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The Unfinished Revolution: Police Brutality at the Heart of the 10th Anniversary of the Tunisian Revolution

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TUNIS, TUNISIA - JANUARY 30: Tunisian protesters confront police officers forming a human shield to block the access to demonstrators to the interior ministry, during a rally to protest against "police repression" and demand the release of demonstrators detained in recent days in capital Tunis on January 30, 2021.

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Tunisia has commemorated the 10th anniversary of its revolution amid a health crisis and ongoing political instability affecting all the country's institutions. A revolution which, in 2011, not only marked the end of a 23-year dictatorship but also pushed the country and others in the region towards democratic transition, a path only Tunisia continues to tread.

The 14 January 2021 was a day anticipated by all political and civil society actors in the country: a moment of commemoration and remembrance for some, a symbolic date to protest against slow reforms for others, or even a new opportunity to voice demands for a more dignified life.

However, since that day, police repression against human rights activists and social movements members has only continued to expand, with more than 2,000 arrests made between January and 1 March 2021. On 10 June 2021, a video was shared showing police officers from the National Rapid Intervention Brigade strip and drag someone who was later identified as a 15-year-old minor living in the working-class neighbourhood of Sidi Hassine, in the southern suburb of Tunisia. This latest case proves once again the need for deep reforms in a sector crucial to the country's democratic transition.

A Long-awaited Wave of Repressive Security Measures

Except for timid coverage by Tunisian media and romanticized coverage by the foreign press, the 10th anniversary of the revolution was commemorated in a morose and especially indifferent setting. However, some demonstrations offered a few moments which were more debated than the event itself: protesters in Tunisia raised incendiary signs and slogans against the country's institutions and politicians (e.g. calls for the immediate dissolution of Parliament, the resignation of its Speaker and the leaders of parliamentary blocs). These slogans were often accompanied by flags rarely seen in the streets of Tunisia, namely the rainbow flag of the LGBTQI+ community.

After 14 January 2021, rallies were organized to mark the 10th anniversary and to protest the overall situation in the country and the slowness in enacting the



necessary reforms. Despite the blockade set up by security forces, protesters gathered on multiple occasions on Bourguiba Avenue, a highly symbolic space of the Revolution, and engaged in anti-government actions and slogans targeting the police (demonstrators were photographed putting lipstick closely in front of an officer, others threw paint-filled balloons at riot police, etc.).

These pictures were shared on social media and a few media outlets and were met with an unprecedented reaction: The National Syndicate of the Internal Security Forces used the photos shared online to launch a real witch-hunt. For weeks, downtown Tunis became a demonstrator hunting ground. Over 2,000 protesters were arrested and charged based on fabricated claims of indecency, disturbance of public order, or slander of on-duty public officials. These arrests were not limited to the capital but spread across the nation in at least 14 governorates.

A press release on 9 March 2021 co-signed by more than 60 national and international associations and organizations recalled the wave of “abusive arrests [...] and violence, threats and harassment by police officers on the ground and social media.”

The Tunisian Forum for Economic and Social Rights (FTDES) underscored in the same press release of 11 March 2021 that “over 2,000 arrests, most of which are arbitrary, were recorded in two weeks in at least 14 governorates in the country. More than 30% of those arrested were minors. Several rights violations were committed: arbitrary detention, humiliation, torture, inhuman and degrading treatment, verbal and physical threats and intimidation, and online harassment and surveillance. Many activists and human rights advocates have also reported being arrested and/or persecuted for their activism.”

There were several particularly striking cases of repression: On 24 January 2021, Haykel Rachdi, a young protester, died after he was hit by a tear gas canister in Sbeitla (Kasserine Governorate) during a night protest. On 28 February, Rania Amdouni, an LGBTQI+ activist, was arrested at a police station where she went to file a complaint about daily harassment and threats made by police officers tailing her. On 3 March, Abdessalam Zayane was arrested during demonstrations in Sfax; he died in detention as a result of not receiving insulin. On 8 March, three members of civil society organizations, Mehdi Barhoumi (International Alert), Mondher



Saoudi (Cartographie Citoyenne) and Sami Hmaïd, were arrested based on uncorroborated anonymous reports of illegal assembly and were subjected to degrading treatment in detention. Lastly, the video of police brutality against the 15-year-old minor in Sidi Hassine reminds us that, today more than ever since 2011, the abuse is very real and increasingly flagrant on the part of the government.

This unprecedented wave of repression reveals the large void created by the lack of reforms in the security sector over the past 10 years. Inaudible leadership on the issue of the rights and freedoms of the Prime Minister and the Ministry of Interior,¹ a pronounced reticence from police officers towards any form of protest, and an extremely tense political and health context have undoubtedly led to the greatest decline in individual and collective freedoms since Ben Ali's ouster.

The Security Sector Reform Illusion

Since 2011, Tunisia has embarked on the path of democratic transition by initiating fundamental political structural reforms such as the introduction of the 2014 Constitution, holding several legislative and presidential elections (2014 and 2019) and municipal elections (in 2018), and the establishment of new oversight bodies (Provisional Instance to Review the Constitutionality of Draft Laws, Instance Nationale de Lutte Contre la Corruption (anti-corruption agency), etc.). Other institutional reforms, such as the overhaul of old structures (Supreme Judicial Council, etc.) and economic reforms were also introduced (a new law on investment, several financial and fiscal measures related to the tourism and agricultural sectors, a new law concerning start-ups, several economic summits, etc.).

Almost all vital sectors in the country have undergone some change, but the impact is barely felt by Tunisians. The one area that has escaped change is security.

In 2011, the National Commission to Investigate Abuses and Violations (Cnidv) (affiliated to its then-president Taoufik Bouderbala) had already issued a scathing report on the state of the security sector and the dire need for reforms. Between 2013 and 2018, the Truth and Dignity Commission also carried out important work



on memory and reparation as part of transitional justice, framed by the Constitution to identify the critical needs of reforming the sector. Several international reports and countless papers and press releases from national organizations have also warned against indefinitely delaying the reforms needed to clean up the security sector in Tunisia.

Tunisia has received major strategic support for security reform since 2011. Initially granted by the European Union and its Member States, the multimillion-euro²) aid aims to ensure that Tunisia remains the only democratic success story in the region, as well as guarantee that the country protects the southern border of the EU against two major threats for Brussels: irregular migration and terrorism.

The Tunisian Police and National Guard have seen their numbers increase by more than 25,000 men between 2011 and 2015. The Armed Forces and Logistics Intervention Team have greatly benefited from these aids as well. On an administrative level, the Internal Security Forces were given the right to form trade unions, first by a government decree in 2011, then the right was enshrined in the 2014 Constitution. Meanwhile, the only oversight body (the Policing Police, dating from the old regime) was dissolved and never replaced. There is now a general inspectorate within the Ministry. However, the principles of transparency and accountability are not applied.

A Draft Code of Conduct Practice was produced in 2016 by the Ministry of Interior and supported by the United Nations Development Programme, but never formally adopted. A Directorate-General for Human Rights within the Ministry of Interior was established in 2018 without any guarantee of transparency in the evaluation of its action and impact. In-service training programs for the Internal Security Forces have been planned, and probably carried out,³) but have not seemed to affect the reality of officers' action in the field.

The lack of reform has created a chasm that the National Syndicate of Internal Security Forces has quickly bridged by making the best of what human rights activist Amna Guellali described as “political complacency with police violence, coupled with inflammatory rhetoric from the police unions, [which makes] a perfect recipe for abuse.”⁴ In light of the demonstrations taking place since January 2021, it is sufficient to note that police officers have taken advantage of



this government complacency to track down protesters, many of whom were already registered as human rights activists⁵ or LGBTQI+ activists. The context of this repression would suggest that some members of the security forces, including those linked to the National Syndicate of Internal Security Forces, may have seized the opportunity for reprisal for what they believe they have suffered since 2011, and especially over recent years.⁶

The Ben Arous Court case best illustrates this sense of impunity and the Syndicate's show of strength. In 2018, when five police officers appeared before the Ben Arous Court of the First Instance for acts of torture against a detainee, several members of the Syndicate entered the premises, beat the plaintiff's lawyers and threatened to retaliate against the magistrates until they eventually released their colleagues.

In 2015, the Tunisian government submitted a bill on the protection of armed forces to the parliament, but a plenary vote never took place. The text, which strengthens the legal and financial protection of officers, has been denounced by political and civil society actors as a major threat to freedoms of expression, opinion, press, and movement. On 12 October 2020, during its fifth visit to the parliament, the government decided to withdraw the bill submitted to the plenary vote, without any official explanation, but undoubtedly under joint local and international pressure. This withdrawal was regarded as a victory by a significant part of the Tunisian civil society but also reignited tensions with security sector actors. A discerning eye could also link these repeated withdrawals of the bill to the ever-growing police brutality against protesters.

A Political and Judicial Withdrawal with Serious Consequences

The developments in Tunisia since last January are not only related to the health crisis or the lack of reforms within the police. According to Amna Guellali, these developments reveal that the Hichem Mechichi government seeks “to show the complacency of the National Syndicate of Internal Security Forces and more broadly of the Ministry of Interior”.⁷ Furthermore, since 7 January 2021, the Prime Minister has also assumed the position of Minister of Interior, after the dismissal of

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Taoufik Charfeddine and the intense struggle over key positions in the Ministry of Interior as well as tensions between Mechichi and President Kais Saied.

This dual role further exacerbates the vacuum around the political control of law enforcement, as the voice of the government and the voice of the Ministry of the Interior are now the same. Even worse, amid the wave of arrests of activists, on 3 February, Mechichi met with representatives of the syndicates of security forces and civil defence to denounce the symbolic attacks against officers and the social status and protection to which they are entitled.

This last move has shown all observers, particularly civil society organizations and activists, the new course of the Tunisian government: aligning security policy with the rhetoric maintained for years by the National Syndicate of Internal Security Forces. Despite continuous warnings from several organizations regarding violations, the Prime Minister seems to prefer the status quo to the risk of clashing with the interests or sensitivities of the Internal Security Forces. The latest case of brutality against a minor in Sidi Hassine has also raised doubts as to the refusal of the Ministry of Interior to share with the public prosecutor and the child protection officer the names of the officers involved, even though disciplinary action has been launched against them (meaning the Ministry already had their names). This information was denied by the spokesperson of the Public Prosecutor's Office at the Court of the First Degree in Tunis, without specifying whether the names were indeed shared.

On the other hand, the stance of the President of the Republic is very feeble in the face of these violations. In a statement on 2 March, the President pledged to pardon the young people arrested across the country during demonstrations. Although he asserted that «prison must be a penalty that deprives a person of freedom and not humanity», Kais Saied, did not mention the need for reform in the security sector.

In turn, the parliament took very little interest in the events that occurred, except for the aforementioned death of Abdessalem Zayane, for which an inquiry commission was created on 23 March 2021 to shed light on the circumstances surrounding the death and identify the perpetrators. This ARP absence could be associated with the sensitive nature of the situation (between the mobilized



security forces and the civil society on the warpath); the parliament, which has hardly shown courage during the past year, has yet to undertake any meaningful reform. Finally, the political discord and tensions between the parliamentary blocs have shattered the cohesion within the legislature and have undermined its ability to counterbalance executive decisions and, even worse, to control its actions.

The Judiciary: Partly Complicit in Violations

A phenomenon dating back to 2011, and even before, has resurfaced in recent weeks: The Public Prosecutor's office has repeatedly found itself complicit in police violations. Most of the 2,000 arrests could not have been possible or extendable had it not been for the approval of the prosecutor. In a statement on 4 February 2021, the member organizations of a collective called the “Alliance for Security and Freedom” comprising national organizations (Tunisian Human Rights League, National Union of Tunisian Journalists, Tunisian Forum for Economic and Social Rights, etc.) and international organizations (Human Rights Watch, Amnesty International, Lawyers without Borders, etc.) reported that “the call of the [police] syndicates to “stop the rioters” and “implement the directives of the Public Prosecutor”, is inherently illegal because “the Public Prosecutor’s directives” may only be given after the perpetration of an offence. They may not be included in prior policing instructions,”⁸ implying that the police officers were given carte blanche by the public prosecutor even before the arrests.

This calls into question the independence of the judiciary, particularly the role of the judicial police (now fully affiliated with the Ministry of Interior) and the prosecutor (reporting to the Ministry of Justice and thus to the Prime Minister, who, as indicated above, also serves as Minister of Interior). The carte blanche given by the Prime Minister, also the Minister of Interior, to the National Syndicate of Internal Security Forces allows them the leeway to repress anyone deemed disruptive (activists and leaders of social movements), as well as the necessary protection to carry out violations.

The problem also affects justice reform in Tunisia, which, despite increasing efforts and outcomes, remains the other weak link in the transition. Beyond the role of



the prosecutor and the actual affiliation of the judicial police, the management of the national ID database in Tunisia must also be reassigned, since it is mainly used by the courts but is managed by the Ministry of Interior. Another factor is the legislative framework of fundamental rights and freedoms since the Penal Code and the Code of Criminal Procedure are not aligned with the Constitution (Art. 230 condemning homosexuality, Art. 227 condemning moral violations without a clear definition of the concept, Art. 125 condemning attacks on public officials while on duty without any specific criteria for the offence, which are used and abused by police officers, etc.).

Lastly, at the institutional level, the country has still not established a Constitutional Court. Despite the promulgation of the law in 2015, only one member was elected and the Court is still not operational. The Court is the only judicial institution capable of repealing unconstitutional legislative texts. Since the beginning of 2021, it has been the subject of political wrangling aimed at reducing the parliamentary majority necessary for the election of three of the four members by the ARP. The Court could play an important role in monitoring the constitutionality of texts regulating the security sector.

All of these factors contribute significantly to the weakening of civilian control over the framework and actions of security actors and therefore tend to reinforce the sense of impunity among the ranks of internal security forces.

The Future of the Security Sector: A Decisive Factor in the Success of Tunisia's Democratic Transition

These past few months in Tunisia have reminded all civil society actors to what extent the gains of the revolution could be jeopardized in terms of individual and collective freedoms. Never since 2011 have the freedoms of assembly, protest, expression, and the press been so threatened. This wake-up call also makes it possible to bring about the reforms necessary for the development of a security sector in a sustainable democracy, with due regard to civil institutions and in line with the rights and freedoms outlined in the 2014 Constitution.



In addition to the reforms of the Penal Code or Institutional changes, it is necessary to ensure better control of police practices. Although Law No. 2016-5, which ensures access to a lawyer from the first moment of detention was adopted, the latest wave of arrests shows police officers rarely grant this right. They claim, without proof, that the detainee refused it while continuing to threaten or subject these people to degrading treatment.

It is clear that the sense of impunity of police officers, aided by the silence of institutions and policies, reinforces the conviction that there are no bounds to their actions, a sentiment highly comparable to the pre-2011 period. To remedy this, the Directorate-General for Human Rights, and more broadly the Ministry of Interior and the Prime Minister's Office, must exhibit transparency in their work. A platform of data on crime and delinquency statistics was launched after the Revolution, but no data was added beyond 2014/2015. It is impossible to know whether disciplinary action was taken against officers who abused their power or subjected citizens to pressure or degrading acts.

As explained above, the security sector in Tunisia receives significant technical and financial support from Tunisia's international partners. In addition to bilateral partnerships, UN bodies (in particular UNODC and UNDP), as well as organizations such as DCAF or the EU, provide massive support to the sector without achieving any compelling outcomes in terms of transparency and accountability of security structures, especially given the many ongoing violations of the fundamental rights of citizens. This continued support, despite very real failures, is equivalent to giving the security forces free rein, which could transform the imminent danger into real harm against Tunisian democracy. The question now is whether this support should continue because reform takes time or rather assistance be paired with strict conditions in the future?



Endnotes

1. Since January 2021 and the resignation of Ridha Charfeddine, Hichem Mechichi has assumed the roles of Prime Minister and Minister of Interior.
2. A security sector reform support program was launched in 2016 and funded for the amount of 23,000,000 EUR: (Source: Joint Communication to the European Parliament and the Council - Strengthening EU support for Tunisia, Brussels, 29.9.2016 JOIN (2016) 47 final
3. Programs were launched by the ICRC (<https://www.icrc.org/fr/document/faits-chiffres-tunisie-2020>), DCAF (<http://www.dcaf-tunisie.org/Fr/activite-partenaires/dcaf-et-lecole-superieure-des-forces-de-securite-interieure-tiennent-un-seminaire-de-formation-sur-la-bonne-gouvernance-du-secteur-de-la-securite/77/10389>), and UNESCO (<https://fr.unesco.org/news/formation-forces-securite-liberte-expression-securite-journalistes>)
4. A Return to the Police State in Tunisia? By Amna Guellali, Nawaat, February 17, 2021: <https://nawaat.org/2021/02/17/retour-a-un-etat-policier-en-tunisie/>
5. En Tunisie, le système kafkaïen des fichages sécuritaires, (In Tunisia, the Kafka system of security filing), By Lilia Blaise, Le monde, January 6, 2020: https://www.lemonde.fr/afrique/article/2020/01/06/en-tunisie-le-systeme-kafkaien-des-fichages-securitaires_6024879_3212.html
6. Tunisia: Where Running From Police Can Be Deadly, Amnesty International, <https://www.amnesty.org/fr/latest/campaigns/2019/04/tunisia-where-running-from-police-can-be-deadly/>
7. A Return to the Police State in Tunisia? By Amna Guellali, Nawaat, February 17, 2021: <https://nawaat.org/2021/02/17/retour-a-un-etat-policier-en-tunisie/>
8. Appel de la société civile à rompre instamment le cercle vicieux des violences policières et de dériver de syndicats de forces armées, (Call by Civil Society to Immediately Break the Vicious Cycle of Police Brutality and Deviations of the Syndicates of Armed Forces), 4 February 2021, The member associations of the Alliance for Security and Freedom: World Organization Against Torture, Tunisian Forum for Economic and Social Rights, Jamaity, Mobdiun, Psychologues Du Monde - Tunisia, Solidar Tunisie, Lawyers Without Borders.



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Zied Boussen is a Tunisian activist and researcher on governance, public policies and human rights. His research focuses on institutional and legal reforms in transitional contexts. He holds a master's degree in International Law with a focus on post-conflict state-building and reconstruction from the University of Aix-Marseille, France.

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