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Tunisia: One year on, no accountability for repressed protest

The Tunisian authorities have yet to bring to justice those who assaulted and wounded demonstrators and journalists during a protest held in Tunis a year ago, highlighting the lack of progress in reforming the security forces and the justice sector in Tunisia, in stark contrast with Prime Minister Ali Laarayedh's statement today that the 9 April 2012 file is "closed".

9 April 2012

On 9 April 2012, thousands of people took to the streets of Tunis in solidarity with those killed or wounded during the 2011 uprising. Demonstrators braved a recent government ban on all demonstrations on Habib Bourguiba Avenue in the centre of the capital city.

Reports emerged of security forces using excessive and unnecessary force to disperse the protest, firing tear gas, chasing demonstrators and journalists down side streets and beating them, resulting in dozens of casualties. Men in plain clothes also appear to have assaulted protesters and members of the press while police officers looked on, victims and witnesses told Amnesty International.

The Tunisian League for Human Rights (LTDH) filed a complaint against then-Interior Minister Ali Laarayedh and security officials in the name of dozens of assault victims. Other complaints were filed individually, while a number of assault victims refused to engage with the justice system, citing their lack of confidence in public institutions.

Failure to investigate and prosecute

At the time, Amnesty International had called on the Tunisian authorities to reverse the ban, and open investigations into the excessive and unnecessary use of force by security officers as well as assaults of demonstrators and journalists by men in plain clothes.

The protest ban was overturned in the wake of the clashes but investigations into the violence have stalled one year on, while complaints against alleged perpetrators lodged with the public prosecutor have made little progress, with no arrests or hearings taking place so far. Some plaintiffs have raised concerns over the role of the judicial police responsible for investigating the complaints.

Meanwhile, the Interior Ministry failed to publish the findings of its own inquiry, which it presented in a closed session to a parliamentary commission on 27 September 2012.

A toothless parliamentary commission

In the public uproar that followed the crackdown, authorities formed a 22-strong commission of inquiry within the National Constituent Assembly (NCA) to investigate the violence on 9 April 2012, later known as the 9 April Commission.

One year after the events, the commission has not published any findings or recommendations. In over twenty sessions, it has only heard two testimonies from victims and civil society, in addition to the Interior Ministry's unpublished findings, as members of the commission told Amnesty International.

Commission president Zied Ladhari explained that commission members were overwhelmed by their constitution-drafting and parliamentary responsibilities, leaving few opportunities to meet. He added that the 9 April Commission was the first parliamentary inquiry commission in Tunisian history, and therefore lacked experience as well as an adequate legal framework.

As months went by, the commission's ineffectiveness became increasingly apparent. This ineffectiveness was legally entrenched, as the commission had been established under the NAC's by-laws which provide no legal powers to compel officials to testify or hand over documents.

Resignations soon ensued, as NAC member Nejib Hosni quit the commission on 5 December 2012, citing its "pointlessness". Ten more members including committee vice-president Noomane Fehri stepped down on 5 April 2013, protesting the committee's ineffectiveness. Resigning members referred to the absence of a legal framework allowing adequate investigating powers, as well as lack of cooperation from the Interior Ministry.

While the parliamentary commission struggled, another government-mandated, non-statutory commission of inquiry, this time composed of civil society activists investigating the November 2012 events in Siliana, was able to interview victims and published its findings and recommendations in half the time, releasing its report in March 2013.

Remaining members of the 9 April Commission are now reviving draft legislation proposing to increase the power of parliamentary commissions of inquiry. Preparations are underway for a draft law which would include powers to subpoena suspects and witnesses. While the proposed law would strengthen the investigative powers of future inquiry commissions, it should also ensure that witnesses receive adequate protection when their testimonies may put their lives at risk.

Ensuring accountability

Amnesty International is concerned about the Tunisian authorities' failure to promptly, thoroughly, impartially and transparently investigate allegations of excessive and unnecessary use of force.

While the draft law currently underway to strengthen the investigative powers of parliamentary commissions of inquiry is commendable, such commissions should complement but not substitute judiciary investigations and prosecutions of those responsible for human rights violations.

It is high time for the Tunisian authorities to signal their political will to make the security forces accountable for human rights violations they continue to commit. Tunisian authorities must urgently engage in serious reforms of the judiciary and the security forces, the very institutions which are meant to protect the Tunisian people's human rights.