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Tunisia: End excessive force against protesters in Siliana, open immediate investigation

Amnesty International is deeply concerned by reports that as many as 300 protesters and bystanders have been injured by the Tunisian police's use of excessive force in Siliana, a city south west of Tunis, during demonstrations on 27, 28 and 29 November. Protesters have been calling for the departure of the governor of Siliana, economic development of the town and the release of 13 detainees arrested during protests in April 2011 and who remain in pre-trial detention. Further protests were reported on 29 November as a general strike continued.

Shotguns and other firearms appear to have been used, as well as teargas, by law enforcement against protesters on 27, 28 and 29 November.

Authorities must respect the right to peaceful assembly, and ensure that the police adhere to international standards on use of force and firearms. The Tunisian authorities must promptly conduct a thorough, independent, and impartial investigation into the incident. A proposal by Prime Minister Hamadi Jebali to form a commission of inquiry may be a positive development if it is followed up in a manner consistent with international human rights and standards.

Over 20 people among the injured have reportedly been transferred to Tunis to receive treatment. Some of them have been injured in their eyes and reportedly risk losing their sight.

The UN High Commissioner for Human Rights has said in a public statement today: "Our staff visited victims who had been taken to hospitals in the capital Tunis, and have documented cases of shotgun wounds to the head, back, and face, as well as eye injuries which could in some cases lead to blindness. Some demonstrators are also suffering from broken bones."

The report from the OHCHR is consistent with Amnesty International's own information that many of the injuries in Siliana appear to have been caused by shotgun pellets, commonly referred to as buckshot.

Houssein, 22, told Amnesty International he was injured while demonstrating in Siliana on Thursday afternoon. He said that he fell to the ground after inhaling the fumes from the teargas used by the police and received pellet shots in the thigh while on the ground. He said that he spent several hours in hospital and went back to demonstrate on Friday morning. "We will not give up" he said "we are not afraid".

Amnesty International is also concerned by reports that several journalists were injured during the protests in Siliana. In a statement released on Wednesday, the National Union of Tunisian Journalists stated that several journalists had been injured by stones, rubber bullets or shotgun pellets, and that some journalists were prevented from filming the events.

David Thomson, journalist for France 24, was covering the events in Siliana when he and his colleague Hamdi Tlili were shot. “We were in a side street, filming demonstrators who were leaving the demonstration, when we were shot at from the back”. David Thomson was injured in the legs and Hamdi Tlili in the legs and back. “In the ambulance that took us to the hospital, there were about ten injured, some had injuries on the face, throat and eyes. “I was lucky”, David Thomson said, “if I had turned around at that moment I would have been shot at in the face”. While 14 pellets were removed from his body, David Thomson said he still had at least 20 in his body, which could not safely be removed. “The police in Tunisia has clearly not been trained to maintain order during demonstrations”, he said. “They need training, and adequate equipment to prevent the violence from escalating and to avoid injuries.”

During a press conference on Thursday 29 November, Prime Minister Hamadi Jebali called for civil society to create an independent commission of inquiry into the violence in Siliana and those responsible, be they security forces or protesters. The Prime Minister reportedly recognized that there had been an excessive use of force and claimed that those who used force excessively would be held to account. However he also reportedly noted that law enforcement officials had to defend themselves and the governor’s headquarters as they were faced with large attacks that threatened their lives.

Ahmed Zoghbi, of the Tunisian Human Rights League, told Amnesty International on the morning of 30 November that demonstrations were ongoing, continuing to call for the release of the prisoners detained since April 2011 and for dialogue with the authorities. “We are calling for law enforcement officials to stop using excessive force, and for the authorities to provide the means for families of the injured who have been transferred to Tunis for treatment to be able to visit them”, he added.

The proposal for a civil society commission of inquiry must not be used as a tactic to evade the state’s responsibility to investigate allegations of serious human rights violations and bring perpetrator to justice. If authorities are serious about forming a commission of inquiry, it must be established in law and should receive the full scope of the state’s resources and powers. It should be independent of government and of the institutions or bodies it is looking into. And it must have powers to recommend measures for redress and guarantees of non-repetition. The commission should also have the power to recommend changes in law, political or administrative procedures and practice, including mechanisms for training and accountability and disciplinary and other administrative measures against responsible state officials. Where criminal investigation is warranted it must pass its findings to prosecutors.

In any event, Amnesty International urges the Tunisian authorities to make reform of the security forces a high priority. In particular they must ensure that law enforcement officials receive adequate training on the use of force in general, and in particular during demonstrations; issue clear instructions on the use of force and firearms by law enforcement officials in line with international standards; establish an oversight body to hold security forces to account of any abuses; and establish a vetting system to ensure that, pending investigation, law enforcement or security officials about whom there is evidence of serious human rights violations do not remain, or are not placed, in positions where they could repeat such violation.

International standards

Tunisian authorities are bound by their obligation, under the International Covenant on Civil and Political Rights (Article 21) to uphold the right to peaceful assembly. Amnesty International recognises the right of police officers to defend themselves and their duty to protect the safety of the public. This role should, however, be carried out in a way that ensures full respect for the right to life, liberty and the prohibition of torture and other ill-

treatment in policing demonstrations, including those where some protesters use violence, human rights safeguards as set out in the *UN Code of Conduct for Law Enforcement Officials* (1979) and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990). These require that law enforcement officials use force only when absolutely necessary. If there are individuals at a demonstration who are posing a threat, police may use only proportionate force against such individuals. Firearms must not be used except in self-defence or defence of others against imminent threat of death or serious injury. Where use of force by the police has resulted in injury or death, a prompt, thorough, independent, and impartial investigation into the incident must be conducted. Investigations should conform to the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Investigations must establish whether the use of force was necessary and proportionate, particularly the use of firearms. Should any law enforcement officials be found responsible for arbitrary or abusive use of force, they should be brought to justice.