

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# NEW GOVERNMENT MUST BREAK THE PATTERN OF IMPUNITY FOR GRAVE HUMAN RIGHTS VIOLATIONS

Dear Prime Minister,

Amnesty International would like to take this opportunity to congratulate you on your nomination in office. We are writing to you in hope that you will commit to defending and protecting human rights during your mandate and that you will maintain an open dialogue and cooperation on human rights issues with civil society organizations and push forward stalled human rights reforms.

In view of Tunisia's commitment to promote the rule of law and respect for human rights, we call on your government to prioritize ending the impunity of the security forces to show that nobody is above the law and that the justice system maintains oversight of the executive.

It is our assessment that previous Tunisian governments have failed to take effective measures to ensure accountability for human rights violations committed by security forces such as torture and ill-treatment or excessive use of force contributing to the persistence of these violations. For years, human rights organizations have asked the Tunisian authorities to put an end to impunity by ensuring that complaints related to human rights violations are investigated and perpetrators are held to account after fair trials. However, since 2011, the overwhelming majority of credible allegations of human rights violations, including torture, by members of security forces have not resulted in prosecutions.

Despite the comprehensive transitional justice process that has started six years ago and the referral of 173 cases to court, transitional justice trials haven't received the necessary support from the government.

Your government has a historic opportunity to break this pattern and to send a strong signal that you will not tolerate any form of impunity for acts of torture or excessive use of force or any attempts to obstruct justice whether in regard to crimes of the past or violations committed after 2011.

As you take office we ask you to commit to taking concrete measures to fight impunity and submit the following recommendations as specific steps towards that goal:

### **Commit to Transitional Justice process to ensure accountability for the crimes of the past**

- Publish without any further delay the Truth and Dignity Commission's (IVD<sup>1</sup>) report in the Official Gazette as required by of Article 67 of Organic Law 53-2013.

- Adopt a comprehensive workplan for the implementation of IVD's recommendation as required by of Article 70.
- Ensure full cooperation of all government agencies with the Specialized Criminal Chambers entrusted with adjudicating at least 173 cases related to gross human rights violations committed between 1955 and 2013 in order to guarantee the right to a remedy of hundreds of victims and their families
- Enable and support the Specialized Criminal Chambers financially and technically in order to ensure the prosecution of past human rights violations occur in total respect of due process standards and the rights of the victims and defendants
- Guarantee that the judicial police execute the arrest warrants issued by the Specialized Criminal Chambers in transitional Justice trials in accordance with the law.
- Investigate and discipline officers and security sector officials who evade their duties in executing court orders issued by the Specialized Criminal Chambers

### **End Impunity for violations committed by security forces**

- Prioritize institutional reform of the police and security apparatus to ensure oversight and compliance with international human rights law,
- Ensure that allegations of torture and other ill treatment, and all incidents in which security forces used unnecessary or excessive force, are thoroughly, promptly, effectively and impartially investigated and, if there is sufficient admissible evidence, prosecute and punish those found responsible. This should include officials in the position of command and authority as well as those who committed, ordered, solicited, commissioned, authorized, facilitated, aided and abetted torture and other ill-treatment.
- Ensure that law enforcement officers suspected of having committed human rights violations, are suspended from active service until the investigation is complete. This measure must not prejudice their right to a fair trial.
- Ensure that the ministry of interior orders alleged perpetrators to appear in court when summoned by judges and that prosecutors investigate perpetrators' failure to appear in court;
- Ensure that the ministry of interior orders security forces to refrain from threatening or putting any type of pressure on judges investigating abuses.

### **Ensure all emergency measures implemented by the ministry of interior do not violate human rights**

- Ensure that any limitations on the exercise of human rights imposed as part of a state of emergency are prescribed by law, are temporary and are consistent with the principles of necessity and proportionality, as required under international human rights law. Measures imposed under emergency powers must not have a disproportionate impact on the human rights of those subjected to such measures or of others affected by them.
- Ensure that all restrictions imposed on freedom of movement are justified, have a clear legal basis and subject of judicial oversight and appeal;
- Ensure regular review, including by a judicial entity, of all cases in which administrative measures restrict individuals' rights, including to freedom of movement;
- Ensure the respect of all administrative court decisions in S17 and other border control measures cases

We hope to continue to work with you throughout the next five years on human rights issues

Please accept the assurances of our highest consideration.