“Until when the State can escape its responsibility?”.. Local and international civil society organizations in Tunisia commemorate National Day Against Impunity

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“Until when the State can escape its responsibility?”

March 31, 2018 marks the sixth anniversary of the drowning death of young Omar Abidi, who was chased by a number of police officers from the Olympic Stadium in Rades to the level of Wadi Mellian on March 31, 2018. For years now, civil society groups in Tunisia call upon the authorities to officially recognize March 31 as a national day against impunity.

While public opinion in Tunisia may be shocked after receiving news that someone has been subjected to torture or ill-treatment, the occasional feeling of shock and”temporary” solidarity with one of the victims quickly fades. In general, public opinion wants to stick to the idea of torture being a “marginal” phenomenon with isolated cases. Over the past years, civil society organizations have documented hundreds of cases of torture affecting direct victims and their families alike. The conviction rate diverges towards zero.

Impunity also reigns in cases of torture or ill-treatment, resulting in suspicious deaths. Witness testimonies or medical reports issued in this context often conclude that the deaths were natural, while the victims’ families and reports by human rights organizations indicate that the victims died in contexts that are shrouded in mystery.

The lack of convictions is largely due to the incompatibility of the definition of torture in the Tunisian Criminal Code with the UN Convention against Torture, which Tunisia ratified in 1988. The crime as stipulated in the Tunisian Criminal Code is more restrictive and does not cover all the objectives of the act stipulated in the international definition, fostering impunity.

The Tunisian Criminal Code also does not regulate the time limits for investigation except when the accused is in pre-trial detention. Too often, complaints remain unanswered on office shelves, and even if an investigation is authorized, the period between the filing of the complaint and the date of the first hearing is extensive. At the trial stage, the accused rarely appear before the court with the tacit encouragement of the Ministry of Interior taking impunity to another institutional level.

On this occasion, the signatories of this statement reaffirm their commitment to continue the struggle to eradicate the scourge of torture, which is fueled by a culture of impunity, and call for

- Establishing March 31 as a national day against impunity.

- Revising article 101 bis of the Tunisian Criminal Code criminalizing torture, to bring it into line with article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Revising the Tunisian Code of Criminal Procedure to establish time limits for both preliminary investigations and judicial inquiries in cases of torture and ill-treatment.
- Ensuring the presence of defendants during all stages of the trial.
- Proceeding with pending cases and holding all those involved in crimes of torture and human rights violations accountable.

Signatories:

- *Association Tunisienne Awledna*
- *World Organisation Against Torture on behalf of SANAD*
- *Ifriqiya Association*
- *Tunisian League of Human Rights*
- *Psychologist World – Tunisia*
- *The Tunisian Association for the Defense of Individual Liberties (ADLI)*
- *Intersection Association for rights and freedoms*
- *Social Accountability Association*
- *HuMENA for Human Rights and Civic Engagement*
- *Aswat Nissa*

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