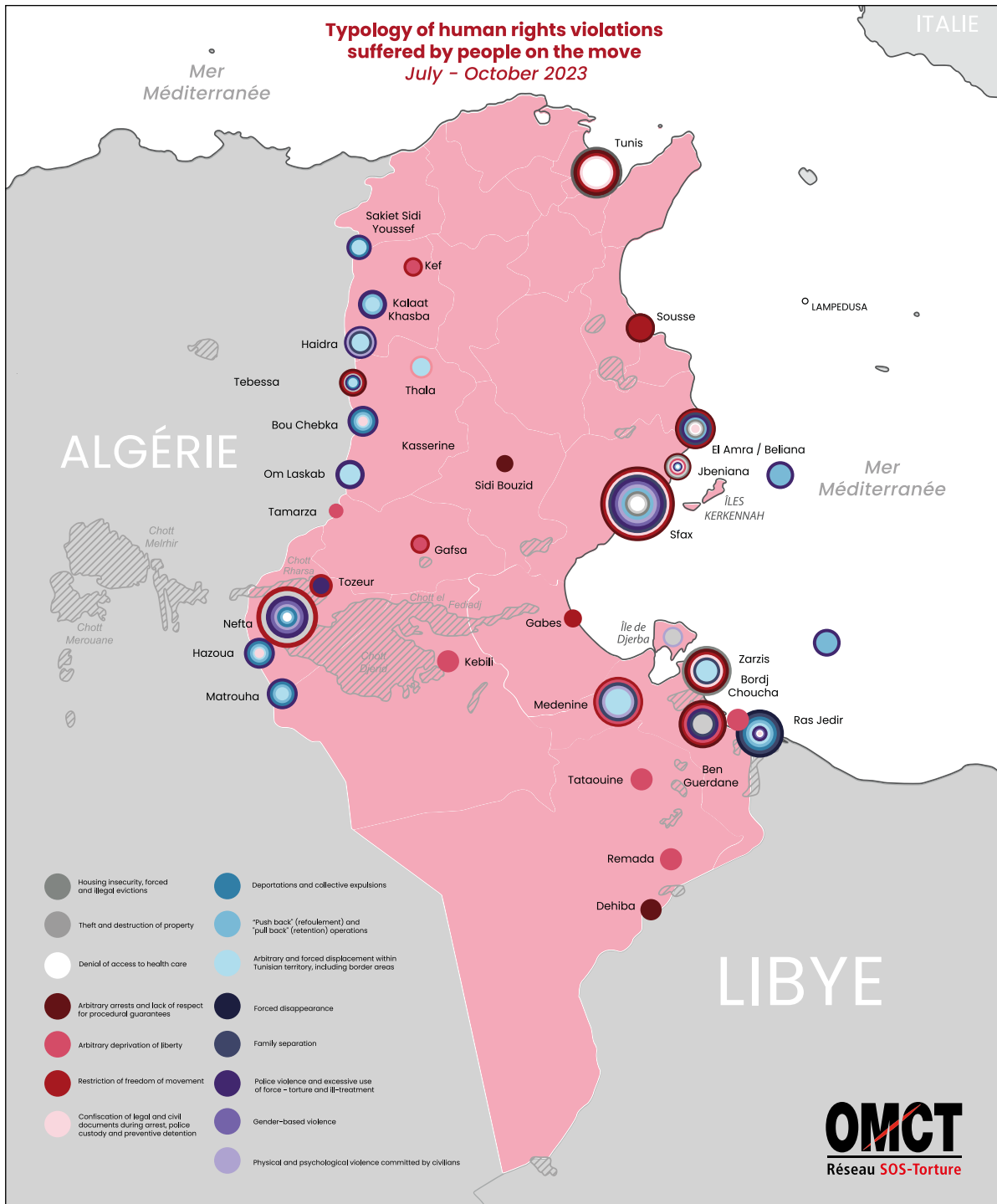
55. According to information gathered from people deported to Libya and information gathered during visits to the Al Assa detention center by an international organization.

56. Humanitarian source operating in Libya

57. Confirmed by two KIIs.

2.2. GEOGRAPHY OF HUMAN RIGHTS VIOLATIONS

Throughout Tunisia, migrants, refugees and asylum seekers have been victims of various human rights violations. This map aims to provide an overview of the different types of violations committed between July and October 2023, as well as their geographical prevalence on Tunisian territory. The information it presents comes from the analysis of publicly available sources, testimonies, and episodes of violence reported during interviews with key informants, confirmed by the testimonies of victims of violence documented by OMCT and its partners.



Several areas had a higher **incidence** and **prevalence** of violations than the rest of Tunisia:

- In Sfax and its outskirts (El Amra - Beliana - Jbeniana - Sidi Mansour)
- The area between Ben Guerdane, Zarzis et Medenine
- Around Ras Jedir in the buffer zones with Libya
- In Nefta and along the Algerian border at and south of Tozeur

These four areas have been, and continue to be, the main areas of concentration for migrants, refugees, and asylum seekers who suffered violations during the period studied⁵⁹. Until September 2023, Sfax and its coast were the main departure point to Italy and the city was the epicenter of violence in early July. The Ben Guerdane - Zarzis - Médenine triangle is the transit zone for people from Libya to the northeast of Tunisia; in this areas people on the move suffered from institutional violence; several arbitrary detention centers have been established and used in this area during the period under analysis. The buffer zones on the Libyan border around the Ras Jedir border post were the main areas of forced displacement in July, while at the same time the area is a point of entry and/or passage for new arrivals from Libya. Finally, Nefta and the border areas with Algeria around Tozeur were areas of forced displacement towards Algeria, of refuge for displaced people further north who had returned south, and of entry from Algeria.

In terms of the variety of violations committed, the city of Sfax and the surrounding region is most certainly the place where migrants, refugees and asylum seekers have suffered and continue to suffer the greatest number of violations. Violence committed by civilians has remained confined to Sfax and the wave of forced expulsions has mainly affected Sfax, although other towns in the south, such as Zarzis, have been affected. The correlation between the human rights violations committed is an important explanatory factor in this observation, since forced eviction coupled with physical violence accentuates the vulnerability of the victims and exposes them to other violations from which they would have been spared if they had been able to exercise their right to safe and dignified housing.

It is clear from the map that human rights violations affected the south of the country much more than the north during the period July-October 2023, in contrast to the first phase February-June when human rights violations were more frequent in the north and in Tunis in particular⁶⁰. Admittedly, arbitrary arrests and forced displacements were also reported to have occurred in the north of the country, but in a limited proportion compared to the extent and nature of human rights violations committed in southern cities.

However, it is important to highlight that the lack of available data on border buffer zones has limited the effort to fully document the violations suffered in these areas, in terms of both nature and magnitude, particularly on the border with Algeria. The buffer zones towards the Libyan border are desert areas, with a more or less circumscribed perimeter, and displaced groups were more numerous there. By contrast, the border areas with Algeria to the north, notably between Le Kef and Kasserine, are more mountainous and extensive, and the forced displacements were carried out in dispersed order.

Maps for both arbitrary and forced displacement phases

The forced displacement of almost 1,900 people between July and August 2023⁶² is part of a process of deterioration of the social fabric and discrimination that began throughout Tunisia as early as 2022.⁶³ As underlined by all the testimonies collected for this study, foreigners from sub-Saharan Africa with different legal status (e.g. legal students, individuals registered and/or pre-registered with the UNHCR as asylum seekers or people likely to be in need of international protection, foreigners of sub-Saharan origin with

59. According to the latest official data, the foreign population resident in Tunisia is highly concentrated geographically. Most of them live in two Tunisian regions: Greater Tunis (50.2%) and Centre-East (27.7%). The South and North-East regions record lower proportions, at 7.3% and 5.5% respectively. INS, National Survey on International Migration 2021. However, respondents indicated that following the wave of violence and arrests in February and March 2023, many migrants preferred to leave the coastal area and Greater Tunis for the interior of the country.

60. Cartographie des réponses apportées aux violations de droits de l'homme : les cas des personnes en mouvements migratoires mixtes en Tunisie, OMCT Tunisia, June 2023.

61. The definition of this violation and a description of its scope in Tunisia are developed in section 2.4 «Typology».

62. Humanitarian source

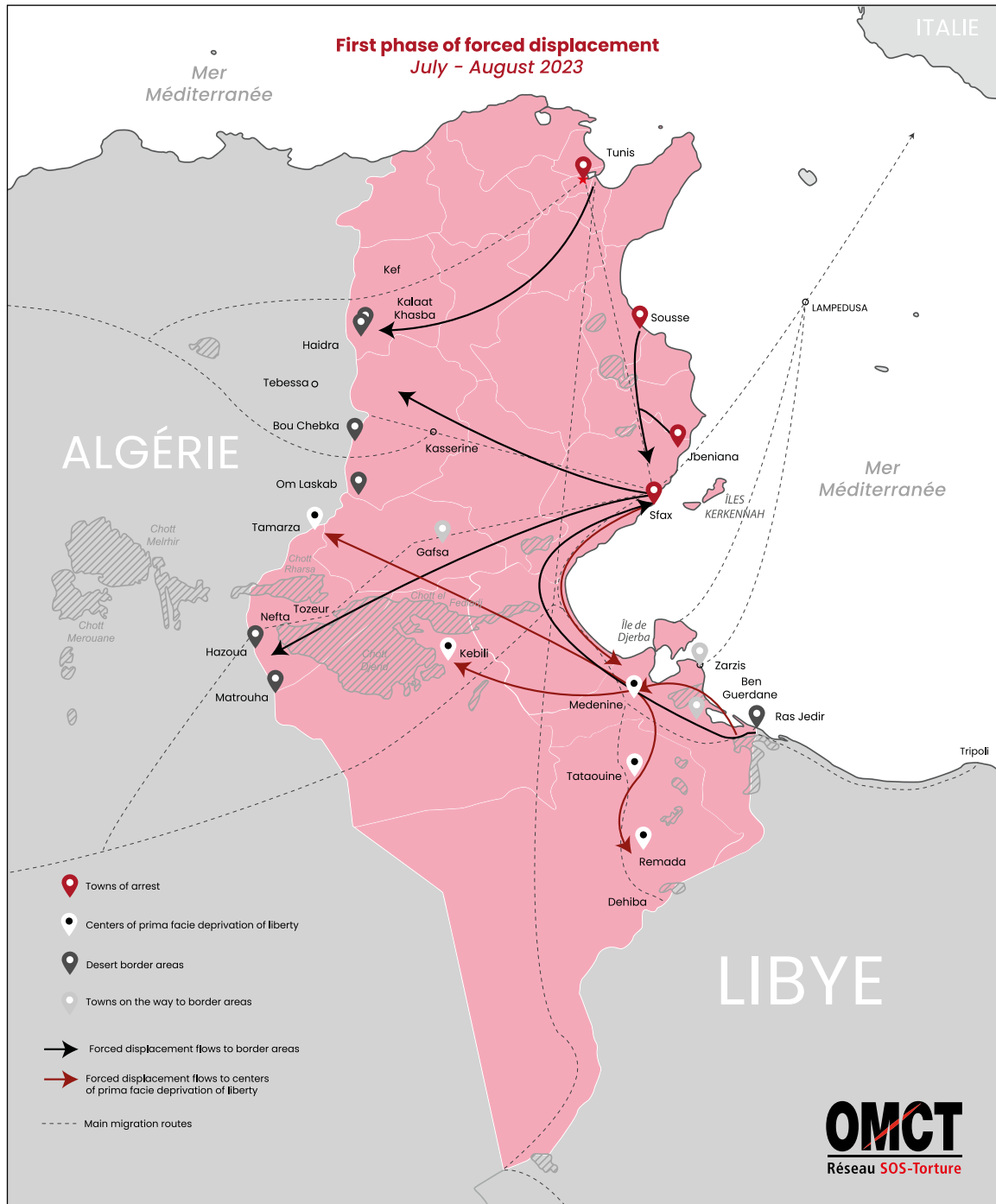
63. AESAT press release on «arbitrary arrests of sub-Saharan students and trainees in Tunisia», 06/02/2022

expired residence permits, those with valid visas) have reported experiencing widespread discrimination and consequently facing difficulty in accessing services and exercising their rights to education and health since October 2022. Since February 2023, the state has legitimized and institutionalized this phenomenon of marginalization and exclusion of migrants by criminalizing assistance to migrants, thus reinforcing tensions between the host community, which enjoys growing impunity for acts of violence accompanied by hate speech, and the migrant community from sub-Saharan Africa.

The maps below aim to provide a visual understanding of the different waves of displacement experienced by migrants, refugees and asylum seekers between July and October 2023. Two distinct phases are represented here:

- The **first map** offers a visualization of the first phase, from early July to mid-August 2023, and focuses on the forced displacement of around 1,900 migrants and asylum seekers from Tunisian municipalities to buffer zones on the borders with Algeria and Libya, as well as forced displacements from buffer zones to places of prima facie deprivation of liberty.
- The **second map** shows the second phase, from the end of August to the end of October 2023, and reports on forced displacements and deportations of migrants, refugees and asylum seekers from Tunisian municipalities (among others Sfax, Zarzis, El Amra, Tunis, Kef, Kasserine, Nefta), or after interception at sea (mainly in Sfax, El Amra, Beliana), towards Libya and Algeria.

First phase of forced displacement: July - August 2023



The **arbitrary and forced displacement** of migrants and asylum seekers⁶⁴ committed by state authorities during the month of July took place in the direction of:

- 1- Militarized border buffer zones with Libya, north and south of the Ras Jedir border crossing

64. According to UNHCR, no refugees registered with UNHCR were forcibly displaced during this first phase in July.

- 2- Border areas with Algeria. It is important to note that, unlike the areas bordering Libya, forced displacements towards the border with Algeria did not cease in August, and continued sporadically from eastern Tunisia.
- 3- Places of *prima facie* deprivation of liberty set up from July 11 to accommodate people forcibly displaced in border areas, and people arbitrarily arrested and displaced from Tunisian towns.

Several flows of **“spontaneous⁶⁵” movements** of people are juxtaposed between the 3rd week of July and mid-August, with movements towards Sfax and the east coast around El Amra - Beliana - Jbeniana, but also Zarzis, Djerba, Tunis, and other areas of concentration of migrants.

- 1- The flow of people leaving *prima facie* deprivation of liberty centers: according to interviews conducted, some⁶⁶ *prima facie* deprivation of liberty centers were gradually emptied from the beginning of August, with migrants either free to leave following the withdrawal of security forces, or transferred to IOM shelters as places became available to accommodate new beneficiaries.
- 2- The flow of people leaving the border buffer zones: some displaced people⁶⁷ from Sfax who found themselves in the desert at the beginning of July were able to leave the buffer zones and make their way north-eastwards on foot from Ben Guerdane from the third week of July. These people have not been moved to centers of *prima facie* deprivation of freedom.
- 3- The flow of people returning to Tunisia from Libya and Algeria: many migrants arrive in July-August and take more or less the same routes as displaced people heading up towards Sfax. From Ben Guerdane, people arriving from Libya walk to Zarzis to register with the UNHCR and receive initial assistance from local associations,⁶⁸ before heading, for the most part, successively to Médenine, Gabès and Sfax. Those entering Tunisia at Nefta head for Tozeur before heading for Gafsa, while those entering at Redeyef head directly for Gafsa,⁶⁹ before heading for Sfax or Tunis. Others returning further north from Algeria pass through Kasserine. According to the UNHCR, 1,400 asylum seekers have been arriving every month since July from Libya, the majority of them Sudanese. Since August, more than a hundred people a day have been arriving in Tunisia on foot from Libya and Algeria.⁷⁰

“All the migrant population that was in Médenine before July has left (mainly for Europe); the new population is more vulnerable and difficult to access (mainly Sudanese and young migrants). Needs and tensions increase with winter”,

says a representative of a humanitarian agency working in Médenine.

65. Yet researchers have rightly raised the question of whether a movement can definitively be described as voluntary or involuntary in practice, given the multiplicity of intersecting causes, both proximate and more distant, that determine the decision to leave one's home. Consequently, some suggest that voluntary and involuntary population movements represent only poles of a spectrum of mobility decision-making, rather than a distinct duality. «Conceptualising «Relocation» Across Displacement Contexts», David James Cantor, 2023.

66. From July 10, the Ministry of the Interior, in collaboration with the Red Crescent, set up five «accommodation centers» to house people forcibly displaced by Tunisian security forces in desert buffer zones since July 2. According to several sources, these centers were closed and resembled *prima facie* places of deprivation of liberty. See typology of violations - *prima facie* detention centers

67. Many people interviewed for this study referred to the «evacuation» of this group of people. The term «evacuation», according to international law, implies planned movements of people that are intended to be temporary and of an emergency nature. It is important to emphasize that in the situation studied, as shown on the map, a complex multiplicity of voluntary/forced/arbitrary displacements was reported.

68. See section «Reducing operational space to assist people on the move».

69. Several activists in the region told OMCT that people returning to Tunisia at Redeyef do so with the help of Algerian security forces.

70. Humanitarian source

Within these three travel flows, there are several groups with varying levels of **vulnerability**.

- 1- Displaced people in the buffer zones, then moved to centers of *prima facie* deprivation of liberty and IOM shelters: arbitrarily arrested after the wave of forced evictions at the beginning of July, they suffered violence in Sfax and violence amounting to torture and ill-treatment during forced displacement to the buffer zones from July 2. According to the information gathered, they were able to benefit from humanitarian assistance upon their arrival in centers of *prima facie* deprivation of liberty by the CRT and in IOM shelters⁷¹.
- 2- Displaced people in the buffer zones who have not been evacuated: arbitrarily arrested after the wave of forced evictions at the beginning of July, they have suffered violence in Sfax and torture and ill-treatment in the buffer zones to which they have been displaced since July 2. Some have benefited from emergency humanitarian assistance provided by the CRT in the buffer zones. These are the people who spent the longest time in the desert buffer zones, some for up to three weeks.
- 3- People displaced from Tunisian municipalities directly to centers of *prima facie* deprivation of liberty: arbitrarily arrested in several Tunisian towns, they suffered violence before and during their arrest. They have not been moved to the buffer zones.
- 4- New arrivals who had been pushed back and blocked in the buffer zones: returning to Tunisia at the beginning of July, they found themselves with the displaced groups from Sfax from July 2. Some of them were blocked for almost three weeks in the buffer zones, where they suffered the same violence as the displaced people.
- 5- New arrivals who have been able to return to Tunisia from Algeria or from Libya without being stranded in border areas. They have often had to endure an extremely difficult migratory experience.

The interviews conducted by the OMCT revealed that people who crossed the Libyan and Algerian borders were confronted with ongoing violence, committed by individuals and state authorities, in their country of origin and throughout their migratory journey. Most of the people interviewed for this study admitted to having helped individuals and families suffering from the after-effects of walking for days on end in the desert, including symptoms of dehydration and clear signs of physical and psychological violence.

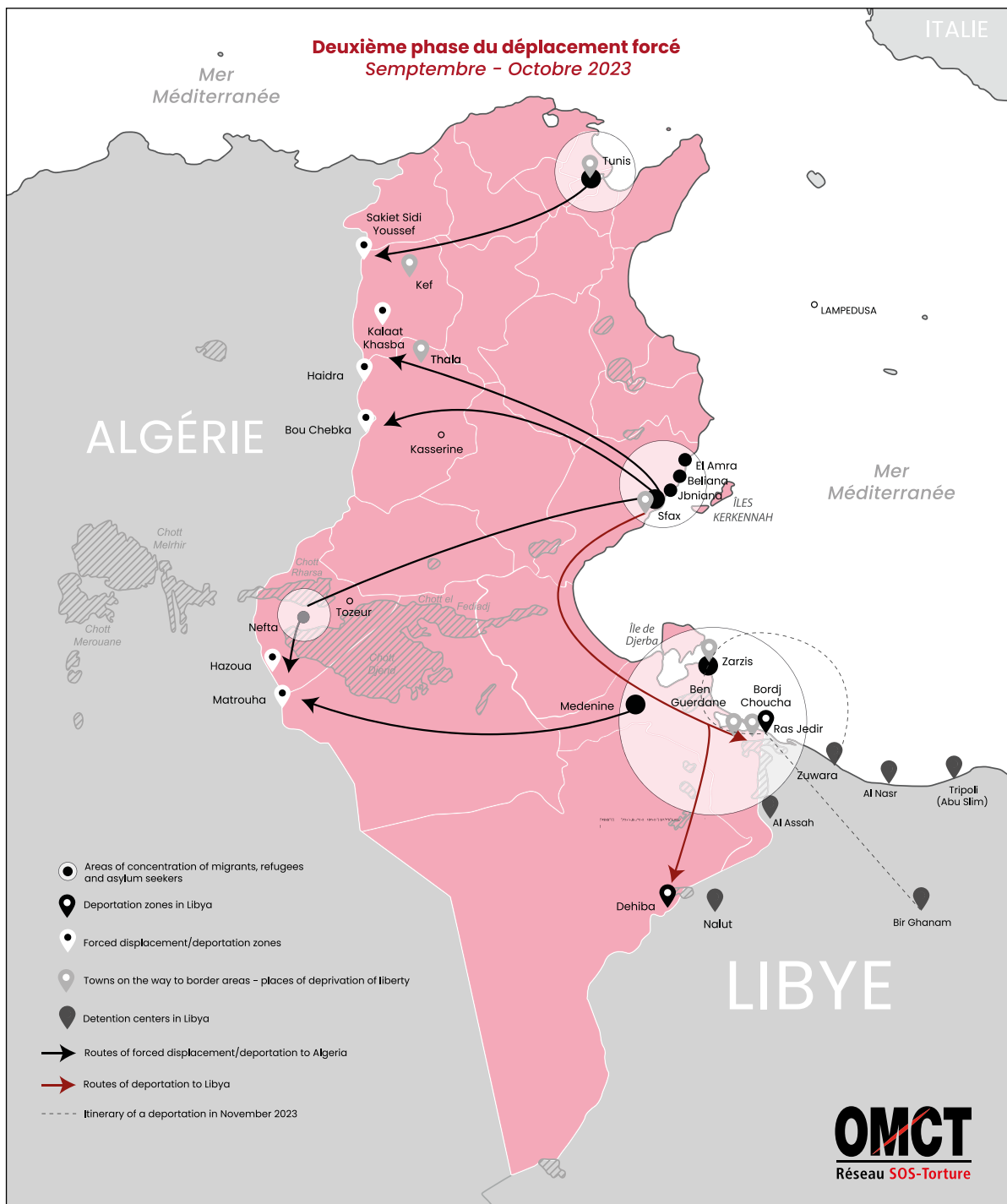
This map therefore highlights the **complexity** of the dynamic characterized by a labyrinth of forced displacements perpetrated by Tunisian security forces and the consequences of so-called “spontaneous” displacements, often the consequence of initial forced displacements.⁷² Many of the people interviewed for this study detected an incoherent and ambiguous management of this vulnerable and marginalized group by the Tunisian state, which was supposedly surprised by the refusal of Algeria and Libya to take in almost a thousand displaced people at their respective borders. The choice of a nonviable approach (forced displacement) provoked an international outcry, aggravated by the lack of cooperation with neighboring border countries and the consequent mobilization of national and international civil society.⁷³ The decision to “evacuate” part of the buffer zone with Libya was accompanied by political declarations denying any accusations of human rights violations. The forced displacements and deportations that followed were identified as signs of an ambivalent policy.

71. In Tunisia, IOM and UNHCR run fewer than a dozen small temporary accommodation centers, each able to accommodate just a few hundred people. In southern Tunisia, the various shelters can accommodate a maximum of 100 people in Médenine, 110 in Zarzis and 330 in Tataouine. These are open facilities, from which the people housed can leave freely. The US government announced additional funding of \$4.45 million for the IOM on October 3, 2023 to facilitate case management.

72. These displacements are not forced in the sense that they are not carried out by security forces - but they are also a consequence of state policy (departure points being, among other things, places of initial forced displacement).

73. OMCT complaint - Jeune Afrique, 11/07/2023

Second phase of forced displacement: September - October 2023



As mentioned above, this map reports on forced displacements and deportations of migrants, refugees and asylum seekers from the beginning of September to the end of October 2023. It also highlights the continuous flow of several hundred people returning to Tunisia every week, crossing the borders with Algeria and Libya.⁷⁴ Most new arrivals between the beginning of July and the end of October 2023 were Syrians, Somalis, South Sudanese, Sudanese and Ethiopians.⁷⁵ Concerning those pre-registered with UNHCR, a humanitarian source has confirmed a total of 8.253 persons.⁷⁶

74. Humanitarian sources

75. UNHCR, December 2023 data.

76. Humanitarian source . The increase in the number of pre-registered asylum seekers since September can also be explained by the significant drop in departures to Italy during this period.

New arrivals are concentrated in four main areas:

- 1- Ben Guerdane - Zarzis - Médenine area
- 2- The area south of Tozeur around the Nefta oases
- 3- Sfax conurbation (including Sidi Mansour)
- 4- The coastline near Jbeniana, El Amra and Beliana

During the month of September 2023, a large number of migrants, refugees and asylum seekers were already in these areas, suffering from very limited access to decent housing, food and humanitarian assistance. The interviews confirmed that the situation there remains very critical. The authorities have asked all humanitarian organizations, including CRT, to halt their assistance in these areas, while migrant people suffer daily acts of discrimination and violence. Several sources have confirmed to OMCT that the security situation around these areas has been considerably reinforced,⁷⁷ with National Guard troops moving south and the continuous presence of security force vehicles.⁷⁸

Since September, there have been several flows of forced movement:

- 1- Forced displacement from Sfax towards El Amra and Beliana, areas with a high concentration of migrants.⁷⁹
- 2- The forced displacement from Tunis, Sfax, El Amra and other towns to desert areas on the border with Algeria of people arrested in Tunisian municipalities or on the road.
- 3- Deportations to Libya and Algeria of people arbitrarily arrested on the road or in Tunisian towns (Sfax, El Amra, Zarzis, Medenine, Ben Guerdane) or intercepted at sea.
- 4- The transfer of the latter by the Libyan border guards to, among other places, the Al Assah center under their control, or to the Bi'r al Ghanam detention center, under the control of the Directorate for Combating Illegal Immigration (DCIM).⁸⁰ The individual case shown on the map illustrates this type of transfer.⁸¹

In contrast to the first phase, the second phase seems to be much more structured and is characterized by: (i) several forced displacements of hundreds of people towards El Amra in September; (ii) the multiplication of episodes of restriction of the freedom of movement of migrants, refugees and asylum seekers in a few areas; (iii) the increased limitation of the operational space for humanitarian intervention; (iv) systematic interception at sea, characterized by increased use of violence, including during the disembarkation phase; (v) several waves of deportations of migrants, refugees and asylum-seekers of different nationalities, genders and ages to detention centers in Libya carried out in coordination with Libyan security forces⁸² and to Algeria; (vi) numerous disappearances of people transferred to detention centers in Libya in the absence of any clarification from the authorities.

Leaving this already marginalized and discriminated-against group of⁸³ individuals with no options is, according to the majority of interviews, a clear strategy on the part of the Tunisian state as regards the management of displaced persons residing on its territory, in violation of all Tunisia's international obligations.

76. According to a source working in the field in Sfax, the National Guard has rented an entire hotel in Sidi Mansour to accommodate several dozen agents in order to reinforce its workforce.

77. Sources: KII 03/11, KII 16/11

78. According to a humanitarian source, before starting the «evacuation» operation that led to the forced and arbitrary displacement on September 16, the authorities gave a humanitarian organization one week to provide legal aid in downtown Sfax.

79. Source: Libyan Anti-Torture Network (LAN)

80. See section «Deportations and mass expulsions in September and October».

81. Unlike the first phase of forced displacement in July, this second phase also involved UNHCR-registered refugees and asylum seekers.

82. UNHCR provided asylum seekers with advice on the assistance available in Tunis, Zarzis and Médenine, and facilitated the transport to Tunis and Médenine of vulnerable people in need of international protection who had decided to leave El Amra.

83. Video journey to El Amra - Refugees International

EL AMRA, “AN OPEN-AIR DETENTION CENTER”

On September 16, 2023, the Tunisian authorities launched a large-scale security operation in the Sfax region to combat irregular departures by sea to Italy and arrest networks of “smugglers”. Sfax town center, where hundreds of migrants and asylum seekers had gathered between the parks and gardens lining the Place Beb Jebli, was “evacuated” and at least 600 people forcibly moved to the coastal localities of El Amra and Beliana, some thirty kilometers north of Sfax. All those interviewed confirmed that the “evacuees” had been forced into at least a dozen buses by security forces. These buses then headed for El Amra before stopping on the road, where the people were forcibly unloaded.⁸⁴ According to several testimonies from displaced people in El Amra, which OMCT was able to access, the people were told at the time of their arbitrary arrest on September 16 that they were being evacuated to Red Crescent reception centers outside Sfax. In reality, they were forcibly displaced and abandoned in a rural area without any care or shelter from government services or the CRT.

For several months, the areas around these localities have been a gathering point for people awaiting departure for the Italian island of Lampedusa. On September 18, between 4,000 and 6,000 migrants.⁸⁵ Asylum seekers and people likely to be in need of international protection were counted around El Amra, living in makeshift shelters in the surrounding olive groves. According to several sources, to combat the payment of “smuggler” networks for making a crossing, the State has blocked withdrawals of money from foreign transfers since the second week of October, exacerbating the financial precariousness of the area’s migrant population.

Several sources have informed OMCT of the heavy presence of security forces, including members of the National Guard Special Unit (USGN), the Police Rapid Intervention Brigade (BNIR) and local police officers responsible for episodes of violence against migrants since September 2023. According to two sources who visited the area, several road blockades on the main communication routes linking El Amra and Beliana to other localities were put in place in mid-September, while access to transport has remained virtually impossible for sub-Saharan migrants since mid-July. The Tunisian coastguard reportedly stepped up its presence with air support from drones and aircraft from September 14, the day after more than 7,000 migrants arrived on the Italian island of Lampedusa in two days, the majority of them from Tunisia.⁸⁶ According to most of the interviews, the vast majority of clandestine boats leaving the Tunisian coast for Italy were intercepted by the Tunisian coastguard, and many incidents of physical violence were reported during these interceptions. According to the majority of people interviewed in El Amra, interceptions at sea and arbitrary arrests around El Amra are followed by deportations to Libya or Algeria.⁸⁷ As a result, migrants, refugees and asylum-seekers gathered around El Amra are reportedly living in a climate of fear in the face of police violence, the risk of deportation, and a lack of options and prospects.

“Today, migrants in El Amra are living in terror. Everyone knows at least one person who has been deported to Libya or displaced to Algeria”

reports a source who met migrants, refugees and asylum seekers in early October in El Amra.

84. Video journey to El Amra - Refugees International

85. Source: data from a needs assessment carried out by a partner humanitarian organization on site.

86. Following this event and the increase in interceptions, the cost of crossing to Italy from Tunisia has risen unprecedentedly (from 1,500 TND at the end of August to between 7,000 and 9,000 TND currently), after having reached the lowest level since 2020 in August.

87. See the section on arrests and deportation in the chapter on the typology of violations.

88. Source: KII 03/11

2.3. TYPOLOGY OF VIOLATIONS

After analyzing the chronology, prevalence, incidence and variety of violations, this section offers a qualitative mapping of how these violations have been committed. The aim is to give a voice to the people interviewed for this study, and to denounce the level of physical and psychological suffering to which children, women, and young men have been and still are subjected.

• Housing: insecurity and forced and illegal evictions

All key informants confirmed a wave of forced and illegal evictions of migrants, refugees, and asylum seekers from their homes⁸⁹ from July 3 to the end of August 2023 in Sfax, carried out by landlords of Tunisian nationality, and ordinary civilians, particularly groups of young people. According to the victims' testimonies collected for this study, evictions were accompanied by numerous physical and psychological assaults. None of the cases documented were the result of an administrative decision, as evictions were always arbitrary and without the possibility of appeal. In Sfax, while several landlords had been condemned in court in February 2023 for abusive eviction,⁹⁰ the people interviewed confirmed that, since July, these evictions have taken place with complete impunity.

Evictees have not been offered any alternative accommodation, even though the loss of a home is a determining factor in the level of exposure to other violations, e.g. extortion, violence, theft and destruction of property and documents, even forced displacement and arbitrary detention in the event of arrest on the public highway.

At the same time, the results of OMCT interviews confirmed that from July 2023 onwards, it had become increasingly difficult for migrants, refugees and asylum seekers to find accommodation. Several associations have reported that they have witnessed very substantial rent increases, and numerous mediation processes between landlords and tenants have had to be launched. As a result, many informal settlements have sprung up, in which people live in very precarious and unfit conditions. Several interviews⁹¹ mentioned the existence of a series of abandoned sites, or sites still under construction, where evicted individuals and families are trying to find shelter: among others, a building site in Zarzis on the road to Gabès with hundreds of people, several disused buildings on the road to the airport in Sfax, a building at Lac 2 in Tunis where groups of Sudanese are housed in substandard and unsafe conditions,⁹² and informal encampments in olive groves in El Amra and in Zarzis. According to the people interviewed during the field mission in the south of the country, several sources have documented that evacuations from these informal settlements have been carried out with excessive use of force by the authorities, and that many people have been subjected to theft and threats.

89. Forced evictions can be broadly defined as the permanent or temporary eviction, against their will, of individuals, families and/or communities from the homes and/or land they occupy, without appropriate forms of legal or other protection being provided and accessible. See «Guidelines on the realization of the right to adequate housing, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context», A/HRC/43/43, March 2020.

90. Source: KII 13/10

91. Source: KII on 15/10, 03/11

92. Several of these buildings have already been used as assembly points for new arrivals before February 2023.

• Physical and psychological violence⁹³

All of the people interviewed for this study confirm that numerous acts of violence were committed by Tunisian citizens in Sfax during the first week of July, with group attacks during evictions from their homes, «manhunts,» and physical and psychological violence in the streets around gathering points for migrants, refugees and asylum seekers. Interviews and analysis of photo and video sources confirmed that the violence was accompanied by humiliating practices, with men of sub-Saharan origin being beaten and forced to chant songs and slogans in praise of Tunisia, surrounded by armed and violent civilians. Several knife attacks (such as machetes and daggers) were confirmed by the analysis of video sources. A climate of impunity reigned in the first days of July in Sfax, with daytime street attacks filmed and broadcast on social networks, even in the presence of police forces. According to people working with associations in Sfax, black people were almost systematically physically attacked at night in Sfax during the first week of July. Organizations providing care to victims reported a very high prevalence of injuries (gashes and cuts, hematomas and bruises, 2nd and 3rd degree burns⁹⁴), and up to one in two people were physically assaulted when evicted from their homes and/or in downtown Sfax, by both citizens and police forces. Numerous cases of sprains, dislocations or fractures have been recorded, often the result of victims jumping from 2nd or 3rd floor windows to flee violent assailants during evictions. OMCT's partners confirmed that at least five people of Tunisian nationality were arrested and remanded in custody at the beginning of July for acts of violence, including an alleged leader of a group of young people who led and filmed attacks targeting people from sub-Saharan Africa who were kidnapped, humiliated, and raped for several hours. Interviewees pointed out that several Tunisian citizens had been threatened and even physically assaulted after providing assistance to sub-Saharan Africans during the summer.

“After 6 p.m. in Sfax, it was like a hunt for blacks”

declares an association leader from Sfax.

This physical violence, when perpetrated on recent arrivals, affects bodies already deeply scarred. According to the UNHCR, 30% of asylum seekers pre-registering in September 2023 were suffering from injuries linked to torture and ill-treatment suffered during their migratory journeys. As the migratory routes taken by people arriving before July 2023 are more or less the same as those taken in September, it is certain that a significant number of those assaulted in Sfax in July were already suffering from the physical and psychological consequences of previous violence,⁹⁵ as well as the after-effects of a migratory journey in difficult conditions.

• Theft and destruction of property

During evictions or attacks on their homes, migrants have suffered burglary and extortion, with some testifying to having lost up to five thousand Tunisian dinars and having had their personal belongings destroyed and stolen. Most interviews confirmed that a significant proportion of apartments housing migrants have been ransacked or even set on fire in Sfax. During forced displacement to Libyan border areas or places of arbitrary detention, most interviews confirmed the destruction of their telephones, as attested by various photos, but also of their food, during the journey from the place of their arrest. Several local associations reported that sub-Saharan Africans continued to be snatched by Tunisian civilians on motorcycles in September and October, particularly in Sfax.

93. This section focuses on violence allegedly committed by citizens, while the following sections describe acts of violence allegedly committed by state authorities and non-state actors

94. These include a needs assessment carried out by an international humanitarian organization on July 8, 2023.

95. See OMCT's previous report, «Routes of Torture» (2021)

• Denial of access to care

Several associations working with migrants, refugees and asylum seekers have confirmed that during the 1st week of July in Sfax and elsewhere, some of them faced refusal of treatment in hospitals and dispensaries, particularly when they could not show identification. Refusal of treatment included serious cases such as tuberculosis infection.⁹⁶ The impoverishment of those migrants from sub-Saharan African countries who had been evicted from their homes in Sfax following in early July, and the often-related loss of their jobs,⁹⁷ further complicated their access to healthcare. They were unable to receive hygiene and healthcare kits, or sufficient food and water, before the CRT intervened on July 8. Migrants who had taken refuge in a public space opposite the Al Lakhmi Mosque were no longer able to access the sanitary facilities after they were removed by the police on July 5.⁹⁸

Denial of access to healthcare is a common feature of the various phases of forced displacement since July. During forced displacements to buffer zones, many people in urgent need of medical assistance were denied access to care.⁹⁹ Similarly, in the places of prima facie deprivation of liberty, in Sfax and El Amra since August-September, the people gathered in these areas have not been able to access sufficient care or hygiene infrastructures, despite the significant needs. In particular, migrant women and young people have specific needs in terms of sexual and reproductive health and rights, such as prenatal care, intra-partum and post-partum care, prevention and management of unwanted pregnancies, prevention and management of sexually transmitted infections, and detection and management of gender-based violence.¹⁰⁰

Daniel is a 19-year-old from Liberia. He has been living in Tunisia since the beginning of 2021. On his arrival, he suffered from a slight digestive problem, for which he took dietary precautions and adopted a careful lifestyle.

In early July 2023, during the wave of violence in Sfax, Daniel's personal situation deteriorated. Homeless and no longer benefiting from community support, his health deteriorated rapidly, manifesting itself in malaise characterized by generalized oedema, as well as nephrological and digestive problems. Following these symptoms, he went to hospital in Sfax.

Arriving in the emergency department, Daniel was initially confronted with the absence of English-speaking staff. This language barrier made it difficult for the nursing staff to understand his medical situation, and created a sense of isolation for Daniel. Deprived of any income following the events of early July, Daniel was unable to pay the medical expenses requested. As a result, the nursing staff refused to provide care, and Daniel was unable to access the necessary treatment. He then sought the help of civil society, which provided essential support by facilitating the necessary medical examinations and covering the costs of his treatment.

Testimonial collected by a partner organization.

96. During an interview on 06/10, an activist reported the case of three men infected with tuberculosis in Tunis in the spring. After being refused treatment, they were finally hospitalized. One of the three died in hospital, having been treated too late.

97. A wave of redundancies has affected workers from sub-Saharan Africa since February 2023. Multiple interventions by the Tunisian labor inspectorate at the instigation of the executive branch, and other pressures on employers, have left many migrants without a source of income ever since.

98. Police reportedly evacuated the mosque, forcing around a hundred people taking refuge there to move to Beb Jebli and the Sea and Child Garden. Access to the mosque's sanitary facilities became impossible from that date.

99. See section: Living conditions in border buffer zones

100. See section «Victim profile - level of vulnerability».

• Arbitrary arrests

According to the interviews conducted for this study, migrants, refugees and asylum seekers have been arbitrarily arrested and then alternately:

- I. Arbitrarily and forcibly displaced to borders
- II. Forcibly confined in prima facie detention centers
- III. Remanded in custody
- IV. Deported to Libya and Algeria

This paragraph examines the waves of arrests I and II.

Tunisian law provides for the expulsion of foreigners whose presence on Tunisian territory constitutes a threat to public order, on the basis of administrative decisions taken by the Ministry of the Interior.¹⁰¹ If the foreigner infringes the rules governing entry and residence in Tunisia, or has committed other related offences, he or she will be subject to criminal prosecution.¹⁰² The Penal Code also provides for the possibility of a «ban on residence» as an additional penalty for certain offences committed by foreigners.¹⁰³

The cases of arrest documented in this study do not fall into either of the two scenarios provided for under Tunisian law.¹⁰⁴ A terminology box clarifies the international standards of arbitrary arrest and detention used in this report.

In contrast to the February-June 2023 period, key informants did not confirm the forced confinement of migrants, refugees and asylum seekers in the Al-Wardia (or El Ouardia) “reception and orientation center” in Tunis, which operates as an unofficial administrative detention center.¹⁰⁵ The recently reopened center at Ben Guerdane, in south-eastern Tunisia, appears to be operating for this purpose today, according to the people interviewed for this study. OMCT was unable to verify the existence of other similar facilities, although several people interviewed for this research mentioned other places of a similar nature.

101. People must be notified in writing of the reasoned expulsion order in a language they understand and, under international law, must be able to challenge the legality of this administrative decision. In addition, the law on foreigners allows migrants subject to expulsion orders to be placed under house arrest pending deportation, but house arrest does not mean detention.

102. Those accused of committing a misdemeanor, felony or infraction will then be arrested in flagrante delicto or on the basis of a warrant, placed in police custody, brought before a prosecutor before being dismissed, prosecuted or remanded in custody.

103. See art. 18, article 23 et seq. of law no. 1968-7 of March 8, 1968, and art. 50 of law no. 2004-6 of February 3, 2004, amending law no. 75-40 of May 14, 1975, on passports and travel documents.

104. Migration to and from Tunisia is governed by the «Law regulating the entry and stay of foreigners» adopted in 1968 and its implementing decree, and the «Law on passports and travel documents» adopted in 1975 and amended in 2004. Another relevant piece of national legislation is decree no. 2017-1061, setting the rates for chancery fees, and the decree on exemptions for foreign students. Tunisia explicitly criminalizes irregular migration for both foreigners and Tunisian nationals. Penalties are imposed for the unauthorized departure of both nationals and non-nationals. There are also fines and prison sentences for non-citizens who enter or leave the country without authorization or documentation, as well as fines and prison sentences for non-citizens who use false documents or provide inaccurate information.

105. OMCT, Note on arbitrary detention at the El Ouardia migrant detention center, March 2023

FIRST WAVE OF ARRESTS - TOWARDS THE BORDERS (07/03 UNTIL 3RD WEEK OF JULY 2023)

Most of the interviews confirmed that several migrants, refugees and asylum seekers were arrested by security forces during the first week of July. These arrests followed a wave of forced and illegal evictions from their homes. All interviews confirmed that the majority of those arrested were from sub-Saharan African countries. The majority of interviews confirmed that these arrests were carried out arbitrarily, without notification of the reasons for the arrest, without informing the consular authorities of the country of origin, without police custody procedures and without opening an investigation. According to the people interviewed for this study, most of those arrested passed through police stations in the towns where they were arrested, then on to «staging» towns (Médenine, Ben Guerdane, Gafsa among others), before moving on to the border areas.

SECOND WAVE OF ARRESTS - TO *PRIMA FACIE* DETENTION CENTERS (07/10 UNTIL 3RD WEEK OF JULY 2023)

All interviews confirmed that during the month of July, dozens of people from sub-Saharan Africa, regardless of their legal status,¹⁰⁶ were arrested in the middle of the day, in the street in several towns and areas, and moved to prima facie detention centers. According to several sources, some have reported being arrested and detained for several hours in police stations. During an interview, a source who was able to enter the Tejra hangar¹⁰⁷ in mid-July reported to OMCT that a man of Ivorian nationality had been arrested in the street by the police in Zarzis, his place of residence, on his way to the pharmacy one afternoon. Not having been notified of the reason for his arrest by the officers, nor having been able to benefit from legal assistance, he was forcibly moved in a police vehicle to Médenine. Arriving at the Tejra hangar on the road to Gabès, he was arbitrarily deprived of his liberty, without being able to lodge an appeal.

“We’re used to arrests based on the color of our skin,”

says an association leader involved in legal aid for migrants, refugees and asylum seekers.

THIRD WAVE OF ARRESTS - TOWARDS THE BORDERS (FROM MID-SEPTEMBER)

Waves of arbitrary arrests in areas where migrants are concentrated, or following interception at sea, since September, have led to arbitrary and forced displacements as well as to deportations to the borders with Libya and Algeria. This third wave is analyzed in the sections “Arbitrary and forced displacement within Tunisian territory, including border areas» and «Land and sea border crossings: dehumanizing practices.”

106. Guidelines on criteria and standards applicable to the detention of asylum seekers and alternatives to detention, UNHCR
107. See box «Prima facie detention centers».

ARBITRARY ARRESTS AND DETENTIONS

The right to liberty is a fundamental right. Detention is an exceptional measure which can only be ordered under certain conditions laid down by international law, namely respect for the principles of legality, necessity and proportionality. These conditions are cumulative. Thus, detention may be authorized by national law, and therefore legal under national law, but be considered arbitrary because it does not meet the requirements of necessity and proportionality.

Arbitrary detention is defined in international human rights law as follows:¹⁰⁸ has adopted specific criteria which it uses when examining the cases referred to it. According to the Working Group, deprivation of liberty is arbitrary if a case falls into one of the following five categories:

- **Category I** : when it is manifestly impossible to invoke any legal basis whatsoever to justify the deprivation of liberty (e.g. continued detention of a person who has served his or her sentence or who is subject to an amnesty law).
- **Category II** : when the deprivation of liberty results from the exercise of rights or freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as the States concerned are parties to the International Covenant on Civil and Political Rights, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of that instrument.
- **Category III** : when the total or partial non-observance of international standards relating to the right to a fair trial, set out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to render the deprivation of liberty arbitrary.
- **Category IV** : when an asylum seeker, immigrant, or refugee is subjected to prolonged administrative detention with no possibility of administrative or judicial review or appeal.
- **Category V** : when the deprivation of liberty constitutes a violation of international law in that it results from discrimination based on birth; national, ethnic or social origin; language; religion; economic status; political or other opinion; sex; sexual orientation; disability or any other status, which tends or may lead to disregard of the principle of equality of human rights.

108. OHCHR, Working group on arbitrary detention

• Failure to respect procedural guarantees

All the people interviewed during this research, as well as the cases documented by OMCT and its partners, confirmed that the arbitrary arrests of migrants, refugees, and asylum seekers since July have never complied with national and international standards on respect for procedural guarantees and due process. According to the interviews, those arrested have never been able to challenge before a judge the reasons for their arrest followed by deprivation of liberty, have not been able to access consular assistance and have not benefited from the assistance of a lawyer; the reason for and duration of their arrest has not been specified; non-Arabic speakers have not been able to benefit from translation during their deprivation of liberty. According to several key informants working in the field of legal aid, the failure to respect procedural guarantees, particularly those provided for foreigners, has been accompanied by practices of extorting confessions. In this way, police forces take advantage of the balance of power in their favor, people's lack of knowledge of their rights and the absence of interpreters to extract confessions of complicity in human trafficking operations and participation in criminal networks, among other things.

On the other hand, the special needs of vulnerable populations (children, pregnant women, people requiring medical and psychological assistance) have not been considered and guaranteed by the authorities. Those interviewed as part of this research confirmed that while, during the period February-June 2023, most detentions were based on the illegal entry and illegal stay of foreigners very often undocumented and without residence or entry permits, an increase in arrests and detentions based on discrimination was reported from July onwards. The frequent use of preventive detention for migrants, refugees, and asylum seekers has been confirmed by all OMCT partners offering legal support to migrants.

“The decision to detain is immediate and arbitrary, with very little justification”

says a legal aid specialist.

• Confiscation of legal and civil documents during arrest, police custody and preventive detention

Several OMCT legal aid partners have reported that most migrants who have completed their detention period¹⁰⁹ have denounced the police for confiscation of their legal and civil documents, including passports. It was also reported that the legal status and intentions of migrants, refugees, and asylum seekers played no role in the protection of people on the move: refugee/asylum seeker cards do not guarantee protection, with the level of familiarity of security forces and judges with the international protection regime and the UNHCR mandate being decisive.¹¹⁰

108. The detention period ranges from 1 to 3 months for illegal entry and residence.

109. According to a prosecutor consulted, the HCR card has no legal value. It is also important to note that from July onwards, the judiciary played no role in the wave of arrests and forced displacement.

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According to all those interviewed during this research, the vast majority of people forcibly displaced in July 2023 to buffer zones and prima facie centers of deprivation of liberty had their identity papers and legal documents (passports, residence permits, UNHCR cards, birth certificates) confiscated or even destroyed at the time of arrest or transportation to the places of forced displacement. OMCT has had access to numerous photos of torn passports on the identity information page. This practice of confiscation and destruction has very serious consequences for people in mixed migration flows who are eligible for international protection according to their country of origin, or who wish to settle in a third country. Access to registration and identification is not only a prerequisite for the exercise of rights such as freedom of movement, the right to health, education and political participation, but also a prerequisite for access to basic services.¹¹¹ Identity documents are essential for accessing decent jobs, guaranteeing a more stable life and acquiring sufficient economic strength to secure a livelihood. Without registration of vital events, displaced people face considerable and lasting challenges, risking statelessness, and threatening their ability to register births, marriages, and deaths.

Several activists have also reported that DNA samples have been taken in public places during unannounced identity checks, outside any legal framework, as well as during arrests. It has also been reported that a significant number of migrants continue to receive summonses to appear before the Ministry of the Interior's General Directorate of Borders and Foreigners (DGFE), without any official notification and without the person being informed of the reasons¹¹².

• Arbitrary deprivation of liberty

On July 10, 633 people forcibly displaced and abandoned in the buffer zones north of the Ras Jedir border post were forcibly displaced again, from the border areas with Libya to Ben Guerdane and then Médenine.¹¹³ Various interviews confirmed that the National Guard coordinated this "evacuation"¹¹⁴ to Ben Guerdane and then Médenine with the CRT, where the people were unloaded in a public square. The security forces then sorted out those who had been taken in by the International Organization for Migration in its Zarzis and Médenine shelters, and those who had been moved to places presumably managed by the CRT.¹¹⁵ By July 22, a total of 750 people had been moved from border areas to Medenine, and distributed between the various prima facie places of deprivation of liberty set up by the Ministry of the Interior and managed with the CRT, and IOM for vulnerable people or those awaiting assisted voluntary return and reintegration assistance.¹¹⁶ The presence of National Guard agents in some of these centers of deprivation of liberty is attested to by photographs and by people who have visited these places and been interviewed by OMCT. The closed nature of most of these places and the consequent difficulties in getting out have been confirmed by several sources. These various centers are not designed for the reception and accommodation of people, and living conditions are therefore very precarious, even unhealthy.¹¹⁷

From mid-September onwards, during the second phase of forced displacements and deportations (see section 2.2), Tunisian security forces used various centers of deprivation of liberty as a stage prior to forced displacement or deportation. Several human rights organizations,¹¹⁸ as well as activists

111. 1948 Universal Declaration of Human Rights, articles 6 and 15; 1951 Convention relating to the Status of Refugees, articles 25 and 27; 1954 Convention relating to the Status of Stateless Persons, articles 25 and 27; 1961 Convention on the Reduction of Statelessness, articles 1-4; 1965; 1969 International Convention on the Elimination of All Forms of Racial Discrimination, article 5(d)(iii); 1966 International Covenant on Civil and Political Rights, article 24; 1979 Convention on the Elimination of All Forms of Discrimination against Women, article; 1989 Convention on the Rights of the Child, articles 7-8; 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 29; 2006 Convention on the Rights of Persons with Disabilities, article 18.

112. Such practices have already been documented in 2021. See AESAT press release on «arbitrary arrests of sub-Saharan students and trainees in Tunisia», 06/02/2022

113. Source: KII with humanitarian organizations.

114. «Evacuation: the term implies planned movements of people that are intended to be temporary (and have an emergency character).» David James Cantor, «Conceptualising «Relocation» Across Displacement Contexts», *Journal of international humanitarian legal studies* (2023) 1-29

115. The UNHCR subsequently intervened in these centers to identify and release people seeking asylum or wishing to apply for asylum.

116. Source: interviews with humanitarian organizations.

117. According to interviews with migrants, refugees and asylum seekers accommodated in UNHCR and IOM centers, these centers do not respect their right to an adequate standard of living. They are said to be overcrowded, with poor living and hygiene conditions. On the other hand, IOM and UNHCR rent out emergency accommodation when the shelters are full, and pay monetary assistance to these beneficiaries. However, it can take a long time to find a place, and the very limited aid available is insufficient to meet the needs of the people concerned.

118. Tunisia: African migrants intercepted at sea and deported | Human Rights Watch (hrw.org)

interviewed by OMCT,¹¹⁹ have denounced the recurrent use of National Guard bases (in Ben Guerdane, Tahla, Bordj Choucha) and police stations (Sfax, Gafsa, Kef). Displaced people are taken there from the place of their arrest, then arbitrarily deprived of their liberty for several hours or days, before being relocated to desert areas or even deported to Libya.

CENTERS OF PRIMA FACIE DEPRIVATION OF LIBERTY ESTABLISHED IN JULY 2023

Depot Tejra (Médenine plant) - active until 29th July 2023¹²⁰¹²¹

- Reception of the first groups displaced from the desert on July 11, serving as a sorting and orientation center for other centers and IOM hostels. In mid-July, 81 people were present, some of them displaced to the buffer zones in early July and others arrested in Zarzis. Presence of legal migrants, refugees and asylum seekers.
- Presence of at least three National Guard agents in front of and inside the building, Red Crescent and IOM.¹²²
- Variable freedom of movement in July, very difficult accommodation conditions with temperatures rising to 50°, insalubrious conditions and only one toilet with an insufficient number of mattresses on the floor.

Médenine youth center - active in July 2023

- Presence only of people awaiting assisted voluntary return and reintegration (AVRR) by IOM, 35 people including 27 young men (some of them minors) of Gambian nationality.¹²³
- Venue managed by CRT with logistical support from IOM
- Freedom of movement, decent living conditions

Lycée de Tamarza - active from July 13 to the fourth week of August 2023

- Presence of displaced persons in the desert at the beginning of July, then people arrested in Sfax and other towns in mid-July. 49 people in early August, some of whom had arrived regularly in Tunisia and still had legal three-month visas.
- Presence of at least five National Guard and Red Crescent agents inside.
- Impossible to leave the building, limited access to hygiene, less than an hour a day for outdoor activities in the courtyard. The center has a kitchen with dedicated staff to serve three meals a day. A volunteer doctor provided medical assistance.

119. Sources: KII 18/10, KII 03/11

121. This location was used in August as a first reception center run by CRT for people newly arrived from Libya. OMCT has been unable to prove that this location was closed in August. Persons in need of international protection were referred by CRT to UNHCR for registration and assistance in accordance with regular UNHCR programs.

122. IOM went to these places to conduct initial interviews with the people and understand their situation and need for assistance, without however ensuring a constant presence, in line with their policy of not working in closed centers.

123. The Gambian consul was on hand to check on the condition of his nationals and speed up the process of obtaining a pass to facilitate their return to their country of origin.

Remada boarding school - active from the second week of July to the end of July 2023

- Presence of displaced persons - quickly evacuated. Presence of 43 people not wishing to apply for IOM Assisted Voluntary Return and Reintegration (AVRR), including nine women and three children, two of them unaccompanied.
- Presence of the CRT.
- It was possible to get out, but the heavy military presence in the vicinity was a deterrent. The geographical isolation of the site in an extremely deserted area made travel impossible.

Kebili boarding school - active for almost a month from the second week of July 2023

- 48 people present, including two pregnant women and a child.
- At least five National Guard and Red Crescent agents were present in front of the building.
- Possibility of going out to do some shopping. No access to water in the center, dilapidated conditions.

Lycée Ikbir de Medenine - active for a few days from July 10, 2023

- Used during the first forced displacements from the border buffer zones to central Tunisia during the "evacuation".
- Emptied in mid-July following the transfer of persons deprived of their liberty to other above-mentioned locations.
- Presence of the National Guard, impossible to leave the premises.

• **Arbitrary and forced displacement within Tunisian territory, including border areas**

Section 2.3. on the geography of displacement examined the different waves and directions of forced/arbitrary/voluntary displacement during the period under study. This section, on the other hand, looks at the qualitative aspect of these movements and examines displacements within Tunisian territory (including to border areas with Libya and Algeria), analyzing living conditions during these transfers.

International human rights law guarantees the right to freedom of movement and residence.¹²⁴ The right not to be arbitrarily displaced implies: a) the prohibition of arbitrary displacement; b) the obligation of the authorities to prevent arbitrary displacement. As the Human Rights Committee explains in relation to the right to life,¹²⁵ "the notion of 'arbitrary' should not be confused with that of 'contrary to law', but should be interpreted more broadly, encompassing elements relating to the inappropriate, unjust and unforeseeable nature of the act in question and to the principle of legality, as well as considerations

124. International Covenant on Civil and Political Rights, article 12. Under international human rights law, the prohibition of arbitrary displacement is implicit in provisions relating to the right to freedom of movement and residence, the right not to be subjected to arbitrary measures in one's own home, and the right to adequate housing.

125. Human Rights Committee, General Comment No. 36 (2018), para. 12. «the notion of 'arbitrariness' should not be confused with that of 'contrary to law', but should be interpreted more broadly, as encompassing elements relating to the inappropriateness, unfairness and unpredictability of the act targeted and the principle of legality as well as considerations of reasonableness, necessity and proportionality.»

of reasonableness, necessity and proportionality.” The lawfulness of the move does not determine whether it is authorized or arbitrary. This question must be decided in the light of international law, with regards to the four main criteria: 1) the reasons for the displacement, 2) the principle of legality, 3) the guarantees to be respected during the displacement, and 4) the duration of the displacement.¹²⁶

As illustrated by the maps in section 2.2 of this study, several phases of forced displacement have taken place since July. According to the people interviewed, the displacements were carried out:

- With buses from the Sfax public transport company to the border with Libya and Algeria¹²⁷ carrying between sixty and a hundred people per bus, framed by security forces and driven by drivers from the Sfax bus company.¹²⁸ According to interviews, these buses passed through several different security force bases, where the people on board were subjected to violence, before being moved into the desert.
- With police vans, to “staging” towns before the border areas, places of prima facie deprivation of liberty, migrant concentration zones (El Amra).
- National Guard 4x4 vehicles were used to move small groups along the Libyan and Algerian borders. These convoys involved groups of around twenty people each time.

Several association leaders reported that the security forces justified their arrests and displacements to those arrested either by the need to “protect” them from the risk of violence committed against them by citizens, and said they were taking them to hotels or CRT accommodation centers to “shelter them until calm returns.”¹²⁹ On the contrary, all those interviewed confirmed that the groups arrested in the first week of July had been moved to the border buffer zones with Algeria and Libya, and that the groups moved from Sfax to El Amra had been abandoned far from inhabited areas, in rural zones and with very limited access to services.

Most of the people interviewed for this study pointed out that some displaced groups spent up to twelve hours in buses in July, the latter being blocked before certain roads were cleared and the sand cleared so that they could get as close as possible to the borders. National Guard agents were reported to have followed them to the border ditches (dug by the border guards to prevent the passage of smugglers’ vehicles), forcing them to disembark and then re-embark on the other side. Most of the people interviewed about these episodes confirmed that Tunisian forces maintained a presence during the night to prevent any return towards the interior of the Tunisian territory.

Displacement - even when it takes place within the borders of the same state (internal displacement) - forcibly deprives people of their homes, land and possessions, disrupts their livelihood strategies and breaks their social ties, leaving them among “host populations that are often suspicious of them or directly hostile.”

126. UN A/76/169. For arbitrary and forced internal displacement, international human rights frameworks on internal displacement are an essential point of reference. Drawing on international human rights law (IHRL) and international humanitarian law (IHL), the Guiding Principles on Internal Displacement (1998) reaffirmed and clarified international legal obligations applicable to situations of internal displacement, explicitly stating a general prohibition on arbitrary displacement and providing a non-exhaustive list of situations in which displacement would be arbitrary. Principle 6: 1. Every human being has the right to be protected against arbitrary displacement from his or her home or place of habitual residence. 2. The prohibition of arbitrary displacement includes displacement: (a) when it is based on policies of apartheid, «ethnic cleansing» or similar practices aimed at or resulting in a modification of the ethnic, religious or racial composition of the affected population; (b) in situations of armed conflict, unless the security of the civilians concerned or imperative military reasons so demand; (c) in cases of mass population displacement, within or outside a country; (c) in the case of large-scale development projects, which are not justified by overriding and compelling public interests; (d) in the event of a disaster, unless the safety and health of those affected require their evacuation; and (e) when it is used as collective punishment. 3. Displacement must not last longer than circumstances require. See also «Making Arbitrary Displacement a Crime: Law and Practice», UNHCR and Global Protection Cluster (2022) for an overview of the main international treaties, obligations and standards dealing with arbitrary displacement.

127. Source: KII 26/09

128. Source: KII 26/09

129. Words of security guards, reported by third parties interviewed by OMCT

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Displacement - even when it takes place within the borders of the same state (internal displacement) - forcibly deprives people of their homes, land and possessions, disrupts their livelihood strategies and breaks their social ties, leaving them among "host populations that are often suspicious of them or directly hostile."¹³⁰

"Medenine used to be a very welcoming place for migrants and refugees. After this summer, with new waves of forced displacement, you can feel the tensions with the host community."

Interview with an organization based in Medenine.

• The land and sea border crossing: dehumanizing practices

As mentioned in a recent report by the Special Rapporteur on the human rights of migrants,¹³¹ the scale of loss of life and suffering at international borders, both on land and at sea, testifies to the increasingly widespread use of dehumanizing border management tactics.

Non-refoulement is a concept which prohibits states from returning an individual to territories where his or her life or freedom may be threatened on account of race, religion, nationality, membership of a particular group, or political opinion.¹³² The **expulsion or deportation** of any individual, where there is a real risk of torture or other ill-treatment in the state to which he or she will be returned, is formally prohibited under international human rights law. The prohibition of refoulement under customary international law shares the jus cogens and erga omnes character of the prohibition of torture.¹³³ Under Article 3 of the Convention against Torture: "*No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.*" In General Comment No. 4 (2017), the UN Committee against Torture stresses that the principle of non-refoulement referred to in the Convention against Torture must be applied without any form of discrimination, regardless of an individual's legal status under national law.¹³⁴

130. David James Cantor, «Conceptualising «Relocation» Across Displacement Contexts», Journal of international humanitarian legal studies (2023) 1-29

131. Violations of human rights at international borders: trends, prevention and accountability, Report of the Special Rapporteur on the human rights of migrants, 2022.

132. Article 33(1) of the Convention on the Rights of Refugees, 1951.

133. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Interim Report submitted to the General Assembly, (2004) UN Doc. A/59/324, §28; see also Interim Report submitted to the General Assembly, (2005) UN Doc. A/60/316.

134. Committee against Torture, General Comment No. 4 (2017) on the application of article 3 of the Convention in the context of article 22, CAT/C/ GC/4, September 4, 2018, §10.

Push back and pull back operations in July and August

All the interviews confirm that “*push back*” and “*pull back*” operations on the Tunisia-Libya and Tunisia-Algeria borders took place on numerous occasions in July and August and agree that these operations were carried out with violence that may constitute acts of torture and ill-treatment.

On the border with Libya

On the border between Tunisia and Libya, analysis of videos taken by displaced persons confirmed that Tunisian security forces have used vehicles, mass tear-gas canisters (potentially causing the death of one man by asphyxiation, according to several sources), and warning shots, to scare people trying to return to Tunisian territory or to push them towards Libyan territory. Two sources working in direct assistance to victims near the Libyan border told OMCT that they had met at least two displaced people with bullet wounds in the buffer zones.¹³⁷ According to a source who was able to enter the buffer zone in mid-July, soldiers present north of Ras Jedir repeatedly threw stones in the direction of displaced groups to make them move back towards the Libyan border as far as possible. Several eyewitness accounts attest to beatings inflicted by border guards on displaced persons in these areas during attempts to leave the buffer zone, as well as death threats. During one such attempt a woman received blows to the jaw from Tunisian officials resulting in the loss of several teeth, according to the testimony of a victim treated by OMCT in early July. At the Ras Jedir border crossing, analysis of video sources showed that anyone approaching Tunisian security personnel was beaten with sticks and blunt objects to make them back off.

However, the majority of those interviewed were unable to confirm whether Tunisia had carried out deportations of migrants and refoulement of refugees to Libya during July 2023.¹³⁸ As the areas are militarized and therefore inaccessible, it is impossible to know clearly whether and how many people would have crossed the border, and whether they did so because of the deplorable living conditions or whether Tunisian forces forced them to cross the border by force. Nevertheless, it is clear that Tunisian security forces have attempted to deport people arrested in Tunisia directly to Libyan territory. On July 20, for example, according to an humanitarian source, a military truck driven by three Tunisian border guards and carrying around fifty migrants was intercepted on Libyan territory by a Libyan border guard patrol and driven back to the border. Many of those interviewed confirmed that it was likely that other operations like this had been carried out. In any case, the presence of migrants and asylum seekers arrested in Sfax at the beginning of July, in Libyan detention centers (notably Al Assah and Zuwara) from July 13, is confirmed.¹³⁹

135. Sources: KII on 09/15, 09/19, 09/21, 09/26, 09/28, 10/05, 10/07, 10/13, 10/18

136. See the section on torture and ill-treatment below.

137. Sources: KII le 16/10, le 18/10

138. Many interviewees refer to forced displacement as «deportation». However, OMCT was unable to confirm any cases of deportation in Libya in July, with forcibly displaced people abandoned in border areas and forced to cross the border on their own, albeit under threat from security forces. Deportation implies the actual crossing of an international border by sending a person back to a third country.

139. Source: humanitarian organization operating in Libya.

On the border with Algeria

“If you come back to Tunisia, you’ll die”

a Tunisian security guard at the Algerian border told a forcibly displaced person.¹⁴⁰

The situation in Algeria is much more opaque, with little information having filtered through. Some witnesses have confirmed collective deportations to Algeria, even during the month of July. Witnesses have reported the refoulement of displaced or expelled groups several times in the space of a few days by Tunisian and Algerian security officers since July.¹⁴¹ These interceptions followed by expulsions concern small groups, which have disintegrated over time and days of marching through the desert in search of an entry point to resume their journey towards eastern Tunisia. According to humanitarian sources, several groups spent up to a month crossing the borders to enter Tunisia via the Ghardimaou delegation in Jendouba. Other testimonies collected by partner organizations report journeys on foot of several hundred kilometers along the borders to reach Tunis via Kef.

“It’s like ping-pong between Tunisian and Algerian forces”

says a journalist interviewed by OMCT.¹⁴²

Several interviews confirmed that people forcibly displaced by Tunisian forces have also been violently turned back by Algerian security forces during border interceptions of displaced groups, with warning shots, death threats, beatings and injuries. Some associations even consider that the intensity of the violence perpetrated by Algerian security forces is disproportionate to that inflicted by Tunisian forces. Humiliation practices were allegedly used against groups intercepted coming from Tunisia, accompanied by physical and psychological violence and other ill-treatment (such as being forced to drink dirty water or sing and dance while chanting pro-Algeria slogans), as well as extortion, before these groups were expelled to Tunisia in a violent manner (warning shots were fired to make them cross the borders).

Deportations and mass expulsions in September and October 2023

On the Libyan border

According to several interviews and victims’ testimonies collected by OMCT, Tunisian security forces began deporting dozens of migrants, refugees and asylum seekers every week from mid-September onwards to Libya.¹⁴³ Some episodes involve up to several hundred people at the same time. According to several heads of international organizations and activists, these deportations mainly concern people intercepted at sea during attempts to leave for Italy and those suspected of having left clandestinely. Sources who met displaced persons in September, and relatives of those deported, told OMCT that when intercepted at sea by the National Maritime Guard, people are disembarked at the port of Sfax

140. Comments reported to OMCT by a partner organization

141. Sources: KII 28/09, KII 13/10

142. Source: KII on 28/09

143. Several key informants have stated that the Derna disaster on September 10, 2023 may have been a trigger for this new strategy of deportation to Libya. The August 9 agreement between Libya and Tunisia on the distribution of migrants in border areas could have been updated in mid-September following the improvement in Tunisian-Libyan relations after Tunisia’s show of solidarity with Libya.

and arbitrarily detained, before being forced into vehicles heading for southern Tunisia. Eyewitness accounts tell of several hours spent at the port, outdoors, before being handcuffed in the buses used for deportations. These deportations to Libya would also concern people arrested by the police and the National Guard in El Amra, on the road between Ben Guerdane and Zarzis, in the town center of Zarzis and Médenine, in the outskirts of Sfax. They indiscriminately affect refugees and asylum seekers, as well as regular or irregular migrants of various nationalities. Unlike the arbitrary and forced removals in July, these deportations are said to be coordinated between the Tunisian and Libyan authorities, *in particular Stability Support Apparatus*¹⁴⁴ depending on the number of places available in certain Libyan detention centers¹⁴⁵ According to several interlocutors active in southern Tunisia, those deported to Libya would first be held in at least one “holding center” in Ben Guerdane, a wing of a former National Guard barracks rehabilitated in 2013 to temporarily house migrants and refugees from the Choucha camp¹⁴⁶ Convoys would be made up of several National Guard cars and buses, transporting up to a hundred people to the Libyan border in the middle of the night, where they would be handed over to the Libyan authorities or militias. Video testimonies and interviews have reported the presence of people deported from Tunisia to the Libyan detention centers of Al Assah, Nalut, Al Nasr, Abu Slim, Bi’r al Ghanam and Zuwara. The collaboration of the Tunisian authorities with networks of smugglers to carry out these deportations since September was also mentioned by several interlocutors.

Deportations and push-backs to Libya could imply a responsibility for the Tunisian state, given that violations committed in Libya are widely documented and known in national and international reports.¹⁴⁷ According to interviews conducted with partner organizations of the anti-torture network in Libya, migrants deported to the Libyan border may face one of three situations: i) they may be transferred by the Stability Support Apparatus to the Al-Assah center near Nalut, controlled by the border guards; ii) they may be transferred to the Bi’r al Ghanam detention center, under the control of the DCIM; iii) they risk being abducted by organized criminal groups active in human trafficking. From interviews and direct assistance provided through the anti-torture network in Libya (LAN), OMCT understands that the bilateral agreement between Tunisia and Libya provides for the refoulement to Libya only of migrants who have left Libya by crossing land or sea borders.

In November 2023, anti-torture network partners in Libya were able to document the release of 17 people from the Bi’r al Ghanam detention center. These people, of Palestinian and Syrian nationality, had all entered Libya regularly and were recognized as refugees in that country. The 17 attempted to leave Libya from Zuwara by boat to the Italian coast; once intercepted by the Tunisian authorities in Tunisian territorial waters, they were disembarked on Tunisian territory by the coastguard. After passing through Ben Guerdane, they were returned to Libya, where they were placed in the Bi’r al Ghanam detention center. Their route is shown on Map 3 which illustrates the second phase of forced displacement and deportation from September 2023.

144. The Stability Support Apparatus (SSA) is a militia created in 2021 by the Libyan state, charged with various missions in support of the Libyan security forces, and notably manages the unofficial Al Mayah detention center. It is allegedly responsible for a number of human rights violations, including torture and other ill-treatment of migrants. See <https://www.omct.org/en/resources/statements/libya-protect-migrants-refugees-asylum-seekers-from-torture-and-ill-treatment>

145. Sources: KII 18/10 and 03/11

146. This camp, created in 2011 during the first Libyan civil war 25 kilometers from Ben Guerdane, was dismantled in 2017.

147. OHCHR, Independent Fact-Finding Mission on Libya

On the Algerian border

Since September 2023, several times a week, groups of between twenty and one hundred people have been deported to Algeria from Tunis, Sfax and El Amra following collective expulsions and forced and arbitrary arrests. At the same time, several groups have been deported following interceptions at sea along Tunisia's south-west coast since mid-September. Several sources have confirmed that Tunisian security forces are using both official vehicles and buses to transport those arrested directly to the Algerian border. It has also been confirmed that Tunisian forces continue to arrest people entering Tunisia from eastern Algeria and forcibly displace them back to the border. It is currently impossible to confirm whether these cases involve deportation or forced displacement to militarized desert areas. Several organizations have reported that migrant smuggling is quite common on the border between Algeria and Tunisia, and that networks of smugglers and traffickers operate with the support of certain members of the Tunisian and Algerian border authorities.

As a result of tighter controls on the usual routes, migrants have been forced to take more dangerous routes to avoid refoulement, such as crossing the Chaambi mountains, according to humanitarian sources in Sbeitla and Sidi Bouzid. People passing through these areas are said to be victims of daily attacks perpetrated by criminals whom some refer to as the "Kasserine mafia". Cases of sexual violence have also been reported.¹⁴⁸

• Violence during interception at sea and disembarkation¹⁴⁹

In the absence of safe and legal migration pathways, migrants, refugees, and asylum seekers continue to resort to dangerous journeys by sea in many parts of the world, including the Mediterranean. To travel by sea, people on the move are often forced to use «smugglers», in many cases exposing themselves to the risk of becoming victims of human trafficking, being kidnapped for ransom, or suffering inhuman and degrading treatment.¹⁵⁰ Although this study did not focus on the different types of violations carried out at sea, this section aims to provide an overview of the accounts of violence suffered during sea journeys reported by almost all those interviewed.

Within the limits of international law, states have the sovereign right to decide who to admit, exclude and expel from their territory. They have a legitimate interest in controlling unauthorized entry into their territory, and in combating transnational crime, including migrant smuggling and human trafficking. Some States are responding to these concerns by introducing interception measures.¹⁵¹ In the context of interception, attempts to prevent or deter those seeking to travel irregularly by sea can have negative consequences, resulting in several violations of the principles and norms of international law and the obligations incumbent on States in this area. These include the prohibition of torture, collective expulsion and non-refoulement. People travelling irregularly may be prevented from leaving situations where they have a well-founded fear of persecution, or where there are substantial grounds for believing that they are at risk of death, torture, cruel, inhuman or degrading treatment or punishment. All operations related to border and migration management by States, including Search And Rescue (SAR) operations,¹⁵² must be carried out in accordance with the obligations established by international law.¹⁵³

148. Source: a humanitarian agency that was able to visit the border areas with Algeria.

149. Some of these concepts have no universally accepted definition. This section will use concepts that are consistent with relevant international law, in particular international law of the sea, international refugee law and international human rights law.

150. From 2014 to 2022, the IOM's «Missing Migrants» project recorded 48,319 deaths linked to irregular population movements. The Central Mediterranean route is the deadliest, with 22,437 deaths since 2014. <https://missingmigrants.iom.int/data>

151. Interception refers to any measure «employed by States to : prevent the embarkation of persons on an international voyage; prevent the continuation of an international voyage by persons who have commenced their voyage; or take control of vessels where there are reasonable grounds to believe that the vessel is transporting persons in violation of international or national maritime law; where, in connection with the foregoing, the person or persons do not have the required documents or a valid entry permit; and that such measures also serve to protect the life and safety of travelers as well as persons being trafficked or transported in an irregular manner.» ExCom, Conclusion 97 (LIV), 2003. This definition is also reflected in the IOM Migration Glossary.

152. Rescue at sea is an operation to recover people in distress, meet their initial medical or other needs and bring them to safety, according to the Convention on Search and Rescue at Sea (SAR).

153. Interception measures must not have the effect of depriving asylum seekers and refugees of access to international protection. Interception measures must respect the principle of non-refoulement for all, without discrimination. Interceptions must be carried out for humanitarian purposes, in order to recover people in potentially dangerous circumstances at sea and bring them to safety before a situation of distress arises.

The majority of those interviewed reported a significant increase in the number of clandestine boats attempting to reach Italy being intercepted at sea by the Tunisian coastguard, at El Amra, Sfax, Mahdia and Zarzis. According to most key informants, while the number of arrivals in Italy from Tunisia had been rising steadily since July 2023, only one in ten boats had managed to reach Italy since mid-September 2023. There have also been reports of illegal interceptions by the Tunisian coastguard in international waters outside Tunisian jurisdiction, and consequent landings on the Tunisian coast.

As indicated in several reports¹⁵⁴ and confirmed by representatives of the organizations consulted for this study, many groups of people (of Tunisian or foreign nationality) have drowned in the central Mediterranean off Tunisia, either because their boat simply capsized and sank, but also because they were forced by smugglers and traffickers to go overboard, or were violently intercepted by the Tunisian coastguard.¹⁵⁵ Some violent interceptions are particularly deadly, with dozens of people sometimes disappearing at sea.¹⁵⁶ The practices of the Tunisian coastguard are extremely violent and have been widely documented.¹⁵⁷ Boats taking the central Mediterranean route from the Tunisian coast to the Italian island of Lampedusa are subjected to physical violence and other ill-treatment during interceptions, characterized by tear gas, baton and baton blows, and warning shots. Furthermore, the techniques used to intercept the boats are dangerous, endangering the lives of those on board, through capsizing caused by coastguard boats, theft of engines from the water, and deliberate collisions. During pull-backs, those intercepted are subjected to beatings, insults, threats, and other physical and psychological violence.¹⁵⁸

• **Restriction of freedom of movement**

All interviews confirmed that migrants, refugees, and asylum-seekers, in particular those originally coming from sub-Saharan African countries, have seen their freedom of movement progressively reduced since February 2023. Interviewees were adamant that sub-Saharan Africans are increasingly being refused pick-up by hire and cab drivers. Similarly, access to ferries to the island of Kerkennah was virtually impossible during the summer for people from sub-Saharan Africa, while several black people of Tunisian nationality also experienced difficulties accessing ferries. At the rental stations in Sfax during the first week of July, people from sub-Saharan African countries had to wait for hours, even with tickets, before they could board a rental car. According to the sources consulted for this study, in Zarzis, Médenine and Tozeur, they were not even allowed access to transport, or were subjected to extortion attempts by drivers (fares of over a hundred or even a thousand dinars for a hundred kilometers), according to several testimonies collected by interviewees. In the Médenine governorate, since July 2023, some witnesses have reported that the authorities do not allow migrants - specifically those without identification documents - to travel to other governorates. Police forces reportedly forbid them to take rental cars or buses. Since October 2023, ticket offices at bus and rental stations have reportedly been asking migrants to bring official authorizations from police stations in order to use public transport. In Kef, cab drivers have reported threats from the police to withdraw their licenses if they pick up suspected migrants.

154. Migration statistics 2023 - FTDES

155. When Lives Don't Matter: Survivor Testimonial - Alarm Phone | Alarm Phone

156. <https://www.infomigrants.net/fr/post/49929/nauffrage-en-tunisie-les-rescapes-racontent-que-les-gardecotes-ont-jete-du-gaz-lacrymogene-dans-le-canot>

157. Murderous policies in the Mediterranean: to put an end to the shipwrecks consciously caused off the coast of Tunisia - Alarm Phone | Alarm Phone

158. UNHCR and IOM appeal for urgent solutions for refugees and migrants stranded in Tunisia and Libya borders | UNHCR, 27 July 2023.

Many migrants have testified to having had their identity documents improperly checked by cab or hired drivers when trying to access transport, and it seems that this control practice has spread throughout the south of the country. According to interviewees, it was impossible to get into a cab or hire car south of the Gafsa - Gabès axis, as drivers systematically refused to let people in. Most of the testimonies of displaced persons collected by OMCT during interviews confirm that most internal journeys made by migrants, refugees, and asylum seekers in Tunisia since July 2023 have been on foot, forcing them to cover hundreds of kilometers over several days or even weeks to reach their destination. According to the people consulted as part of this research, this discrimination in access to transport exposes people on the move to high risks. On the Gafsa - Sfax route, many people have reportedly tried to board freight trains carrying phosphate, causing several fatal accidents in the process. Walking along busy roads is considered very dangerous. Representatives of human rights organizations and defenders active in southern Tunisia have confirmed several cases of people on the move dying in accidents involving cars. These prolonged walks naturally have major physical consequences, particularly for the most vulnerable.

“Since the beginning of July, it’s been common to see groups of twenty or so migrants walking along the Ben Guerdane road”

says an activist from southern Tunisia.

Aya is a woman of Ivorian nationality, living in Djerba since 2021. She is married and has a young child. She was forcibly displaced from Djerba along with eleven other Ivorian nationals, including four young children.

While many people from sub-Saharan Africa had been settled and working for years in agriculture or the hotel business on an informal basis, from February 2023 onwards, they lost their business, and faced an increase in violence committed by citizens (daily stone-throwing at their homes, insults and threats). The security situation deteriorated steadily until July, when Aya was confronted with a sudden rise in her rent, which doubled to 700 dinars.

“Their lives were completely turned upside down after that speech in February. Djerba was very quiet before,” reports the researcher who collected this testimony.

On July 6, Aya and her family travelled to Sfax to visit a relative. After an identity check in downtown Sfax, she and her son are forced by the police to board a bus with around thirty other people. Aya is separated from her husband, without being informed of the reason for her arrest or her destination. Transport conditions are extremely difficult, with stifling heat (the windows cannot be opened), overcrowding, no food or water, and Aya is on the verge of fainting. Arriving and disembarking in Zarzis, she was reunited with her husband and other members of Djerba’s Ivorian community. After the arrival of more security forces, the latter were forcibly moved to Ben Guerdane in five police vans, along with around sixty other people, including young children and asylum seekers. The phones and identity papers of all those present were confiscated during the transport by agents of the security forces. Arriving between Ben Guerdane and Ras Jedir, several people negotiated their release with the agents, arguing that their children were born and registered in Djerba, like Aya’s at the Sadok Mekkadem hospital in Djerba Houmt Souk, and that they had been living in Tunisia for a long time. The agents agreed to release them in exchange for their phones and all their money.

From Ben Guerdane to Djerba, the group of twelve made the journey on foot, as the hire companies refused to take them in (“it’s illegal, you don’t get in if you don’t have documents,” reported drivers). Hiding in olive groves at night until they reached Zarzis, they reached Djerba two days later. Since their return, they have been living in hiding, in precarious conditions.

Testimonial reported by an OMCT researcher¹⁵⁹

• Police violence and excessive use of force - torture and ill-treatment

According to information gathered by OMCT, migrants, refugees and asylum seekers, the vast majority from sub-Saharan African countries, have been subjected since July to a number of acts of institutional violence and excessive use of force by security forces¹⁶⁰ which may constitute acts of torture and other ill-treatment, according to international law.¹⁶¹

159. Source: KII 27/09

160. According to data compiled by international organizations in September and October 2023, and obtained by Refugees International, 86% of black people from sub-Saharan Africa interviewed over the summer who had been illegally deported were victims of physical violence, with 85% reporting such violence at the hands of security forces. See **Refugees International, «Abuse, corruption and accountability: time to reassess EU and US migration cooperation with Tunisia», 11/2023**

161. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as: «any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, to intimidate or coerce him or her or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. This term does not extend to pain or suffering resulting solely from, inherent in or occasioned by legitimate sanctions.» Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During arrests and evictions from their homes

Analysis of video sources shows that in the first few days of July 2023, security forces were present in Sfax, with vehicles, alongside groups of men during “manhunts,” as various sources have testified, targeting people on the move and in particular those originally coming from sub-Saharan Africa countries, and that these forces fired warning shots in their direction. Interviewees were also unanimous in stating that evictions and arrests during the first two weeks of July in Sfax were accompanied by acts of violence committed by security forces, including repeated beatings, threats and sexual and gender-based violence.¹⁶² In addition, most of those interviewed reported to OMCT that security force operations in areas where migrants, refugees and asylum seekers are concentrated, or “raids,”¹⁶³ also led to frequent physical, psychological, and verbal violence.

Nassor is a young man from the Ivory Coast who was taken in by SANAD, OMCT's direct assistance program for victims of torture, at the beginning of October 2023.

Nassor left the Ivory Coast as a minor in October 2020 to improve his financial situation. His journey was financed by borrowing a substantial sum from his uncle. After passing through Senegal, he was detained on arrival in Libya in a reception center for migrants in deplorable and undignified conditions, where he claims to have witnessed extra-judicial executions. He himself was tortured there, and still bears the scars on his arms and stomach. He was released after 8 months when his uncle paid a ransom to the traffickers. Working in Libya for another three months, but exploited by his employer, he decided to leave in May 2023. After walking for ten days to Algeria, he entered Tunisia on July 10, near Tozeur. He settled in Sfax in July 2023 with 15 compatriots from the Ivory Coast, in a house, but had difficulty finding a job. On September 3, 2023, at 9 p.m., the police burst into his residence. At least eight officers were present. They questioned Nassor and his roommates, then violently assaulted them. Some of them managed to escape, but Nassor was beaten unconscious with sticks. The next morning, he was found in the street, far from his home, his telephone and a sum of 30 TND having been stolen. Nassor had suffered eye injuries, and pain in his neck, lower abdomen and back. Traces of the violence were still visible at the time of the interview with OMCT teams.

“At least in Libya, it was criminals who did this type of thing. In Tunisia, it's the law that does it,” he says.

Having lost all his identity papers, he has difficulty identifying himself to the authorities. Nassor doesn't know his age and can't write. He is alone, having lost contact with his fellow travelers from Libya, “his buddies.” Soft-spoken, he confides that he is isolated, scared, and doesn't know what to do with his life. *“I find myself without options. I'd like to earn some money before going home to my family. But in Tunisia I can't work.”* He wants to return to his home country, but fears that his uncle will demand repayment of his debt, which could put him at risk of incarceration. *“I'm afraid for my life in Côte d'Ivoire because I owe a lot of money to my family and my uncle. I'm afraid they'll send me to prison. I have to start my life all over again. Right now, what I'm thinking of doing is taking care of myself.”*

162. Even gender-based violence section

163. Comments from an association leader in Sfax

Arbitrary and forced displacement, deportation and refoulement to border buffer zones

Several testimonies collected by OMCT partners mention that arrested persons were violently beaten during the transfer by bus to the south of the country. One victim assisted by OMCT testified to having been subjected to physical violence by National Guard agents and other national security forces in bases and barracks before being moved to the buffer zones.

"I received punches and kicks, truncheons and sticks, blows to the face and genitals."

says Tahrir, a victim assisted by OMCT in July 2023.

Several key informants confirmed that they had taken charge of people who had been hit in the knuckles and on their genitals with rifle butts, as well as suffered kicking, slapping and punching. Testimonies from the Algerian border agree on the same pattern of institutional violence. Several allegations of sexual violence committed by Tunisian security personnel on bases and in buffer zones have also been reported¹⁶⁴ According to the testimony of a victim assisted by OMCT and several interviews, during deportations to Libya of people intercepted at sea or arbitrarily arrested, the latter were exposed to systematic physical violence during arrest and transport.

164. Even gender-based violence section

THE OASES OF NEFTA, SITE OF RECURRING INSTITUTIONAL VIOLENCE

The town of Nefta, in south-west Tunisia, is approximately 7 days' walk from the Algerian border. In this area are new arrivals from Sudan, Somalia and Ethiopia who have passed through Libya and Algeria, as well as people displaced by Tunisian security forces to Algeria who have managed to return to Tunisia. There is a strong presence of women, including pregnant women and those with young children. These people stop off at the various oases in the area and take refuge there, before heading for the east or north of Tunisia. At the time of writing, an estimated sixty people are present in the area. This number varies according to the increase or decrease in forced displacements towards the border with Algeria by Tunisian security forces since July 2023. Several activists¹⁶⁵ from the region told OMCT that security forces, particularly the National Guard, were present in the oases. Local activists denounced the recurrent violence suffered by migrants at the hands of the authorities.

"A man was severely beaten by the National Guard in an oasis during a checkpoint, so much so that he was rushed to Nefta hospital by officers for emergency treatment."

In addition, according to several interviews, Nefta National Guard officers turn a blind eye to, or even actively collaborate with, groups guilty of migrant smuggling or human trafficking, and racketeering people arriving on foot from Algeria, stealing money, telephones and other personal belongings. Most of the people moving from Nefta to Sfax would have recourse to traffickers, for very high sums.

"Two men of Sudanese nationality were arrested before being beaten. The officers forced them to unlock their phones before confiscating them. They gave them 50 dinars each, then were released," testified the same source at OMCT on October 23, 2023.

When abandoned in border buffer zones¹⁶⁶

Displaced persons in the buffer zones on the borders with Libya and Algeria have been subjected to various forms of violence, which may constitute torture and other ill-treatment under article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, while under the effective control of the Tunisian security forces who initially moved them there. The most blatant form of violence is undoubtedly the *"push back"* and *"pull back"* operations carried out by Tunisian, Libyan and Algerian security forces against displaced persons in the buffer zones. These abuses are documented in detail in the section *"Land and sea border crossings: dehumanizing practices"*.

165. There are currently no local associations or organizations in Nefta dedicated specifically to helping migrants, refugees and asylum seekers. However, independent activists coordinate humanitarian assistance and legal aid with Tunis-based organizations.

166. OHCHR, UN experts urge Tunisia to act swiftly to uphold migrants' rights, 18.07.2023

As reported by displaced persons, living conditions in the desert border areas, where some people spent more than ten days, were deplorable.¹⁶⁷ With no access to food and drinking water for several days at a time, and no shelter from the heat in temperatures over 45 degrees, the displaced people suffered serious physical consequences of such conditions. The buffer zones around the Ras Jedir border post are a militarized area under Tunisian state control on the border with Libya. Access is restricted, so basic aid and services can only be offered with the permission of the army. According to key informants, the CRT only received authorization to enter these areas on July 10, eight days after the arrival of the first groups of migrants and others in need of international protection. Prior to this intervention, only one water distribution was carried out by Tunisian security forces, for the group north of Ras Jedir.¹⁶⁸ CRT volunteers also confirmed the lack of sufficient food supplies during these initial interventions, which only concerned displaced groups north of the Ras Jedir border crossing, while at least two groups south of the border crossing had to wait until July 13-14 to benefit from humanitarian assistance.

According to the organizations interviewed and the cases documented by OMCT, pregnant women close to term were present in these desert areas, and at least two even gave birth there. Several sources confirmed one case of unsafe abortion. At least four unaccompanied minors under the age of 12 were among the displaced groups at Ras Jedir, a figure which key informants believe to be underestimated. All the stakeholders consulted for this study reported that many of the injured were unable to access urgent care for fractures and walking injuries to the legs, cases of dehydration, injuries with open wounds to the head, arms, and/or abdomen, linked to the violence suffered in Sfax and during transport. Humanitarian organizations interviewed confirmed that at least two people suffered from broken legs, several children suffered 2nd and 3rd degree burns on their feet due to the extreme heat, and that several people contracted infectious diseases and skin rashes as a result of drinking seawater and non-potable water. At least two people were bitten by snakes south of Ras Jedir. The United Nations has confirmed 28 deaths of people on the Libyan border as a result of being placed in these border buffer zones.¹⁶⁹

Towards the Algerian border at Tozeur, at least five people were reportedly stung by scorpions. Conditions in terms of access to water and basic necessities are fairly similar to those in the buffer zones on the Libyan border, but CRT has been much less present in these areas. Access to humanitarian assistance has therefore been even more limited. Several deaths have been reported at the Algerian border, with two confirmed at Tozeur; it is estimated that at least 12 people died along the Algerian border, but it is currently impossible to assess the exact number of deaths. The conditions of displacement in arid desert zones, and the indefinite restriction of movement in these areas, have also had significant psychological consequences. According to several representatives of associations and of international organizations supporting these groups, all the people were in a state of extreme psychological distress, traumatized by the violence suffered before and during the forced displacement. According to organizations specializing in medical assistance, several of them had developed anxiety disorders, characterized by depressive episodes and sleep disorders.

167. See Al Jazeera reports, Al Jazeera - 08/07/2023 Al Jazeera - 12/07/2023

168. Sources: Kil le 18/10

169. Joint communication from the United Nations Special Rapporteurs of 17.08.2023

Tahir is a man of Ivorian nationality, for whom OMCT urgently lodged a complaint with the United Nations Committee against Torture in July 2023 in order to ensure his international protection.¹⁷⁰

Tahir has been living in Tunisia since late 2019. Having entered the country regularly by air, his presence has since become illegal in the absence of a residence permit. On July 1, 2023, security forces raided the house where he was staying in Jbeniana, 35 kilometers north of Sfax, arresting 48 people. Tahir and the other arrestees were taken to a police station before boarding a bus, with police officers informing them that they were going to «take them to the hotel.» Instead, Tahir and 19 others were transferred to Ben Guerdane, close to the Libyan border. There, they passed through three bases where they were beaten with fists, kicks, slaps, and truncheons. According to Tahir, several women were sexually assaulted. Security forces threw away their food, destroyed their telephones and left them at the Libyan border near the sea, in a militarized area without access to water or food. A small group of uniformed Libyan men arrived on the evening of July 2 to provide the children with water and cookies.

Four days later, as the group of people tried to cross the border into Libya, the same Libyan people started shooting in the air, burning objects, and chasing the migrants. The Libyans ordered them to leave the territory and go to the Tunisian side. They threatened them with their weapons. On the other side, the Tunisian soldiers beat up several men who were trying to cross back into Tunisia. A group of two men and a woman tried to go to the Tunisian security forces for help but were severely beaten. The woman had her teeth knocked out. In the days following the arrival of Tahir and his group at the border, more than 700 other men, women and children joined them, displaced by the security forces. They included legal immigrants, asylum seekers, and refugees. Deprived of food and water until July 10, Tahir was taken alongside hundreds of others to Medenine by the National Guard, where he was placed in a school.

170. OMCT, CP Complaint CAT, 10.07.2023

TORTURE AND ILL-TREATMENT IN BORDER AREAS

Living conditions in border areas, and the delay in authorizing access to humanitarian aid, may constitute torture under the United Nations Convention against Torture.¹⁷¹ The deprivation of water, food, medical assistance and shelter, in a desert environment where temperatures can reach over 45°C, have caused severe physical and mental pain and suffering to the men, women, and children forcibly held in the buffer zones. These pains were inflicted by agents of the security forces on people under their control. Indeed, the coastal buffer zone north of Ras Jedir is clearly demarcated by barbed wire, surrounded in early July to the west and south by Tunisian security force vehicles, and to the east by Libyan security forces. People trapped in these areas were unable to return to Tunisian territory - and were subjected to physical violence by security forces when they attempted to return to Tunisia - or to enter Libyan territory. The Tunisian forces also had the capacity to intervene in the buffer zones (such as during the intervention carried out on 17th July 17, 2023, with vehicles, warning shots, and tear gas), supervised CRT volunteers who gained access to the zone from July 10, and were able to move groups from these zones to prima facie detention centers in Tunisian municipalities from July 10 to August 10. The Tunisian security forces' effective control over forcibly displaced persons is therefore indisputable.

The suffering was knowingly inflicted by the Tunisian security forces on the migrants held in the buffer zones, in order to force them to leave the country, and was motivated by racial discrimination. The intentionality of the authorities in inflicting suffering is beyond doubt. Victims have broadcast numerous videos and audio recordings calling for help and warning of the deteriorating state of health of all migrants stranded in the desert. Associations and the media have publicly reported on their living conditions and the threats to their survival. The authorities have knowingly kept the migrants in these conditions, causing them acute suffering and an ever-increasing risk of death.

• Enforced disappearance

OMCT has documented several cases of disappearances including enforced disappearances and abductions tantamount to enforced disappearances committed by non-state actors.¹⁷²

Vulnerability to this type of violation has been heightened by the confiscation of documents, arbitrary arrests and displacement. The displacement by Tunisian security forces of vulnerable and unprotected people in vast, deserted cross-border areas, where non-state armed groups operate, including militias running detention centers in Libya, and possibly guilty of human trafficking, has exposed these people to a high risk of being victims of enforced disappearance. Key informants working in Libya have confirmed 80 cases of missing persons at the Libyan border.¹⁷³ In addition, the United Nations agencies recorded 608 people reported missing during interception and refoulement operations, their fate and whereabouts remaining unknown.¹⁷⁴ Similarly, the allegations of deportations and refoulements committed in September and October to Libya also place Tunisia in breach of its obligations under international law, which prohibits expulsion and return to a State if there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance.¹⁷⁵

171. Article 1 of the CAT defines torture as «any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, to intimidate or coerce her or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the express or tacit consent or acquiescence of a public official or other person acting in an official capacity.»

172. International Convention for the Protection of All Persons from Enforced Disappearance, ratified by Tunisia on June 29, 2011, establishes that no one shall be subjected to enforced disappearance, which is considered to be «arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law».

173. Source: KII 03/10

174. Communication des Rapporteurs Spéciaux des Nations Unies à la Tunisie -

175. Ibid. See Art 16 of the Convention for the Protection of All Persons from Enforced Disappearance, ratified by Tunisia on June 29, 2011.

Fatmata is an asylum seeker from Sierra Leone, who arrived in Tunisia in July 2021 with her two children. She began working with her partner in a restaurant in Sfax to prepare for her departure for Italy. On July 25, 2022, she gave birth to a third child, Ahmed, at the Monji Slim hospital, but the child was never registered and has no birth certificate. On November 9, 2022, Fatmata attempted to cross the border into Italy with her three children. Her husband was already in Italy. At 7am, the border police attempted to intercept the boat in territorial waters. During this attempt, the police first rescued the children and took Ahmed.

«The moment they took my baby away, my heart was broken. I can hear his heart beating. I feel the warmth of his hands. I don't know where I'm going, to whom to turn, I don't understand what's happening to me, what I have done» declares Fatmata.

In the meantime, Fatmata was unable to reach the lifeboat and had to swim for some time, until she lost consciousness on reaching the beach. Stranded on the beach, Fatmata was reunited with her two eldest children, but not with her baby. Witnesses reported that an agent wanted to take Ahmed to hospital. They tried to accompany the baby, but the agent forbade it. Looking for her child at the Kerkennah border post, she was verbally abused by the agents. She tried to access the hospitals in Sfax to look for her baby but was unsuccessful as she did not have her identity and residence documents. Fatmata could not be understood as she cannot express herself in either French or Arabic.

«I don't want to wake up anymore, I'm sure you're right there, come and watch over me...»

At present, the family is still living with a friend in Tunisia, with no source of income. Fatmata has found it difficult to work as a hairdresser. Her two children have never attended school. She is depressed and has trouble sleeping. She still has no news of her missing child. OMCT, through its SANAD program, provides her with multidisciplinary assistance.

• Family separation

According to the majority of interviews, family separations have become frequent since July among people in displacement situations.¹⁷⁶ Several interviews with organizations assisting people gathered in downtown Sfax in early July confirmed that many families had been separated between July 2 and 10, with some members being forcibly moved to the Libyan and Algerian borders. By the third week of July, when the first people displaced at the beginning of July were returning to Sfax, a number of them were still reportedly unable to renew contact with their loved ones.

176. Sources: KII on 09/11, 09/15, 09/21, 09/27, 10/13, 10/16, 10/18

During the first week of July 2023, Idris, a man originally from Benin, was arrested in Sfax and then moved by Tunisian security forces with his two brothers to the buffer zone with Libya south of the Ras Jedir border post. During the night, security forces forcibly separated him from his two brothers. Since then, Idris has not known whether they have crossed into Libya or died. Idris was able to leave the buffer zones and was assisted by a humanitarian organization. He refuses to call his mother in Benin to tell her that his two brothers have disappeared, and prefers her to believe he is dead.

Testimonial from a partner organization¹⁷⁷

A number of associations and international organizations have also reported family separations during displacement to border areas by security forces, notably during stages in Zarzis when transferring from one security force to another and changing means of transport, or in Ben Guerdane when deprived of liberty in several security force premises prior to forced displacement to border areas. Similarly, living conditions in displacement zones have led to family separations during prolonged walks in desert areas, and attempts to enter Tunisia, Libya or Algeria followed by violent refoulement by security forces. Also, as illustrated by the case of Fati and Marie Dosso, four interviews with international organizations and association leaders mentioned worrying family separations at Haïdra in western Tunisia, with children disappearing, this time involving first-time arrivals.¹⁷⁸

THE TRAGIC STORY OF FATI AND MARIE DOSSO¹⁷⁹

Fati Dosso and her daughter Marie were found dead in the middle of the Libyan desert on July 19. Fati, from Côte d'Ivoire, and her partner Pato, a Cameroonian national, met in 2016 in Libya, and she gave birth to their daughter Marie in 2017. In July 2023, after five attempts to leave for Europe, they reached Tunisia planning to settle there, as confirmed by an association of which the family was a beneficiary on their arrival.¹⁸⁰ In an irregular situation, the family was arrested in Sfax and forcibly moved to the border buffer zone with Libya, south of Ras Jedir. Beaten by Tunisian security officials, who took their cell phones and money, the family spent four days without food or drinking water. On the night of July 18, the family split up, leaving the exhausted father behind. The next day, Libyan border guards discovered the bodies of Fati and Marie Dosso, dead from exhaustion and prolonged dehydration. «I would have preferred to find three corpses in the desert,» says Pato.¹⁸¹

177. Source : Kil le 18/10

178. Sources: Kil 15/09, 21/09, 06/10

179. **Ouest France**, «L'histoire derrière la photo de Fati et Marie, une mère et sa fille, mortes dans le désert libyen», 09/08/2023

180. Source: Kil 17/07

181. **Pato interview with Brut Afrique** - 08/08/2023

• Gender-based violence

Gender-based violence is extremely common in situations of displacement in North Africa.¹⁸² Tunisia is no exception to this observation, and the July crisis has further increased the vulnerability of women, girls and members of the LGBTIQ+ community in situations of displacement in Tunisia, Libya and Algeria and their exposure to gender-based violence, in violation of these states' obligations.¹⁸³ In Sfax, in the Jardin de la mère et de l'enfant, a key informant¹⁸⁴ met nine homeless South Sudanese women in a situation of extreme vulnerability. In July and August, they were allegedly subjected to sporadic sexual harassment by Tunisian civilians, security force agents, and other homeless migrant men. Several cases of sexual assault during expulsions were confirmed during a dozen interviews, characterized by touching. Several women were allegedly subjected to invasive searches constituting sexual assaults by police officers during expulsions and arrests in Sfax.¹⁸⁵

In addition, forced displacement in border areas and restrictions on the movement of new arrivals stranded in these areas have also increased the risk of sexual violence for people, especially women, in extremely vulnerable situations. In the Nefta oasis, according to humanitarian workers in the area,¹⁸⁶ during the third week of July, at least three hidden migrant women were sexually exploited by civilians in exchange for food and services. They remain missing to this day. Furthermore, in the buffer zones with Libya, it has been confirmed that at least one woman was raped by members of a Libyan militia south of the Ras Jedir border post in the second week of July.¹⁸⁷

Amina is a woman of Cameroonian origin. She tells of being evicted from her home in Sfax at the beginning of July 2023 by Tunisian civilians. She was then arrested by the police, who assured her that she would be taken to a center for her protection. Moved by bus towards the south, her passport was torn and her telephone broken by the police officers. Amina ends up in the buffer zone on the border with Libya, where she loses track of her husband.

Amina recounts being part of Fati and Marie Dosso's group.¹⁸⁸ During her time in the desert, Amina was the victim of sexual violence allegedly committed by some members of the Libyan militias making incursions into the border areas, including at least one rape, as well as physical violence committed by agents of the Tunisian security forces. Once again, in mid-July, Amina was forcibly displaced by bus driven by Tunisian security forces, this time to Kebili. Due to the harsh living conditions in the place where she was arbitrarily deprived of her freedom, she fled out of the window. She recounts how she walked to Sfax for two weeks, passing through Médenine and Zarzis. Taken in charge by a humanitarian organization, Amina discovers in Sfax that she is pregnant and HIV positive, as a result of the rape she suffered in the border buffer zones. She wanted to have a voluntary interruption of pregnancy, but as she no longer had any identity documents following the arbitrary and forced displacement in July, the public health structure she contacted in Sfax refused to take her on. A humanitarian organization referred her to a private gynecologist. Amina refuses to lodge a complaint for all the violence she has suffered.

Testimonial collected by a partner organization¹⁸⁹

182. According to Save the Children, one in three migrant girls is a victim and/or witness of sexual abuse and other forms of gender-based violence in North Africa. **Girls on the Move in North Africa** | Save the Children's Resource Centre

183. Law 2017-5841 of August 11, 2017 on the elimination of violence against women.

184. Source: KII 19/09

185. Source: KII 06/10

186. Source: KII 17/10

187. Source: KII 27/09

188. See box «The tragic story of Fati and Marie Dosso».

189. Source: KII 20/09 and 01/12

- **Discrimination based on racial discrimination**

According to information gathered by OMCT, the victims of the violations committed in July-August 2023 were almost all from sub-Saharan African countries, specifically from nineteen different nationalities, and black people of Tunisian nationality. Several interviews also reported cases of racial insults, discrimination and physical assaults involving black Tunisians. Between Ben Guerdane, Zarzis and Medenine, black people are subject to almost systematic controls at National Guard checkpoints. This confirms the trend identified by OMCT in its recent report: racial discrimination against people of sub-Saharan African origin cuts across all types of violation and permeates the fabric of Tunisian society.¹⁹⁰ According to several representatives of organizations interviewed for this study, discrimination is fueled by hate speech and propaganda from certain radical political groups, resulting in a high degree of tolerance for acts of violence perpetrated by both citizens and authorities. In the second phase of violence (September-October 2023), as analyzed in detail in previous chapters, victims of organized deportations were also of different nationalities, although the majority of victims of human rights violations remained people from sub-Saharan Africa.

2.4. PROFILE OF THE VICTIMS

- **Legal status does not matter**

Legal status and residence did not constitute protection: refugees and asylum-seekers registered and pre-registered with the UNHCR and other people likely to be in need of international protection, students, people settled in Tunisia for several years, regular migrants benefiting from three-month visa issued upon arrival in Tunisia, or even settled since 2021 or earlier, were all victims of various violations with no difference in treatment.¹⁹¹

As mentioned in the previous chapter, victims of violations committed in July-August are targeted because of their skin color, regardless of their legal status. In September, interviews and testimonies reported the presence of Syrian nationals among deported groups, again including refugees and asylum seekers pre-registered and registered with UNHCR.

Most of the people interviewed for this study agreed that irregular entry or residence status, and the difficulties associated with the regularization process, increase the vulnerability of people on the move and expose them even more to the whole typology of violations analyzed in this report, in line with the observations of the Special Rapporteur on the human rights of migrants.¹⁹²

190. OMCT Tunisia «Mapping responses to human rights violations: the cases of people in mixed migratory movements in Tunisia, OMCT Tunisia» (June 2023).

191. It is important to note, however, that during the first phase of forced displacement in July 2023, no refugees were forcibly moved to border buffer zones, unlike the phase that began in September 2023.

192. Special Rapporteur on the human rights of migrants, «Report of the Special Rapporteur on the human rights of migrants», François Crépeau, Addendum, Mission to Tunisia, OHCHR, A/HRC/23/46/Add.1, May 3, 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>. «How to expand and diversify regularization mechanisms and programs to strengthen the protection of migrants' human rights.» Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, A/HRC/53/26.

- **Intersection of discrimination and various forms of vulnerability**

As confirmed by the interviews and victims assisted by OMCT and its partners, all the violations identified and described in section 2.3 of this study indiscriminately affected men, women and children . The majority of people treated for injuries related to violence and aggression in the first two weeks of July 2023 in Sfax were men, according to several associative leaders working in the health sector. However, people belonging to groups in a more vulnerable situation, such as women and children, were even more exposed to the various violations, as they were unable to benefit from special protection. Testimonies have confirmed that violations were suffered in particular by pregnant women, breastfeeding women and women with young children, unaccompanied minors, and injured people in need of urgent medical care.¹⁹³ These highly vulnerable categories suffered above all from deplorable living conditions in terms of hygiene, access to healthcare and nutrition. Expulsions, living conditions in border areas, promiscuity in *prima facie* centers of deprivation of freedom and the extreme impoverishment of migrants, refugees and asylum seekers since July in Tunisia, for example, have created conditions conducive to gender-based violence. On the other hand, it must be emphasized that displaced persons arriving in Tunisia are already in a fragile situation. Between July and September, 50% of people arriving by land and pre-registering with UNHCR had medical needs due to injuries and illnesses contracted during previous stays in detention centers in Libya, Algeria, and other transit countries.¹⁹⁴

"I've met people who want to forget everything until the date of their passage 'in hell' [Algeria]"

reports an activist from the Tozeur region.

193. According to a partner organization active in Sfax, out of 2,000 migrants, refugees or asylum seekers in Sfax, 1/3 were women and 70 children, including infants, were counted.
194. Humanitarian source

Following the forced displacement of several hundred people on September 16, 2023,¹⁹⁵ from Sfax to El Amra, carried out by Tunisian security forces, several organizations active in Sfax have confirmed to OMCT that they have recorded numerous cases of family separation between people who escaped evacuation from downtown Sfax and those displaced to El Amra. Moreover, recent cases of deportation to Libya of people intercepted at sea by Tunisian coastguards or arrested by Tunisian security forces could further aggravate the situation and increase cases of family separation.

UNACCOMPANIED MINORS

According to several interviewees, many unaccompanied minors were part of groups displaced to border areas in the first three weeks of July. Most of them were boys aged between 14 and 18, but several sources reported the presence of a twelve-year-old child with his 3-year-old brother, and a 5-year-old girl, separated from their families in Sfax. The average age of new arrivals has also fallen, with an increasing number of young men aged between 16 and 24. In Nefta, several reports indicate the presence of many unaccompanied minors arriving from Algeria and Libya between the ages of 13 and 17. These data sets confirm a trend mentioned by all the participants in this study, who reported a change in the profile of displaced people from sub-Saharan Africa arriving in Tunisia since the end of 2022, with a significant increase in unaccompanied male minors wishing to attempt a crossing to Europe as soon as possible. Among the 150 to 300 individuals arriving every week and pre-registered with UNHCR, unaccompanied children account for almost 25%.¹⁹⁶

195. See box «El Amra, an open-air detention center».

196. Humanitarian source, data as of 10/13/2023

Bandele and Mariama are a couple from Sierra Leone, for whom OMCT urgently appealed to the UN Committee against Torture in July 2023 to secure international protection.¹⁹⁷

Bandele and Mariama, seven months pregnant, entered Tunisia illegally via Algeria in November 2022, after a long journey from Sierra Leone. They shared accommodation with other people of sub-Saharan origin 10km from the Tunisian town of Sfax, where Bandele worked as a house painter. On July 9, 2023, as he was leaving his home to buy coffee, he was stopped by a mixed patrol of police officers and the Tunisian National Guard for an identity check. The officers confiscated his papers and beat him with truncheons, including on his genitals, before forcibly loading him onto a bus already containing his wife and some 160 migrants arrested the same day. The security forces confiscated their cell phones, money and papers, and transferred them directly to the border with Libya, in the military buffer zone near Ras Jedir, where they arrived on the morning of July 10. Abandoned in a sandy area enclosed by barbed wire with Tunisian security forces on one side and Libyan forces on the other, Bandele's group had no access to water, food or medicine, despite the presence of several pregnant women and children, including babies. The Tunisian security forces told them they would come back for them but they never did. According to Bandele, the Tunisian security forces stayed right next to the group and hit them several times. On the night of July 10, Tunisian security forces reportedly tried to push the migrants back to the Libyan side by firing into the air and using tear gas. The group ran into the desert. In the morning, they found Moussa's body. His brother, who had been deported with him, identified him.

On July 12, the Tunisian security forces came, beat the migrants again and divided them into two groups: one group of around 70 people, including Bandele and Mariama, remained near the sea. Another group was transferred about 2km further on, still in the desert, where they joined other migrants deported several days earlier. Interviewed by Al Jazeera, Mariama explained that she had been hit by Libyan forces and feared losing her baby, whom she could no longer feel moving. At the same time, Bandele was lying in the sea, having been severely beaten by Tunisian security guards. According to him, as soon as the latter suspected the migrants of communicating with the outside world by cell phone, they came and beat them with truncheons, sticks, and pipes. In the other group of around 115 migrants, held 1-2km from the group of applicants, a Nigerian man, Moussa, died, probably from injuries inflicted by Tunisian security forces. OMCT was able to contact a Nigerian migrant trapped in this other part of the border who reported that a man had just been killed. For his part, Bandele fled on the night of July 15 by sea, on the Libyan side, to try to find water and food. Arriving on a beach, he walked until he met another migrant who took him to a stone quarry and gave him food and drink. Hiding Bandele in accommodation close to the border, he explained that it was unthinkable for him to return to his wife, as he risked being caught by Libyan border guards and tortured.

197. OMCT, CP complaint to CAT, 20/07/2023

2.5. PROFILE OF THE PERPETRATORS

• Responsibility of security forces

As analyzed in the previous chapters, the expulsions, arbitrary arrests and violence during these arrests were committed mainly by **Police** and **National Guard** agents. Interviews conducted and analysis of open-source testimonies show that the National Guard was the main coordinating force from July 2, 2023, onwards, organizing arbitrary and forced displacements to and from border areas, and transporting groups of people to the various centres of *prima facie* deprivation of liberty from July 11 onwards. Victims confirmed the supervision of bus convoys to border areas and the use of National Guard bases in Ben Guerdane. The majority of testimonies confirmed the presence of National Guard agents in centers of *prima facie* deprivation of liberty. The border areas with Libya, south-east of Ben Guerdane, are militarized zones, and the Tunisian **Army** is the only one allowed to operate freely in them.¹⁹⁸ Civilians are liable for fines in the event of being stopped, while the other security forces (police and National Guard) are required to notify military officials in the areas in question in the event of operations. Consequently, on the one hand, it seems impossible that the army (and indirectly the Ministry of Defense) was neither notified nor involved in the arbitrary and forced displacements, with police vans and buses escorted by the National Guard making their way to Ras Jedir, among other places.¹⁹⁹ On the other hand, CRT volunteers who gained access to the buffer zones at Ras Jedir confirmed the presence of military personnel, and several interviews mentioned the involvement of military troops in violent refoulements at the Libyan border. Similarly, the **Coast Guard** is said to have committed acts of violence during search and rescue operations, as well as during interceptions and disembarkations.

The various interviews and testimonies revealed a certain ambiguity and lack of coordination between the various security forces since July 2023, oscillating between protection of displaced persons targeted by attacks committed by civilians, inaction and passivity during episodes of violence, and direct responsibility for human rights violations. During forced displacements from border areas to places of *prima facie* deprivation of liberty, it appears that National Guard agents in charge of running these centers have not received clear orders in several cases. Sources confirmed a fragmentation among police officers on the policy of arresting sub-Saharan migrants due to contradictory and imprecise directives. In several cases documented by OMCT, people arrested during train or car journeys at the end of July were able to continue their journey after negotiations between police officers and association leaders. At the Tejra hangar in Medenine, at the end of the second week of July, National Guard agents reportedly withdrew without notifying those deprived of their freedom in the factory of their release or explaining the reason for their departure.

198. Republican decree no. 2013-230 of August 29, 2013, proclaiming a border buffer zone, extended by decree no. 2023-573 of August 25, 2023

199. Satellite images of Ras Jedir from July 14 confirm the presence of Tunisian armed forces vehicles to the east of the displacement zones, less than five kilometers from the groups displaced during the pushback.

• The transition from judicial to executive power

According to OMCT partner organizations providing legal assistance to migrants, refugees and asylum seekers, between February and June 2023, prison sentences and deportations for illegal residence or entry continued to be handed down against irregular immigrants by Tunisian courts. However, from July 2023 onwards, the same organizations confirmed that the majority of arrests and restrictions on freedom were extra-judicial. In short, no one who had been moved to border areas in July or to centers of prima facie deprivation of freedom had been brought before a court with a charge. According to several interviews, the Ministry of the Interior organized a meeting on July 9, 2023, with the public prosecutors of the Sfax 1 and Sfax 2 courts and the president of the Sfax Court of Appeal, who were asked not to place any obstacles in the way of ongoing security force operations targeting migrants in Sfax. The centers of prima facie deprivation of liberty have in fact been managed by the Ministry of the Interior and the CRT, to which migrants have been moved since July 11, without any control by the judiciary or the CGPR.

It is clear that the Ministry of Justice has not played a pre-eminent role since July, in contrast to the February-June period when it was the main actor in the tightening of Tunisia's migration policy.²⁰⁰ The shift from the judiciary to the executive has largely undermined the rule of law, access to justice, and respect for procedural guarantees for migrants, refugees, and asylum seekers in Tunisia.

• Criminal networks and smugglers

Several heads of international organizations and associations interviewed for this study mentioned the responsibility of criminal networks of smugglers and traffickers guilty of migrant smuggling and even human trafficking and other human rights violations, namely attempted extortion, physical violence, gender-based violence, among others.

This research was unable to map the precise involvement of criminal networks, but it is certain that numerous non-state actors are active in Tunisia, in border areas crossed by migratory routes and in areas of concentration of people wishing to reach Europe by sea (Sfax, El Amra, Jbeniana, Jendouba, Mahdia, Zarzis etc.). According to the activists consulted for this study, organized gangs involved in kidnapping and ransoming migrants are active in Kasserine and Sfax. Similarly, the presence of criminal networks at irregular exit points from the country to Italy is clear and documented.²⁰¹ According to information obtained by OMCT from humanitarian sources active in the field, smugglers accompanied migrants on their journey to El Amra to guarantee their care, particularly regarding the provision of food and water and the construction of makeshift boats. These networks are said to have organized the departures and established agreements with the local population in order to facilitate movement and access to water and food for these people in transit. It should be noted that several criminal networks have changed their payment methods since the summer, switching from transfer via Western Union to a three-part payment system: the family pays a collaborator in the country of origin, and once confirmation has been received, the smuggler provides the agreed «services.»

200. Between February and June, the deterioration in the situation of mixed migrants in Tunisia is the result of much stricter enforcement of the laws governing the entry, stay and departure of foreigners in Tunisia. Numerous prison sentences and expulsions for illegal residence in the country were handed down by the courts during this period.

201. See, for example, the «people» section for Tunisia in the Organised crime index for Africa - 2023.

Two heads of international organizations confirmed to OMCT the development of new migrant smuggling practices, referred to as «all-inclusive»: people pay smugglers before leaving their country of origin - who provide them with a means of getting to Tunisia, accommodation (often shared with dozens of other would-be migrants), a boat, and the possibility of attempting the crossing several times at no extra cost. The presence of criminal networks places people on the move in an even more vulnerable situation: deprived of other options, they could find themselves victims of human trafficking and accomplices to crime.

Adama et Sali, a couple and their two ten-year-old children from Mali returned to Tunisia from Algeria at the level of Kasserine. Heading for Sfax, where they believed accommodation and work awaited them, they had spent several days and nights in desert areas, without access to food or shelter. Stopped by the Tunisian security forces, the members of this family were all arrested, placed in police custody and then remanded in custody on charges of illegal entry and residence. Following the intervention of a lawyer, and despite the reluctance of the child protection officer to intervene, the family was released before trial, and the child's criminal irresponsibility was recognized.

«We've taken on many similar cases,» says a manager of an organization specializing in legal aid for migrants accused of committing a crime. «Many migrant people are often accused of facilitating and organizing the clandestine entry of people into Tunisian territory and remanded in custody as a result. In the majority of cases, these accusations are unfounded, and the people who welcome them, organize their entry into Tunisia, and accommodate them are not even included in the interrogations or subsequent investigations.» She concludes: «We know that these families are victims of human trafficking, they come with the dream of finding housing and work, they all have a contact in Tunisia to help them in their migratory journeys, and yet they are the ones who are then incarcerated».

Several people consulted suggested that the National Guard may have collaborated sporadically with criminal networks to carry out deportations of migrants, refugees, and asylum seekers from mid-September onwards from Ben Guerdane to Nalut and Al Assah and along the Algerian border.²⁰² Migrant smuggling, human trafficking and corruption are closely linked criminal activities.²⁰³ It is therefore not surprising that various sources speak of the corrupt practices of agents of the security forces.²⁰⁴ Smugglers are said to be aware of the times and routes of patrols along the land and sea borders, and to be more active in facilitating certain clandestine departures from Tunisia to Italy.

203. UNODC, Issue Paper. The Role of Corruption in Trafficking in Persons, 2011, https://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf

202: Sources : KII le 16/10, KII le 18/10

204. See Refugees International, «Abuse, corruption and accountability: time to reassess EU and US migration cooperation with Tunisia», 11/2023

- **Violence committed by citizens and the responsibility of the Tunisian state**

The Tunisian state has failed in its responsibility to prevent violence committed by civilians and to protect migrants residing on its territory. It should be emphasized that several organizations have confirmed that the police in Sfax prevented attacks by violent groups of Tunisian citizens on people gathered in downtown Sfax (at Beb Jebli and in the surrounding gardens), thanks to a reinforced police presence around sensitive locations. Similarly, a number of eyewitness accounts reported the sheltering of victims of eviction and violence, who were moved to police stations. Nevertheless, the majority of persons interviewed for this study denounced that once arrested, these groups of people were then moved to border areas and/or prima facie centers of deprivation of liberty, as analyzed in previous chapters. The majority of those interviewed described the passivity of police officers present at the scene of assaults and violence committed by Tunisian civilians in Sfax from July 3, 2023, onwards. Numerous police refusals to intervene were reported in Sfax, Ariana, Jbeniana and other towns by victims of violence.

Since February 2023, a climate of impunity has prevailed following the President's hate speech targeting migrant communities in Tunisia. Several representatives of partner organizations have denounced the lack of prosecution by the judicial authorities of the perpetrators of human rights violations committed against migrants. Similarly, the public authorities have not taken any measures to restrict the dissemination of statements promoting racial hatred. Interviews with key informants highlighted the dominant role of the media and their contribution to making migrants a target of violence by portraying them as invaders and criminals. Interviews highlighted the influence of certain political parties in legitimizing a public discourse against this group, blaming them for increasing poverty and marginalization in Tunisia. From February 2023 onwards, migrants have been blamed on social networks for the deterioration of all aspects of daily life in Tunisia (work, housing, schooling, public health, individual and national security, culture). At the time of writing (December 2023), several anti-migrant Facebook groups are still active such as for example Facebook Nefta Now and OMCT is not aware of any convictions for incitement to racial hatred. The month of July 2023 therefore represents a real turning point in this climate of impunity and its consequences for the rights of migrants. Several associations and leaders of international organizations have confirmed that local public authorities have unofficially issued instructions to landlords and employers to report the presence of migrants, to bank and post office staff to restrict money transfers and report the presence of sub-Saharan migrants, and to transport companies and cabs to restrict access to transport for migrants. On the other hand, discriminatory practices such as collective expulsions, unfair dismissals, high prices in stores, and refusal of treatment in health care establishments have not been the subject of legal proceedings or action to combat discrimination.



3. TUNISIA IS NO LONGER A SAFE COUNTRY FOR MIGRANTS

At the time of writing, international and national organizations continue to denounce the human rights situation of displaced persons in Tunisia. The majority are in an irregular situation and regularization of their status seems impossible at present. They live in deplorably precarious conditions, and consequently have no real possibility of exercising their fundamental rights. Similarly, it is becoming increasingly difficult for regular residents to enjoy their rights, including the right to decent work. Testimonies continue to denounce evictions from their homes, followed by assaults and violence often perpetrated on the basis of their skin color and presumed origin. Violence is committed in the middle of the day in the city centers of Sfax, Zarzis, and other Tunisian towns with no reaction from the police. Migrants, refugees, and asylum-seekers continue to be arbitrarily arrested and abused by the police and National Guard, placed in indefinite preventive detention without respect for the procedures and guarantees established by Tunisian law, and/or deported to Libya or Algeria.

This section of the report aims to give an overview of the consequences of the violations suffered, as well as the living conditions of this group in Tunisia today.

- **An uncertain future: no sustainable alternatives or durable solutions**

Migrants who had been living in Tunisia for several months or years, with various legal statuses, who had jobs and housing, and whose medium-term future lay in Tunisia, were unable to resume their lives after the wave of violence that began in July 2023. According to a number of associations working on socio-economic integration in Médenine, Sfax and Zarzis, it is virtually impossible to find housing and a job at present, even for a person with regular legal residency status. Throughout the south of the country, access to transport remains extremely difficult. Access to healthcare and the exercise of the right to health for migrant populations relies heavily on the associative fabric, and thousands of people depend on humanitarian aid from international organizations, local associations and the CRT for their vital needs. Social cohesion between host communities and migrant communities, already undermined by months of racial hate speech echoed at the highest levels of government, has been profoundly affected by institutionalized discriminatory treatment of migrants by the state.

“Before June, Sfax was bustling with migrants. What’s happened is a real clean-up.”

says a researcher interviewed as part of this research.

The wave of violence and of arbitrary and forced displacement since the summer of 2023 has also had profound psychological consequences. Several healthcare professionals working in the voluntary sector have confirmed that they have treated many victims of forced displacement, who have developed anxiety and depressive disorders, post-traumatic stress syndromes and hypervigilance, among other symptoms. While the intensity of psychological trauma varies greatly from one person to the next, the feeling of constant insecurity and the sense of a blurred, anxious future seem to be shared by many people on the move. Until a few months ago, the health professionals we interviewed could observe a feeling of relaxation and relief among people arriving in Tunisia after a trying, even traumatic, migration experience. These feelings have disappeared and arrival in Tunisia represents another particularly challenging stage for new arrivals.

- **Consequences of denial of access to justice and persistent impunity**

Denial of access to justice prevents an end to the current climate of impunity regarding violence and violations of their rights against migrants, refugees, and asylum seekers. With the exception of five people brought before a judge at the beginning of July 2023 for violence in a group, no one interviewed as part of this research mentioned any current court cases against Tunisian citizens or members of the security forces for violence against migrants. According to several representatives of organizations consulted as part of this study, migrant people in Tunisia are excluded from or afraid of tackling injustice through state justice or administrative channels. This situation stems from a range of factors, including: the lack of legal and civil identity papers and other types of documentation (including passports); informal working arrangements; a lack of institutional support; and a temporary or invalid residence permit. Language differences and lack of access to information may lead to migrants’ lack of awareness of their rights. Victims of violations, whose testimonies OMCT was able to collect directly or indirectly for this study, are reluctant to denounce abuses and violations for fear of reprisals. Initiating legal proceedings implies approaching the same authorities partly responsible for the violations reported, and several interviews thus confirmed the fear-motivated refusal of any contact with a public authority.

Moreover, according to those interviewed, the majority of victims now wish to leave Tunisia. Representatives of association confirmed that many of their beneficiaries, who have been living in Tunisia for years, have decided to leave the country, either by starting a voluntary return procedure assisted by the IOM, or by attempting the irregular border crossing to Italy. The victims of violations in Tunisia, deprived of sustainable options, then decide to continue their movement, in a route marked by violence.

Aliya, 22, arrived in Tunisia in 2019. At the time of the events, she was living in Tunis in a downtown apartment with her sister and a friend. At the time, she was working as a household helper for several employers.

One evening in February 2023, as she was taking the metro home from work with her sister and friend, she was sexually harassed by another passenger of Tunisian nationality. He touched her several times, making racial, sexist, and sexual slurs. Unable to avoid him, she violently pushed her attacker to stop the harassment, who broke two of his teeth in the process.

Arriving at a station, Aliya immediately went to a police station to lodge a complaint against the assailant for sexual violence. Her sister and friend, who witnessed the incident, accompanied her. None of the subway passengers agreed to testify.

When the preliminary investigation began, Aliya was accused of violence and illegal residence in Tunisia. She was taken into custody and then remanded in custody. At the same time, her sister and her friend were pressured by Judicial Police officers not to testify, who told them that they risk being arrested for illegal residence. Held in undignified conditions in Manouba prison for two weeks, she had no access to clean clothes or basic hygiene products, and was deprived of family visits during her detention.

Following the intervention of one of OMCT's partner organizations, Aliya was provisionally released by the court. In the space of a few hours, Aliya went from being a victim of sexual violence and racial discrimination, to being accused of violence and illegal residence. Aliya decided to leave Tunisia illegally before the judgement in order to escape prosecution.

• **Limited operational space to support people on the move**

Several association leaders interviewed for this study told OMCT how difficult it is to meet the needs of migrants, refugees, and asylum seekers. The areas where they are present are increasingly difficult to access, the needs are immense, and the associations are unable to provide long-term support. At the same time, the State has adopted a policy of restricted assistance, which has led to the violations analyzed in this report and to the limited exercise of human rights.

Since February 2023, certain areas where migrants are concentrated have become inaccessible to humanitarian organizations and associations providing food and medical assistance. This blockade was reinforced in July, while areas of arbitrary and forced displacement were never accessible to associations. At least three associations in Sfax reported that they had suspended part of their activities from the beginning of July due to access and security issues. In addition, the local authorities formally prohibited the CRT and UNHCR from providing tents and makeshift shelters to homeless people gathered in parks in downtown Sfax in early July following the wave of evictions.

On July 7, 2023, the Tunisian state designated the Tunisian Red Crescent as the only organization authorized to coordinate emergency assistance to people in migration situations gathered in and around Sfax. The CRT, which has become the counterpart of international associations and organizations on the migration issue, has enabled the State to withdraw completely and take shelter behind the CRT,

despite the latter's obvious lack of operational, financial and human capacities. With both the CRT and the State offloading responsibility onto the other, civil society actors in Sfax had no clear interlocutor to whom to address requests for urgent intervention to deal with a critical situation in the city center from July onwards, despite the presence of vulnerable people (pregnant women, unaccompanied minors, people suffering from chronic illnesses), major needs in terms of hygiene and food aid, the reporting of several cases of tuberculosis and the increased risk of epidemics (scabies, flu). From July 10, the CRT has also been responsible for providing emergency assistance to meet the primary needs of forcibly displaced people in border areas, and in the *prima facie* detention centers set up during the «evacuation» of border areas. According to the official State line, it was the CRT that was in charge of these «accommodation centers» from July 11 onwards, whereas it is a fact that the National Guard was present and that these centers operated as places of deprivation of liberty. Interviews with CRT's partner organizations confirmed that the provision of services (including meals and hygiene kits) by CRT during this period depended solely on the financial and in-kind support of their partners. CRT officially ceased its intervention on September 1, even though other humanitarian organizations did not receive authorization to intervene (in a geographical area limited to Beb Jebli and the mother and child gardens) until September 12, almost three weeks after an urgent request was filed with the Ministry of Health, four days before the forced displacement of people gathered in downtown Sfax towards El Amra. On the other hand, according to the people consulted for this report, the CRT does not intervene in the oases near Nefta and Tozeur, despite the constant presence of groups of migrants in need of humanitarian assistance and care.

In Sfax, Zarzis, and Ben Guerdane, civil society associations and activists have testified that they have been subjected to pressure by the authorities, who have deliberately reduced civil society's room to manoeuvre when it comes to assisting migrants. In Sfax, several associations had to stop providing services on their premises and welcoming migrant beneficiaries because of the presence of plainclothes police officers in front of the premises of associations providing assistance to migrants, refugees, and asylum seekers. Other more-or-less institutionalized intimidation practices have been recorded, such as destroying of service cars, hacking websites, and the saturation of toll-free numbers and social networks with hate messages. In Ben Guerdane and Zarzis, several activists and citizens who have come to the aid of migrants have reportedly been summoned by the police or even prosecuted for assisting illegal residence, according to several sources active in the south.

Additional difficulties are linked to the status and vulnerability of this particular population group. As mentioned above, the legal aid work of Tunisian civil society associations is today virtually impossible when it comes to complaints about institutional violence and other human rights violations, due to fear of reprisals and the desire to leave Tunisian territory. Similarly, according to a health professional from an association interviewed for this research, the violations suffered, and the psychological trauma induced have also created a lack of trust and mistrust in some people towards anyone outside the migrant community, making therapeutic work and assistance more complex.



EPILOG



At the time of publication of this report (December 2023), the situation of migrants, refugees, and asylum seekers in Tunisia continues to deteriorate, and all the violations documented in this study continue to be committed with increasing intensity and gravity. Institutional violence remains a daily occurrence for people on the move, under the guise of combating illegal immigration and the criminal networks responsible for trafficking migrants. Men, women and children residing in or transiting through Tunisia continue to face unacceptable and extreme forms of violence and dehumanization. OMCT continues to document the unspeakable threats and tragedies of human beings seeking safety, or simply a better life.

On November 24, 2023, during an operation to destroy boats used for illegal departures to Italy, a National Guard vehicle was destroyed and three officers slightly injured by a group of migrants, in reaction to the destruction of their personal belongings, and two weapons were stolen. This incident provoked a disproportionate reaction from the security forces and fueled hate speech against migrants online. Since November, at least six deaths of migrants have been recorded during interventions by security forces. Around Sfax, in Tunis, and in areas where people on the move are concentrated, security forces still arbitrarily arrest dozens of migrants every week, before forcibly moving them or even deporting them to Libya or Algeria. During the first week of December, OMCT's partner organizations reported that over 300 migrants were currently stranded in the border buffer zones between Libya and Tunisia, while Algerian security forces have never stopped turning back displaced groups at their border.

Against this backdrop, any short-term improvement in the situation of people on the move in Tunisia seems highly unlikely. On the contrary, the impunity enjoyed by the perpetrators of these human rights violations, whether state agents or citizens, is further accentuated in a climate of xenophobia legitimized by the Tunisian state. While the influx of new arrivals on Tunisian territory remains constant, forced displacements and deportations on a massive scale, refoulements and violent interceptions at sea, as well as all the concomitant human rights violations, will remain at the heart of migration management by the Tunisian state.

While this study has focused on human rights violations suffered by people on the move in Tunisia, it is important to note that Tunisia is just one stage in the migration journey. Human rights violations suffered by people on the move must also be considered in a more global way, as they are committed all along the migratory route, in countries of origin, transit countries and destination countries. There is an urgent need for the Tunisian government and its European and African partners to recognize the centrality of torture along their borders, at security checkpoints and in detention centers for migrants. The development funds foreseen in the existing cooperation agreements on migration signed between Tunisia and the European Union and its member states must be used for purposes other than simply managing security and limiting migratory flows to the EU. The blocking of legal migration routes is the main factor in exposure to violence. Reversing the European Union's policy of outsourcing the management of migratory flows in the central Mediterranean is essential to put an end to the human rights violations suffered by people on the move in Tunisia.

This report is based on primary and secondary research and programmatic learning. The contents of this document are the sole responsibility of the OMCT and can in no way be taken to reflect the position of the institutions supporting it. The terminology used throughout the study should not be taken as indicative of any particular legal or policy position.

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