

TUNISIA

- **TUN-06** - Abir Moussi (Ms.)
- **TUN-COLL-01** - 24 parliamentarians



Inter-Parliamentary Union
For democracy. For everyone.

Tunisia

Decision adopted unanimously by the IPU Governing Council at its 208th session (Madrid, 30 November 2021)



Abir Moussi (centre), president of the Free Destourian Party (PLD), lifts her face mask as she gestures during a parliamentary session as Tunisian lawmakers debate ahead of a confidence vote on the new government reshuffle by the Prime Minister at the Tunisian Assembly headquarters in the capital Tunis on 26 January 2021. FETHI BELAID/AFP

TUN-06 – Abir Moussi

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Impunity
- ✓ Other violations¹

A. Summary of the case

A member of the Assembly of People's Representatives, Ms. Abir Moussi, was the victim of acts of verbal and physical violence and sexist, degrading insults directly linked to the exercise of her parliamentary mandate. The abuse suffered by Ms. Moussi is allegedly based, on the one hand, on the fact that she is the leader of an opposition political party and, on the other hand, on her gender. Ms. Moussi has also received death threats, which she has taken seriously and reported to the police, who are providing her with security.

The complainant's allegations were supported by videos and excerpts from social media posts that helped identify the alleged perpetrators, including two members of the majority party in the Assembly, Mr. Seifeddine Makhoulouf and Mr. Sahbi Smara. The latter physically assaulted her during Assembly proceedings on

¹ The acts of violence suffered by Ms. Moussi were reportedly gender-based, that is, "violence which is directed against a woman because she is a woman or that affects women disproportionately". For a full definition, see general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (CEDAW), United Nations.

Case TUN-06

Tunisia: Parliament affiliated to the IPU

Victim: Female opposition member of parliament

Qualified complainant(s): Section I.1 (a) of the Committee Procedure (Annex I)

Submission of complaint: October 2020

Recent IPU decision: February 2021

IPU mission(s): - - -

Recent Committee hearing: Hearing with the complainant at the IPU's 143rd Assembly (November 2021)

Recent follow-up:

- Communications from the authorities:
 - Letters from the Chief of Staff of the Speaker of the Assembly of People's Representatives (April and May 2021);
 - meeting between the IPU Secretary General and the Permanent Representative of Tunisia to the United Nations Office in Geneva (November 2021)
- Communication from the complainant: September 2021
- Communications to the authorities:
 - Letter to the Speaker of the Assembly of People's Representatives (August 2021);
 - and letter to the President of the Republic (October 2021)
- Communication to the complainant: November 2021

30 June 2021. The two members of parliament were apparently not punished, as before the suspension of the Tunisian parliament on 25 July 2021 no disciplinary measures had been taken by the parliamentary authorities against either of them or against other members of the same political party accused of harassing Ms. Moussi. According to the complainant, these attacks are aimed at intimidating the member of parliament in order to remove her from political life.

In their letters of November 2020 and April and May 2021, the parliamentary authorities stated that they had strongly condemned the actions of member of parliament Mr. Makhlouf, as had the parliamentary committee set up by the Speaker of Parliament in this regard. In their letter, received on 14 April 2021, the parliamentary authorities stated that an initiative to create a code of parliamentary ethics and conduct as a mechanism to eliminate violence in parliament is under discussion. The authorities also expressed their willingness to cooperate with the Inter-Parliamentary Union in order to restore a climate of peace and eliminate all forms of violence in parliament. In their letter of May 2021, the parliamentary authorities nevertheless pointed out that Ms. Moussi had allegedly caused disturbances and verbally abused other members of the Assembly, allegations which were refuted by the complainant.

After months of prolonged political crisis in the country, President Kaïs Saïed suspended parliament on 25 July 2021, invoking Article 80 of the Constitution. President Saïed also lifted the parliamentary immunity of all members of parliament, dismissed the Prime Minister and his government and assumed all state powers. Although their parliamentary immunity was lifted, none of the members of parliament guilty of the acts of violence were apprehended to answer for their actions towards Ms. Moussi.

At the hearing with the IPU Committee on the Human Rights of Parliamentarians on 26 November 2021, during the 143rd IPU Assembly (November 2021) in Madrid, the complainant explained that Ms. Moussi had been the victim of serious harassment and threats for several years, which justified the police protection provided by the Ministry of the Interior that she had enjoyed long before she became a member of parliament. However, the threats against her reportedly intensified when she became a member of parliament in 2019. According to the complainant, the police protection provided to her is ineffective given the recent assaults she suffered. The complainant added that the parliamentary authorities had no mechanism to review disputes between members of parliament. However, the acts of violence suffered by Ms. Moussi were, rather, offences punishable by law, meaning that the parliamentary authorities should have forwarded her complaints to the Public Prosecutor, which was not done.

The complainant also pointed out that Ms. Moussi, like all members of the Assembly of People's Representatives, was suffering from the consequences of the suspension of parliament and the campaign of defamation and harassment against all members of parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the complaint concerning Ms. Moussi's situation, a member of the Assembly of People's Representatives of Tunisia at the time she received threats and suffered sexist acts of intimidation and verbal and physical violence, was declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure in February 2021;
2. *Thanks* the Tunisian parliamentary authorities for the information they provided in their letters received in November 2020 and April and May 2021 respectively; and *welcomes* the willingness of the parliamentary authorities to settle Ms. Moussi's case and to cooperate with the Committee;
3. *Regrets*, nevertheless, that, despite the exchanges held on Ms. Moussi's situation with the parliamentary authorities when they were still in office, they did not take the necessary steps to prevent the assaults committed against her on 30 June 2021 by two other members of parliament on parliamentary premises; *also regrets* the decision of the Bureau of the Assembly to remove Ms. Moussi's security escort within parliament, given the real and serious threats against her and the prevailing general climate of violence in parliament;

4. *Strongly condemns* the acts of violence committed against Ms. Moussi and all other forms of violence suffered by her, as well as all demeaning practices aimed against female parliamentarians; *stresses* that such attacks are a step backwards and represent a danger both to women's political rights and to the proper functioning of parliament; and *calls on* the competent authorities to take appropriate action to hold to account those responsible for the acts of violence against Ms. Moussi;
5. *Affirms* that all parliamentarians, in particular female Tunisian parliamentarians, should be able to perform their political duties in a respectful environment in which their rights are effectively and seriously defended; *wishes*, with the support of the Inter-Parliamentary Union, to assist the Assembly of People's Representatives, when it resumes its functions, in strengthening democracy, promoting parliamentary dialogue and combating the intimidation of women in politics; and *sincerely hopes* to be able to help in the drafting of the code of parliamentary ethics and conduct;
6. *Expresses its concern* about the suspension of the Tunisian Parliament under extraordinary measures, which were supposed to be of limited duration but which are still in place, thereby plunging the Tunisian Parliament into a situation of total uncertainty; *stresses* that this suspension directly affects the individual rights of members of parliament and deprives Tunisian citizens of political representation; *points out* in this respect that the achievements of the young Tunisian democracy that emerged from the Arab Spring should be maintained by all possible means; and *looks forward* to the resumption of the work of the Tunisian Parliament as soon as possible;
7. *Requests* the Secretary General to convey this decision to the President of the Republic, the complainant and any third party likely to be in a position to supply relevant information to assist it in its work;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Tunisian security forces guard the entrance to the country's parliament in Tunis, Tunisia, on 1 October 2021. © Anadolu Agency via AFP

TUN-07 - Seifedine Makhoul	TUN-19 - Samira Chaouachi (Ms.)
TUN-08 - Maher Zid	TUN-20 - Belgacem Hassan
TUN-09 - Maher Medhioub	TUN-21 - Kenza Ajela (Ms.)
TUN-10 - Yosri Dali	TUN-22 - Emna Ben Hmayed (Ms.)
TUN-11 - Fethi Ayadi	TUN-23 - Bechr Chebbi
TUN-12 - Awatef Ftirch (Ms.)	TUN-24 - Monjia Boughanmi (Ms.)
TUN-13 - Omar Ghribi	TUN-25 - Wafa Attia (Ms.)
TUN-14 - Faiza Bouhlel (Ms.)	TUN-26 - Jamila Jouini (Ms.)
TUN-15 - Samira Smii (Ms.)	TUN-27 - Mohamed Lazher Rama
TUN-16 - Mahbouba Ben Dhifallah (Ms.)	TUN-28 - Nidhal Saoudi
TUN-17 - Mohamed Zrig	TUN-29 - Neji Jmal
TUN-18 - Issam Bargougui	TUN-30 - Zeinab Brahmi (Ms.)

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage and of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case¹

On 25 July 2021, President Kaïs Saïed invoked Article 80 of the Constitution to suspend parliament, lift the parliamentary immunity of members of parliament, remove the Prime Minister and his government from office and take on executive power after months of protracted political crisis in the country.

This suspension has had additional implications for a number of members of parliament from the *Ennahda* and *Al Karama* groups who were targeted directly because of their opposition to President Saïed. In addition to being stripped of their parliamentary immunity, salary, medical insurance, and freedom of movement that all members of parliament enjoy, some members of parliament are being prosecuted for matters that occurred before the events of 25 July 2021. Currently, the members of parliament Mr. Seifedine Makhoulouf et Mr. Nidhal Saoudi are in prison while three others were placed under house arrest until the beginning of October 2021. Other members of parliament are abroad and do not wish to return to Tunisia for fear of reprisals. The uncertain future of parliament is a cause for concern for all members of parliament elected for a five-year term who have now been stripped of the right to exercise their parliamentary mandate.

A vigorous smear campaign has allegedly been waged against all members of parliament, especially those from the two groups above, who are said to have been branded incompetent or deemed traitors, which has exacerbated the threats and hate speech against them. In this context, it should be stressed that the repeated acts of violence in parliament have sparked a widespread public mood of frustration with members of parliament.

On 24 August 2021, President Saïed renewed the extraordinary measures in place and on 22 September 2021 he published presidential decree No. 2021-117, which granted him all powers of the State. The instrument allows the President to legislate by issuing presidential decrees, none of which are subject to judicial review. Parliament remains suspended despite the provisions of Article 80 of the Constitution, which provide that parliament is deemed to be continuously in session whenever the President invokes extraordinary measures. On 11 October 2021, President Saïed announced a new 25-member government led by Ms. Najla Bouden Romdhan.

At a hearing with the Committee on the Human Rights of Parliamentarians on 26 November 2021 during the 143rd IPU Assembly in Madrid, the complainants stated that the members of parliament in the *Al Karama* political coalition were victims of a campaign of defamation and humiliation designed to tarnish their image. The members of parliament were said to be liars, looters of public property and traitors. Mr. Makhoulouf and Mr. Saoudi are accused of offences that carry the death penalty under the provisions of the Tunisian Criminal Code. In addition, the complainants highlighted that certain measures were entirely arbitrary, as some members of parliament who had been placed under house arrest without knowing why were no longer subject to this restriction, even though the authorities had provided no explanation.

Regarding the two members of parliament currently in detention, the complainants said that the legal proceedings in the airport case had started before their parliamentary immunity was lifted on 25 July 2021. These cases reportedly came before the civil investigating judge at first, and the Public Prosecutor and the Bureau of the Assembly had corresponded about their immunity. However, the measures of 25 July 2021 were said to have accelerated the processing of these cases as they were referred to a military court in light of the alleged offences committed by the two members of parliament. Their continued detention appeared to be arbitrary and designed to weaken their morale. In this regard, the

Case TUN-COLL-01

Tunisia: Parliament affiliated to the IPU

Victim: 24 members of the opposition (13 men and 11 women)

Qualified complainants: Section I.1 (a) and (b) of the Committee Procedure (Annex I)

Submission of complaints: August, September and October 2021

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing: Hearing with the complainant at the 143rd IPU Assembly (November 2021)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: November 2021
- Communication to the authorities: Letter to the President of the Republic (October 2021)
- Communication to the complainants: November 2021

¹ For the purposes of this decision, the term "opposition" relates to members of parliament from political groups or parties whose decision-making power is limited and who are opposed to the ruling power.

hearing scheduled for Mr. Makhlouf's case was said to have been initially postponed until 14 December before being brought forward to 7 December 2021. The complainants pointed out that the military judges used provisions from the presidential decrees to support decisions against certain members of parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the collective complaint concerning 24 parliamentarians, who are all members of the Assembly of the representatives of the Tunisian people, is admissible, considering that the complaint: (i) was submitted in due form by qualified complainants under Section I.1 (a) and (b) of the Procedure for the Examination and Treatment of Complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns incumbent members of parliament at the time that the initial allegations were made; (iii) concerns allegations of threats and acts of intimidation, arbitrary arrest and detention, lack of due process at the investigation stage and fair trial proceedings, violations of freedom of opinion and expression, of freedom of assembly and association and of freedom of movement, abusive revocation or suspension of the parliamentary mandate, failure to respect parliamentary immunity, and other acts obstructing the exercise of the parliamentary mandate, which are all allegations that fall within the Committee's mandate;
2. *Expresses concern* that the cases of Mr. Seifedine Makhlouf and Mr. Nidhal Saoudi were referred to a military court, as they are both members of parliament entitled to parliamentary immunity; *questions* whether it is within the jurisdiction of a military court to try cases involving civilians, notwithstanding that this is authorized under the provisions of Tunisian law; and *invites* the Tunisian authorities to review those provisions to ensure that military courts are not used in cases relating to the civilian legal system;
3. *Notes with concern* that, since the suspension of parliament on 25 July 2021, all Tunisian members of parliament have been subjected to a campaign of defamation and demonization, particularly those from the *Al Karama* coalition; and *considers* that this campaign violates their physical and moral integrity;
4. *Highlights* that this campaign of defamation and demonization must not deprive the indicted members of parliament, including Mr. Makhlouf and Mr. Saoudi, of their right to be tried in accordance with international standards that guarantee equitable and due process; and *wishes* in that regard to receive from the Tunisian authorities detailed information on the two cases of the members of parliament to understand the basis and substance of the charges against them;
5. *Expresses its concern* about the suspension of the Tunisian Parliament under extraordinary measures, which were supposed to be of limited duration but which are still in place, thereby plunging the Tunisian Parliament into a situation of total uncertainty; *stresses* that this suspension directly affects the individual rights of members of parliament and deprives Tunisian citizens of political representation; *points* out in this respect that that the achievements of the young Tunisian democracy that emerged from the Arab Spring should be maintained by all possible means, and *looks forward* to the resumption of the work of the Tunisian Parliament as soon as possible in a climate of peace that promotes dialogue and respect for the rights of all parliamentarians and in which members of parliament can carry out their functions free from violence;
6. *Requests* the Secretary General to convey this decision to the President of the Republic, the complainants and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.