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TUNISIA: AUTHORITIES MUST INVESTIGATE EXCESSIVE USE OF FORCE IN TATAOUINE

Tunisian authorities must investigate the means deployed between 20 and 23 June 2020 to disperse what is known as the El-Kamour sit-in to protest the socioeconomic situation in the southern governorate of Tataouine. Amnesty International's research has concluded that security forces arbitrarily arrested dozens of protesters and used unnecessary and excessive force, including through beatings and the deployment of tear gas, violating the rights to freedom of expression, to peaceful assembly and to liberty of person.

From 24 June to 6 July 2020, Amnesty International carried out interviews with 16 individuals, including six arrested in the context of the protests, four people exposed to tear gas, three eyewitnesses to the actions of the security forces, two medical professionals who treated people hospitalized after exposure to tear gas and a local journalist. Amnesty International reviewed photographic and video evidence of the police intervention described during interviews, taken by protesters and local reporters and shared with the organization directly or posted on social media platforms, including Facebook. It also studied statements by the Ministry of Interior and local authorities to understand the official position on the events.

On 8 June 2020, a group of protesters erected 13 tents blocking roads and therefore the access of oil tankers to El-Kamour, a major valve and pump station for oil extraction in an isolated desert region of the governorate of Tataouine, to demand the implementation of a government pledge, made after negotiations with protesters following a sit-in in 2017, to create jobs in the region.¹ According to all testimonies that Amnesty International gathered, as well as news reports, the protest was peaceful until the police intervened to forcibly remove the tents and end the sit-in on the night between Saturday 20 and Sunday 21 June 2020.

VIOLENT ARRESTS OF PEACEFUL PROTESTERS

Amnesty International documented the use of unnecessary and excessive force during the intervention to break up the sit-in between 20 and 23 June. All six arrested individuals whom Amnesty International interviewed described being insulted, dragged along the ground, beaten with batons or firearm butts, and kicked with boots during their arrest, even when they posed no resistance.

According to the protesters whom Amnesty International interviewed, police arrived at the first tent location on the bridge leading to El-Kamour shortly before midnight on the night between Saturday 20 and Sunday 21 June, and started firing tear gas and chasing protesters with batons, beating severely the ones they caught.

Amnesty International documented five testimonies of protesters who were present during the raid. They all said that the police did not give them any warning before their intervention. According to them, they were having dinner in their tents when police cars arrived at high speed, prompting them to leave the tents quickly and run away without fully understanding what was happening.

Noureddine Darza, 49 years old, a supporter of the protest movement who happened to be in one of the tents during the police raid, was run over by a police car, resulting in a double fracture in his leg. He was also severely beaten and spent the night in a police station. Noureddine told Amnesty International:

"I still can't put all the pieces together because it happened so suddenly. I made dinner for the protesters. We had just finished eating and I was going to go home when we heard the police cars arriving and the tear gas shots. Before we had time to make sense of what was happening, all the young men jumped out and started running, but I stood with my arms in the air, hoping they would see I am too old, and that's when the police car drove right into me."²

¹ *The New Arab*, "Tunisia's marginalized Tataouine rises up against broken government promises", 30 June 2020, english.alaraby.co.uk/english/indepth/2020/6/30/tunisias-marginalised-tataouine-rises-up-against-broken-government-promises

² Phone interview with Noureddine Darza, 24 June 2020.

According to Nouredine, after he was run over, seven police officers who had their faces covered surrounded him and started beating him with batons and firearm butts and kicking him with their boots. One of the police officers then dragged him next to the police vehicle where he slapped him and threw him violently into the van, where there were already four other protesters.

In the dark van, Nouredine said police took away their phones and wallets and beat them with batons while insulting them. They took them to the police station in the city of Tataouine and left them in an office without seats or beds until dawn (around 5am). Nouredine and others asked repeatedly for an ambulance so they could be taken for medical treatment for their injuries, but were ignored until police drove them to hospital shortly after 5am. Nouredine said:

“I was aching everywhere. I could tell that my leg was broken and I was bleeding, I kept telling them that I am an old man, that I had kids, that I was peaceful, but they didn’t care. One of them told me he would step on my leg to make sure it was broken if I didn’t stop asking to go to the hospital. I still can’t understand why [there was] such violence and hatred and cruelty.”³

Nouredine and two other protesters who were with him told Amnesty International that the police only took them to the hospital after the police pressured them to sign a commitment that they would not participate in protests anymore. Amnesty International reviewed photos and a video that show Nouredine with a cast on his entire right leg.

Amnesty International also spoke to Tarek Haddad, the leader and co-ordinator of the sit-in, who was apprehended by police at the same time as Nouredine. Tarek told Amnesty International that he and other protesters ran away when the police attacked their tent, firing tear gas, and then chased them. He said that they had received no warning beforehand and that there was no space to communicate with the police. According to Tarek, when they were running away, he could hear the police officers shout at each other using expressions like “beat him on the head” and “catch that one” and he could hear his fellow protesters screaming.⁴

Tarek told Amnesty International:

“When they caught me, they took me by the arm from behind and grabbed onto my belt and started insulting me with very humiliating and demeaning profane words that I can’t get over. My mother and father were insulted. I was called a filthy dog and much worse names. The words still ring in my ear. It was the worst night in my life.”

According to Tarek, the police officers who apprehended him dragged him to one of the police vans while insulting him and calling him and the other protesters names.

According to the protest co-ordination, in total, 11 protesters were arrested while trying to escape the violent police raid on their sit-in and detained for several hours during the night between 20 and 21 June.

On the morning of 21 June, protesters reassembled to protest the police intervention and demand the release of the detainees. Later the same day, the police released all of them except for Tarek, who was released on 24 June.

Confrontations between police and protesters started in the early hours of the morning and continued for three days. Police used tear gas against protesters in different parts of the city, including residential neighbourhoods.

Abderrahman Al-Gasser, a well-known political activist in the region, attempted to intervene to calm down both sides. He described what happened to Amnesty International:

“I left my house around 11am. When I reached the main street of the town, I was faced by a strong stream of tear gas. I walked the other way in the direction of the police to talk to them with my hands up in the air, getting closer to where the police were standing... As soon as I greeted them, a dozen of them attacked me with batons. I fell to the floor and they kept stomping on my body with their boots and beating me with batons. It was a savage beating. They dragged me to the police van... One of them put his boot on my neck. They beat me on the head with batons and drove me to Tataouine police station.”⁵

Amnesty International spoke to two eyewitnesses who said that they watched Abderrahman approach the police peacefully and that he was attacked and severely beaten without any reason.

³ Phone interview with Nouredine Darza, 24 June 2020.

⁴ Phone interview with Tarek Haddad, 6 July 2020.

⁵ Phone interview with Abderrahman Al-Gasser, 25 June 2020.

Police officers at the station took Abderrahman to hospital, where he spent two days being treated for his injuries. He suffered a fractured leg, wounds to the face and head that required stitches, and bruises on the arms and legs.⁶ Abderrahman does not know if he was charged with any offence.

Other arrested persons interviewed by Amnesty International suffered injuries including head wounds, some requiring stitches, fractured bones and bruises.

In the cases documented by Amnesty International, police officers used excessive and unnecessary force prior to and during arrest and detention. In many cases Amnesty International considers that the treatment caused severe pain or suffering and was perpetrated with the intent of punishing the protesters, thereby constituting torture under international human rights law; this is a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Tunisia is a party. In addition, according to international standards, the failure to provide the necessary medical care to a person who is seriously injured is a clear violation of a person's right to health.⁷ The denial or unreasonable delaying of urgent health care to a person in custody may also amount additionally to torture and other cruel, inhuman or degrading treatment or punishment, especially if delayed or denied for the purposes of extracting a statement, punishment or coercing the injured detainee.⁸

The Ministry of Interior justified its intervention in a statement published on its website on 21 June. It explained that the intervention's aim was "to arrest an individual who was the subject of several arrest warrants", implying that the person concerned was Tarek Haddad, the sit-in's co-ordinator.⁹ However, the fact that Tarek was wanted for questioning in relation to judicial investigations does not justify the excessive use of force during the raid on the tent location in which he was staying.

The ministry added that a number of protesters "attempted to attack the police headquarters in the region with Molotov cocktails, injuring security forces, which required their transfer to hospital." Amnesty International did not find any evidence of the use of Molotov cocktails by protesters against security forces. All eyewitnesses with whom Amnesty International spoke and all the visual material it reviewed indicated consistently that protesters threw stones at the police at times and burned tyres to block roads but did not use Molotov cocktails.

The governor of Tataouine, Adel Al-Wurghi, told Radio Tataouine, on 21 June, that the protests started after the arrest of an activist in the sit-in who was "wanted" by the judicial authorities, adding that the blocking of roads by protesters for weeks was unlawful and needed to be stopped.

Amnesty International considers that the arrest of protesters in the way described above and the excessive use of force to disperse the protests were arbitrary and constituted a violation of the right to freedom of peaceful assembly. No one should be arrested solely for exercising their rights to peaceful assembly and freedom of expression. In cases where there are legitimate grounds to arrest people engaging in violence, or legitimate grounds to disperse a protest, law enforcement officials must only use such force as is necessary, reasonable and proportionate.

According to international standards, the fundamental human rights of participants in peaceful protests shall be respected and protected, even if an assembly is considered unlawful by the authorities. Indeed, even peaceful unlawful protests are protected by the right to freedom of peaceful assembly. Appropriate de-escalation techniques should be used to minimize the risk of violence.¹⁰

Arbitrary detention is prohibited in all circumstances. Tunisia is party to the International Covenant on Civil and Political Rights and is committed under its Article 21 to protect the right to freedom of peaceful assembly. The violation of the right to peaceful assembly also contravenes Tunisian law and the country's constitution.¹¹

In cases where protesters use peaceful ways to organize their activity, even if that temporarily obstructs the activity of a third party, it is protected under the right to freedom of assembly. UN human rights experts confirmed recently that "Even where roadblocks are used as a means of protest, which may in rare cases warrant dispersal of protesters, only the

⁶ Testimony by Abderrahman Al-Gassar, filmed in hospital and posted on Facebook by the Association for the Defense of Human Rights in Tataouine on 22 June 2020, www.facebook.com/humanrights.ta/videos/633285940865983/?v=633285940865983

⁷ International Covenant on Economic, Social and Cultural Rights, Article 12.

⁸ UN Committee against Torture, General Comment 2: Implementation of article 2 by States parties, UN Doc. CAT/C/GC/2, para. 15.

⁹ Tarek Haddad had been charged with several offences in relation to protests he had co-ordinated

¹⁰ See Office of the UN High Commissioner for Human Rights, *Guidance on less-lethal weapons in law enforcement*, 2020, www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

¹¹ Tunisian constitution of 2014, Article 37: "The right to assembly and peaceful demonstration is guaranteed."

minimum use of force necessary should be used and only if less intrusive and discriminatory means of managing the situation have failed.”¹²

INDISCRIMINATE USE OF TEAR GAS

The different participants in the protests whom Amnesty International interviewed explained that the violent raid carried out by police to break up the sit-in and the arrest of nearly a dozen protesters triggered more and more young people from Tataouine to take to the streets on the morning of 21 June. Posts about the beatings and arrests of the previous night appeared on the Facebook page of the El-Kamour protest movement, leading hundreds of protesters to march to the police station in Tataouine to demand the release of the detainees and protest the police violence. Police responded to the protest with tear gas to disperse the protesters, who in turn responded by throwing stones at the police. The confrontation between police and protesters lasted until the late hours of the night and continued throughout the next two days.

Amnesty International documented the use of tear gas through testimonies of protesters, eyewitnesses, local human rights groups and health workers. Amnesty International also reviewed videos and photos that were shared on social media throughout the three days.

Awatef Degnish, a resident of Tataouine and member of Amnesty International Tunisia, told Amnesty International that the city was under a grey fog for three days as police fired tear gas widely and repeatedly. She said:

“I have never experienced anything like it. It kept coming down on the city; it was non-stop. People in their houses had to call the ambulance because they were suffocating from exposure to tear gas.”¹³

According to testimonies, tear gas was shot indiscriminately in the middle of densely populated residential neighbourhoods. Some tear gas canisters landed inside people’s homes, which resulted in the suffocation of elderly residents and children. According to a Facebook post by their grandson, one elderly couple – a 100-year-old man and a 90-year-old woman – had to be admitted to hospital for emergency treatment after suffocating in their home from tear gas and had to spend hours in intensive care before their health condition started improving.

The Association for the Defence of Human Rights in Tataouine, a local human rights group, issued a report on 6 July about the events between 20 and 23 June. According to the report, at least 180 individuals had to be admitted to hospital for emergency treatment after inhaling tear gas, while 26 others were injured by tear gas canisters. According to the same report, volunteers collected the empty tear gas canisters left in the city and counted around to nearly 18,000. Videos filmed by local citizen journalists and other Tataouine residents in the streets of Tataouine on 22 and 23 June show a large number of tear gas canisters lying on the street in different parts of the city.

Lotfi Al-Leni, a human rights activist living in Tataouine and member of Amnesty International Tunisia, told Amnesty International:

“It was a bombardment; this is the only way to describe it. The town was being bombarded for three days and nowhere was safe. We kept running around trying to help people who were affected but it became overwhelming. Tear gas reached everywhere, even the mosque and the hospital. On 22 June, I witnessed the events that morning in the administrative neighbourhood and I can confirm that the police fired tear gas even before the protesters assembled. They started firing without any warning and, from what I could see, without any reason.”¹⁴

According to testimonies, on 22 June, police fired tear gas in close proximity to the local radio station office, where some protesters had tried to take shelter. On the afternoon of 23 June, police fired tear gas canisters in very close proximity to the city’s hospital for hours and some reached inside the hospital’s walls. Patients, health workers, hospital staff and the army soldiers guarding the premises of the hospital were exposed to tear gas leading in some cases to suffocation. The health workers’ union posted a message on social media that they would have to leave the hospital if police continued to fire tear gas at the hospital or around its walls. According to a nurse working at the hospital whom Amnesty International interviewed,¹⁵ the tear gas fumes reached inside the corridors and different wings of the hospital, which affected patients who already suffered from respiratory problems, and the hospital had to move some of the most vulnerable patients to a hospital in Sfax governorate (approximately 280km north of Tataouine).¹⁶

¹² Office of the UN High Commissioner of Human Rights, *Lebanon: UN experts decry incidents of excessive force against protesters*, 26 November 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25354&LangID=E

¹³ Phone interview with Awatef Degnish, 26 June 2020.

¹⁴ Phone interview with Lotfi Al-Leni, 24 June 2020.

¹⁵ Identity withheld at the request of the interviewee.

¹⁶ Phone interview with nurse from Tataouine hospital, 3 July 2020.

The use of tear gas in Tataouine appears to have been indiscriminate and unnecessary. It exposed residents of Tataouine to health hazards. According to Physicians for Human Rights, exposure to tear gas causes a burning sensation and induces streaming eyes, coughing, tightening of the chest and difficulty breathing, and skin irritation. In most cases, effects wear off in 10 to 20 minutes. However, tear gas affects people differently, with children, pregnant women and the elderly particularly susceptible to its effects. Prolonged contact can pose severe health risks.

According to Amnesty International's Use of Force Guidelines, tear gas should only be used in situations of more generalized violence for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence. It may only be used when people have the opportunity to disperse and not when they are in a confined space or where roads or other routes of escape are blocked. People must be warned that these means will be used, and they must be allowed to disperse. Cartridges with chemical irritants may never be fired directly at any person. If used, repeated or prolonged exposure should be avoided and decontamination procedures should be followed immediately.

BACKGROUND

Tataouine governorate is one of the country's most marginalized regions with an unemployment rate of 30%, one of the highest in the country.

In April 2017, mostly unemployed young men from Tataouine organized a large sit-in around the El-Kamour station that lasted two months. The protest movement called for the state to provide employment opportunities in the region's oil extraction industry.

Violent clashes between security forces and protesters took place in May 2017 when police tried to forcibly end the sit-in. Anouar Sakrafi, a 23-year-old protester, was run over by a National Guard vehicle that drove into protesters and later died of his injuries on 22 May.

Representatives of the government and private oil and gas companies working in Tataouine, on the one hand, and representatives of the protesters, on the other, held several rounds of negotiations before reaching an agreement in June 2017 that led to the end of the sit-in. For their part, the government and the companies pledged to create employment opportunities for thousands of people from Tataouine. Residents of the region protested again in June 2020 because they considered that the government and the companies had failed to fulfil their pledges, leading to another round of negotiations.