



**“NOBODY HEARS YOU WHEN  
YOU SCREAM”**

**DANGEROUS SHIFT IN TUNISIA’S MIGRATION POLICY**

**AMNESTY  
INTERNATIONAL**



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First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: MDE 30/0180/2025

Original language: English

[amnesty.org](http://amnesty.org)



**Cover photo:** Sub-Saharan African migrants abandoned in the desert on the border between Tunisia and Libya, 16 July 2023.

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# GLOSSARY

TERM	DESCRIPTION
<b>ASYLUM SEEKER</b>	An asylum seeker is someone who has left their country seeking protection but has yet to be recognized as a refugee. During the time that their asylum claim is being examined, the asylum seeker must not be forced to return to their country of origin. Under international law, being a refugee is a fact-based status, and arises before the official, legal granting of asylum.
<b>CERD</b>	Committee on the Elimination of Racial Discrimination
<b>COLLECTIVE EXPULSION</b>	The expulsion of a group of people (migrants, asylum seekers or refugees) without considering the circumstances of each person separately and determining specific risks of their transfer to another state through a fair and satisfactory individual procedure, and without the necessary procedural safeguards, including translation, legal assistance, providing an effective opportunity to challenge expulsion orders and information about accessing asylum procedures. It is considered inherently arbitrary and prohibited under international law.
<b>DCIM</b>	Directorate for Combating Illegal Immigration (Libya). On 13 May 2025, the Libyan Government of National Unity (GNU) formally dissolved the DCIM and transferred its responsibilities to a new authority called the General Department for Combating Illegal Migration under the Ministry of Interior.
<b>EU</b>	European Union
<b>EXTERNALIZATION</b>	A range of migration management policies that focuses on shifting the responsibility of providing international protection to refugees and asylum seekers to other countries, or on enlisting source or transit countries in tightening control over their borders. Externalization policies share the objective of preventing or punishing irregular border crossings by refugees, asylum seekers and migrants, often mobilizing and leveraging international financial aid.
<b>FFM</b>	Independent Fact-Finding Mission on Libya
<b>GNU</b>	Government of National Unity (Libya)
<b>HRC</b>	Human Rights Committee
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>IOM</b>	International Organization for Migration

TERM	DESCRIPTION
LCG	Libyan Coast Guard, which nominally sits under the Chief of Staff of the Libyan Naval Forces of the GNU. It is intertwined with militias and armed groups and has worked in close coordination with smuggling and trafficking networks in Libya.
LBG	Libyan Border Guard, established by Resolution 635 of 2021 and affiliated with the Ministry of Interior of the GNU. It succeeded the Land Border Guard Agency affiliated with the Ministry of Defence.
MIGRANT	Migrants are people who move from one country to another, either temporarily or permanently, usually to find work, although there may be other reasons, such as to study or to join family. Many move for a combination of reasons. People can migrate “regularly,” with legal permission to work and live in a country, or “irregularly,” without permission from the country they wish to live and work in. Amnesty International generally refers to the latter category as “irregular migrants”.
OHCHR	Office of the High Commissioner for Human Rights
RACIAL DISCRIMINATION	According to the ICERD, racial discrimination is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”
REFOULEMENT	<p>Forcible return of an individual to a country where they would be at risk of serious human rights violations (such as persecution or torture). It is prohibited by international law – this is known as the principle of non-refoulement.</p> <p>Chain refoulement occurs when one country forcibly sends someone to another country that subsequently sends them to a third country where they would be at risk of serious harm; this is also prohibited.</p> <p>States are also prohibited from using indirect means to carry out refoulement, i.e. without transferring them or physically forcing them to go to a place where their lives or freedoms are at risk, which constitutes constructive refoulement. Tactics may include reducing or totally cutting off the aid that refugees receive, using indefinite detention, refusing to process any claims for asylum, or otherwise making life so difficult that the individuals feel compelled to leave the country, even if it means returning to a situation they fear.</p>
REFUGEE	<p>Refugees are defined in the Convention Relating to the Status of Refugees as people who cannot return to their own country because they have a well-founded fear of human rights abuses or persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion. Their own government cannot or will not protect them, therefore they are entitled to international protection. Refugees include people who may be waiting for a formal determination of their status.</p> <p>The expression “refugees and migrants” is used throughout this report to refer to refugees, asylum seekers and migrants.</p>
REFUGEE STATUS DETERMINATION	The legal or administrative process by which governments or the Office of the UN High Commissioner for Refugees (UNHCR) determine whether a person seeking international protection is considered a refugee under international, regional or national law. States have the primary responsibility for determining refugee status, but UNHCR may do so where states are unable or unwilling.

TERM	DESCRIPTION
SAR CONVENTION	International Convention on Maritime Search and Rescue
UNHCR	Office of the UN High Commissioner for Refugees
WGAD	United Nations Working Group on Arbitrary Detention

# 1. EXECUTIVE SUMMARY

In May 2024, the Tunisian authorities launched an unprecedented crackdown on organizations and individuals supporting refugees and migrants against a backdrop of an online and media smear campaign riddled with xenophobia and racism. Ten of the people targeted remain in arbitrary pre-trial detention, including eight human rights defenders. Shortly after the crackdown, the authorities suspended access to asylum procedures without announcing it. This constituted a seriously concerning rollback, potentially leaving thousands of people who need international protection facing further uncertainty, precarity and vulnerability to human rights violations. The authorities also stopped sharing data on interceptions at sea and established a Tunisian maritime search and rescue region (SRR), a decision expected to facilitate interceptions over a larger maritime zone.

These developments marked the latest phase of a dangerous shift in the country's policies and practices on migration and asylum, a shift that began in 2023 with disturbing public advocacy of racial hatred and xenophobia shared by the highest officials. Tunisia's migration and asylum system is now characterized by racist policing and widespread human rights violations, and generally disregards the lives, safety and dignity of refugees and migrants, particularly those who are Black. Indeed, Tunisia's migration and asylum laws, policies and practices have been used routinely for the racialized exclusion of men, women and children from the country.

The shift is part of an ongoing attack on human rights initiated by President Kais Saied after he seized power in July 2021. The attack has included dismantling institutional safeguards for protecting human rights, eroding judicial independence and clamping down on freedom of expression and association.

Tunisia's migration and asylum system now routinely involves collective and summary expulsions of refugees and migrants to neighbouring Algeria and Libya, following often life-threatening and reckless interceptions at sea or racially targeted arrests and detentions. Such practices blatantly contravene international law and the principle of non-refoulement, which prohibits the return of any individual to a place where they would be at real risk of persecution or other serious human rights violations and abuses.

Closely associated with these violations is a pattern of torture and other ill-treatment. Refugees and migrants, particularly women, have shared chilling testimonies of dehumanizing sexual violence, severe beatings and other torture and cruel treatment inflicted by the Tunisian National Guard.

These findings are based on an in-depth investigation between February 2023 and June 2025 into the experiences of refugees and migrants in Tunisia, mainly in and around the capital Tunis and the cities of Sfax (270km southeast of Tunis) and Zarzis (540km southeast of Tunis). Amnesty International interviewed 120 refugees and migrants from Afghanistan, Algeria, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Gambia, Ghana, Guinea, Libya, Mali, Nigeria, Senegal, Sierra Leone, South Sudan, Sudan and Yemen. It also reviewed publications by relevant UN bodies such as the International Organization for Migration (IOM), UN Special Procedures and the Office of the UN High Commissioner for Refugees (UNHCR); media and human rights organizations; and the Facebook pages of Tunisia's presidency, interior and foreign affairs ministries, and the National Guard.

Amnesty International shared its findings and recommendations with Tunisian, European and Libyan authorities for their comment. No response had been received yet by the time of publication.

Amnesty International would like to express deep gratitude to the individuals who entrusted the organization with their profoundly personal and in most cases painful testimonies while facing extremely precarious situations.

## **PUBLIC ADVOCACY OF RACIAL HATRED AND ITS CONSEQUENCES**

On 21 February 2023, at a National Security Council meeting, President Saïed made a racist speech referring to “hordes of irregular migrants from sub-Saharan Africa” and “a criminal arrangement... to change the demographic composition of Tunisia.”

The speech triggered an upsurge in anti-Black violence, with groups of individuals attacking Black refugees and migrants in the streets. Among those targeted was “Manuela”, a Cameroonian asylum seeker. She was attacked by six men in Tunis on 24 February 2023, who shouted racist abuse at her, knocked her unconscious and stabbed her in the chest, causing serious injuries.

Twenty Black migrants attacked by groups of men in Tunis in February and March 2023, including five asylum seekers, spoke to Amnesty International. Three said the police were present when they were attacked but failed to intervene. Eight described groups forcing Black migrants and asylum seekers out of their homes and stealing or destroying their belongings. Ten said that their landlord evicted them within a week of the National Guard announcing on 23 February 2023 that anyone hosting or employing irregular migrants would be punished. Some described police assaults and/or arbitrary arrests based on racial targeting.

“Milena”, a student from Burkina Faso, said that on 3 March 2023, three Tunisian men outside a supermarket in Tunis began shouting at her to leave the country. A passing police car stopped, but instead of addressing the men, the officers immediately handcuffed her and took her to a police station. She said:

**“When I got to the police station one policeman shouted at me saying, ‘You Blacks create problems’ and another one kneed me in the stomach.”**

Discriminatory and hateful speech by the president, other senior public officials and parliamentarians has continued since 2023, resulting in further hate crimes against refugees and migrants, along with increased racial profiling and arbitrary detentions.

In total since February 2023, forty-one Black refugees and migrants recounted experiences of racial profiling by security authorities. Twenty-nine of them were arrested by the National Guard ahead of collective expulsions. Twelve others described discriminatory police stops and identity checks in or around Tunis and the eastern city of Sfax. The National Guard and police arrested or stopped them because of the colour of their skin or their assumed country of origin, in almost all cases without seeking to ascertain whether they had the documentation necessary to stay in the country. Most said authorities seized their money and belongings without justification.

The advocacy of racial hatred by senior government officials and parliamentarians, combined with impunity for racist violence and the systemic racial profiling leading to arbitrary arrest, so terrified Black African nationals that hundreds fled back to their home countries in March 2023. In such conditions, such returns are not voluntary and constitute constructive refoulement, meaning people’s lives are made so difficult that they feel compelled to leave the country even if it means returning to a situation they fear. Tunisian authorities also pressured refugees and migrants indefinitely detained in the Ouardia Reception and Orientation Centre (Ouardia centre) on the outskirts of Tunis to return to their countries of origin, without being brought before a judicial authority or provided with legal assistance.

## **ARBITRARY DETENTION OF REFUGEES AND MIGRANTS**

Arbitrary and unlawful detention of refugees and migrants has become pervasive in Tunisia and disproportionately affects Black people.

Among the refugees and migrants interviewed by Amnesty International, 60 were arbitrarily arrested and detained, including three children. Two of them were refugees and five were asylum seekers. None of them received any official document confirming their detention or the reasons or legal basis for it, and none was granted access to a lawyer and provided with an effective opportunity to challenge it.

Thirty-two were arbitrarily detained for up to five days ahead of unlawful collective expulsion to Libya or Algeria, without any judicial oversight, individualized assessment or procedural safeguards, including three refugees and asylum seekers.

Thirteen were arbitrarily and indefinitely detained in the Ouardia centre, including at least one asylum seeker. One of them, “Yemi”, a Nigerian man who had entered Tunisia irregularly, said:

**“The police brought us from the airport to the [Ouardia] centre, without explanation... We were never brought to court... They tell us every day, you need to buy a ticket to go home, that’s all, but I don’t have the money.”**

Fifteen people were imprisoned for up to three months for irregular stay or for receiving money from abroad, without being charged or informed of the duration of their detention, and without being able to challenge it. They included one refugee, two asylum seekers and three people who had a valid visa for Tunisia. Authorities failed to give refugees and asylum seekers access to UNHCR.

“Khalid”, a Sudanese asylum seeker, told Amnesty International about his arrest and subsequent imprisonment by police in Tunis in September 2023. He explained:

**“[Police] asked, ‘Why did you come to Tunisia? Why didn’t you stay in Sudan to fight in your country?’ I told them I was an asylum seeker registered with UNHCR... After two days in custody, I was brought to court. I asked the judge to call UNHCR to check that I am an asylum seeker. He said, ‘We are not calling anyone’, and he said I entered Tunisia illegally... I don’t know why I was sent to prison. I did not understand anything the whole time.”**

Under international law, criminalizing irregular migration is not a legitimate justification for migration-related detention, since entering or staying in a country irregularly cannot be considered a crime against people, property or national security. Refugees and asylum seekers should also never be detained or penalized because they were compelled to enter the country irregularly. Tunisian Law 68-7 of 1968 relating to the Condition of Foreigners in Tunisia, and Law 2004-6 of 2004, amending Law 75-40 of 1975, relating to Passports and Travel Documents, criminalize irregular migration for both Tunisian and foreign nationals.

## **VIOLATIONS DURING INTERCEPTION AT SEA AND AFTER DISEMBARKATION**

Amnesty International investigated interceptions at sea and disembarkations from late June 2023 onwards, off the coasts of the eastern cities of Sfax, Mahdia and Chebba. It found that the Tunisian coastguard repeatedly resorted to reckless, unlawful and violent actions that put peoples’ lives at risk and indeed caused deaths. The tactics included high-speed manoeuvres creating large waves that threatened to capsize migrants’ boats; hitting people with batons; firing tear gas at close range at people in the boats, including children; colliding with the boats; and using threatening and insulting language.

“Céline”, a Cameroonian woman, told Amnesty International:

**“They kept hitting our boat with long batons with sharp endings, they pierced it... There were at least two women and three babies without life vests. We saw them drown...”**

Twenty-five Black refugees and migrants said they suffered such actions between June 2023 and May 2025.

They also described the lack of individualized protection assessment upon disembarkation, including for minors as well as refugees and asylum seekers registered with UNHCR. They said that during disembarkation, officers asked them to empty their pockets and carried out body searches, including invasive strip searches, confiscated personal belongings, and handcuffed them without justification. Five people recounted how officers searched, smashed or reset their phones in front of them. Tunisian authorities in almost all cases destroyed or discarded identification documents of those they disembarked, as well as UNHCR documents.

“Rayan”, a Sudanese asylum seeker, told Amnesty International:

**“They took the UNHCR cards of the people in the group... I said we are asylum seekers registered with UNHCR. The officer just ignored me. He said, ‘Go back to your place’.”**

Amnesty International found that interceptions at sea were nearly always systematically followed by collective expulsions. This is particularly concerning as in 2024 Tunisian authorities reported a significant increase in the number of people intercepted and established a maritime SRR, supported by the European Union (EU), which is expected to facilitate interception operations over a larger area. In parallel, authorities stopped publicly

sharing data on interceptions at sea since June 2024. Previously, they had irregularly shared partial data on interceptions, which was not disaggregated by race or nationality.

Under international human rights law, the right to life and security prohibits states from unnecessary or disproportionate use of force or other practices that put migrants' lives at risk. States are obliged to protect the right to life and take special measures to protect this right for individuals in situations of vulnerability, including at sea.

Protection and assistance obligations should always be prioritized over law enforcement and migration management objectives. Disembarkations should be followed by adequate human rights-based screening, interviewing, identification and referral to the appropriate protection services and procedures, on an individualized basis.

## COLLECTIVE EXPULSIONS AMOUNTING TO REFOULEMENT

Amnesty International found that from June 2023 onwards, collective expulsions of refugees and migrants, which are arbitrary and prohibited under international law, have become routine and have been carried out on a large scale, following arbitrary arrests and detentions based on racial profiling or interception at sea.

Between June 2023 and May 2025, the Tunisian National Guard, military and police collaborated to summarily and collectively expel at least 11,500 refugees and migrants to Libya and Algeria – the vast majority of them Black people – in at least 70 separate instances. According to interviews with individuals who were expelled and other informed sources, expelled groups ranged in size from eight to 800 people and almost always included children and pregnant women. While expulsions predominantly involved nationals of sub-Saharan African countries, expulsions of Yemeni and Syrian nationals were also documented.

"Adama", a migrant from Côte d'Ivoire, told Amnesty International that on 22 November 2023 the National Guard arrested her and another Black woman in Tunis without explanation. She said:

**"I [had] a valid visa, but they did not explain or ask for identification documents... They handcuffed us with a black rope and put us in a bus that brought us to Algeria. They just said, 'We don't want Blacks here, you are going home.'"**

Tunisian authorities summarily expelled groups of refugees and migrants to remote desert or border areas in Libyan, Algerian and Tunisian territory, putting their lives at risk. They carried out these expulsions without meeting their obligation to independently assess individual circumstances and protection needs or the risks those expelled faced as a result of their expulsion; without any judicial oversight; without clearly informing those targeted that they were being expelled; and without giving them the opportunity to challenge expulsion orders. This blatantly violated the principle of non-refoulement.

Similarly to interceptions and disembarkations, authorities disregarded UNHCR documents during expulsions.

In response to media requests, Tunisian authorities have denied carrying out collective expulsions. Authorities do not publish clear and comprehensive statistics on these operations, nor share data disaggregated by race, as required by international human rights standards.

Amnesty International spoke to 65 refugees and migrants collectively expelled to Algeria or Libya between 1 July 2023 and 26 May 2025. They included 14 refugees and asylum seekers registered with UNHCR, and 11 individuals with a valid visa for Tunisia.

Thirty-one of the 65 had been intercepted at sea and disembarked prior to the expulsion, while 40 had been arrested by the National Guard. Six of them had been expelled more than once. At least four men were collectively expelled following their release from prison in Sfax and at least three men were expelled from the Ouardia centre in Tunis.

Those expelled to Algeria took days or weeks to walk back to inhabited areas in Tunisia after they were dumped at the border without food or water and usually after Tunisian authorities confiscated their phones, identification documents and money, leaving them vulnerable to death, to criminal violence and to arbitrary arrest and renewed expulsion.

"Karine", a Cameroonian woman, shared her account of being expelled to the Algerian border by the National Guard on 26 May 2025, after an interception at sea:

**“We were four buses, with men, women, children. They took us near the [western border] region of Tozeur... After we were dispersed [at the border], I walked [back to Tunis] for two weeks at least I think, I had nothing... At night I walked on the road, in the day I walked hidden in the fields... I was so tired, so dirty.”**

Those expelled to Libya were usually handed over to the Libyan Border Guard and militias, likely based on a “consensual solution” agreed by Libyan and Tunisian officials announced in August 2023. The Border Guard and militias either left them stranded in the desert or took them to detention centres in Libya. Those who were left stranded walked to the nearest Libyan town or city to find shelter, or tried to walk back to the Tunisian border, at great risk to their lives. Those who were detained were held indefinitely without due process in cruel and inhuman conditions and asked to pay ransoms for their freedom.

“Asim”, a Sudanese refugee, said that after he was intercepted at sea by the Tunisian coastguard on 28 September 2023, he and at least 250 migrants were driven to the Libyan border at night, in four buses, and spent the night in a military post:

**“The next day, [Tunisian] military cars drove everyone to the desert across the Libyan border. There were Libyan cars with ‘police’ written on them waiting for us there... These cars left us in the Libyan desert.”**

Those expelled to Algeria face the risk of chain refoulement, particularly to neighbouring Niger, based on racial profiling and without individualized protection assessments and legal procedures, including asylum procedures. International organizations have since 2024 documented multiple chain collective expulsions from Tunisia to Algeria and then to Niger.

Tunisian authorities are also blatantly violating the principle of non-refoulement by expelling refugees and migrants to Libya. UN bodies and Amnesty International have long documented how refugees and migrants in Libya are subjected to widespread and systematic human rights abuses and violations with impunity, including indefinite arbitrary detention in cruel and inhuman conditions, enforced disappearance, unlawful killing, torture and other ill-treatment, rape and other forms of sexual violence, extortion and forced labour. A UN investigation in 2023 found reasonable grounds to believe that Libyan authorities and militias committed crimes against humanity against refugees and migrants detained in the country.

## **TORTURE AND OTHER ILL-TREATMENT INCLUDING SEXUAL VIOLENCE**

Closely associated with interceptions and collective expulsions of refugees and migrants is a prevalent pattern of torture and other ill-treatment, including rape, abusive and violent body searches, severe physical violence and detention in cruel, inhuman and degrading conditions.

Fourteen refugees and migrants told Amnesty International they were raped, or had witnessed rapes, or had experienced other forms of sexual assault or harassment, by Tunisian security authorities in the context of interceptions, collective expulsions or under threat of expulsion. For six of them, the rape, assault or harassment took place during an arbitrary pat or strip-search.

“Malia”, a Guinean woman, described her torture by Tunisian National Guard officers at the border with Algeria, during a collective expulsion that followed her interception at sea:

**“They hit us with tasers and sprayed us with tear gas if we tried to resist... The babies were crying, we were all crying begging for mercy, but they were very violent... We could hear the women taken on the bus scream at first before their voices were muffled...”**

**“The three [officers] took turns raping me, sometimes two at a time, one would force his penis in my mouth and the other would be between my legs. When one got tired the other one replaced him. It lasted for at least an hour, but maybe less, it felt like at least an hour, it was very violent, and I could not resist in any way, they were much stronger... When they were done with me, I couldn’t even stand, I couldn’t walk. They pushed me off the bus to get another woman. I thought we were going to die there.”**

Among them, 10 women told Amnesty International that National Guard officers had raped them under threat of expulsion or during an expulsion. One woman recounted how officers raped her during an arbitrary and abusive strip-search conducted ahead of an expulsion to the Algerian border, following which she also witnessed officers raping nine other women. A further seven women, including a minor, shared similar accounts of rape perpetrated near the south-western border region of Tozeur. Another woman told Amnesty International how National Guard officers raped her during an arbitrary and abusive strip-search conducted during a disembarkation in the region of Sfax, then raped her again ahead of a collective expulsion to the Algerian border near Tozeur, in May 2025.

Forty-one people described other forms of torture and ill-treatment – including severe forms of physical violence and being held in cruel, inhuman and degrading conditions – in most cases following interceptions and during expulsions. Among them, 21 said that the National Guard subjected them, after their interception at sea, to unnecessary physical violence that in several instances likely amounted to torture. Thirty-seven said that the National Guard or other security bodies subjected them to such violence or threatened to subject them to it during an expulsion. Most of those interviewed identified their treatment as discriminatory.

“Abdoulaye”, a Cameroonian national, described the severe ill-treatment amounting to torture meted out by National Guard officers during his third expulsion to Algeria on 15 December 2023:

**“Before the expulsion, we stopped at a station of the National Guard, the last one before [the Algerian province of] El Oued. It is a torture centre. I am sure people die there. When you arrive, [the officers] tie you up outside, behind a barrier, and they use everything they have to beat you, clubs; metal chains; electric cables, like whips, they beat you everywhere, on the head, the back, the ankles, blow after blow, for maybe two hours, at night... [Officers] made us sing ‘Never again Tunisia, no coming back to Tunisia’ over and over as they beat us. It is in the middle of the desert, so secluded that nobody hears you when you scream.”**

## RACIALIZED EXCLUSION

Tunisian migration and asylum laws, policies and practices, supported by the EU, have been used as tools for racialized exclusion. This is demonstrated by the prevalence of racial profiling; the conduct of interceptions and disembarkations that reinforces the risk of racial discrimination; and the racial discriminatory impact of collective expulsions and torture and other ill-treatment perpetrated within the context of racial hatred and discrimination against Black people. Taken together, these measures are evidence of a de facto policy of racialized exclusion illustrated most clearly by the collective expulsions.

Although legislation such as Law 68-7 and Law 2004-6 governing the treatment of foreign nationals are seemingly race-neutral, Tunisian authorities have implemented them in discriminatory ways because race and skin colour have been used to make assumptions about individuals’ migration-related behaviour, which, in turn, have fed into patterns of violence, arbitrary arrest, detention, interceptions, disembarkations and collective expulsions. Moreover, the failure by the state to seek and obtain data on race and racial bias exacerbates other harms – for example, the authorities’ failure to safeguard against racial discrimination, which subsequently enhances the possibility for migration laws and policies to be racist in practice.

In 2018, Tunisia became the first country in the Middle East and North Africa region to enact a law penalizing racial discrimination through the adoption of Law 2018-50. However, its implementation has been seriously undermined by the pervading policy and practices of racialized exclusion.

These interrelated human rights violations, including seemingly “race-neutral” laws that discriminate and feed patterns of human rights violations against Black people, should be understood within the legacy of the trans-Saharan slave trade and slavery in North Africa, as well as European colonialism that reinforced colourism and the predominance of white supremacy. This legacy has fed the dehumanization of Black people in North Africa, from the practice of slavery to violent migration policies and racist discourse.

## EUROPEAN COOPERATION WITHOUT HUMAN RIGHTS SAFEGUARDS

Under international human rights law, states should refrain from engaging in cooperation that prevents refugees and migrants from leaving a country where they do not have effective protection and are exposed to human rights violations, as has been the case in Tunisia. Respect for human rights is also a core part of the legal basis supporting the EU’s foreign policy and external action.

Yet the Memorandum of Understanding (MoU), which foresaw a larger number of people being intercepted or rescued in the central Mediterranean and disembarked in Tunisia, was signed between the EU and Tunisia in July 2023 without effective human rights safeguards, during a peak of racist violence and when the Tunisian government was clearly cracking down on human rights. The agreement has led to more people including refugees and asylum seekers, being trapped or contained in a country where they are exposed to widespread human rights violations and abuses.

In addition to relying on the possibility to disembark people rescued or intercepted at sea in Tunisia, ongoing cooperation between the EU and Tunisia on migration control involves providing support to security authorities

who are committing serious violations, as has been similarly the case with the EU's cooperation with Libya. The EU is thus contributing to and risks normalizing human rights violations against people on the move.

Amnesty International has on several occasions since November 2023 shared its preliminary findings on violations of refugee and migrant rights in Tunisia with EU representatives, including during interceptions at sea and disembarkations and regarding the lack of respect for the principle of non-refoulement.

Nevertheless, in a cynical attempt to entrap refugees and migrants where their lives and rights are at risk, the EU has reaffirmed its commitment to the reckless MoU, presenting it as a “blueprint” to follow with other states and lauding its implementation on the basis that it has contributed to a significant reduction of irregular sea arrivals from Tunisia. In doing so, the EU has once again demonstrated its failure to learn from its mistakes in Libya, with refugees and migrants in both countries, particularly Black people, paying a terrible price.

## **CONCLUSION: TUNISIA NOT A SAFE COUNTRY**

A continuum of violations now characterizes the experience of refugees and migrants in Tunisia, from racially targeted arrests and arbitrary detention or dangerous interceptions followed by disembarkations during which authorities fail to assess protection needs, to life-threatening collective expulsions during which torture and other ill-treatment, including sexual violence, is prevalent.

The unprecedented clampdown against refugee and migrant rights defenders and organizations who provided critical assistance, shortly followed by the suspension of access to asylum procedures in the country, have signalled another deeply harmful setback with devastating consequences.

Within the wider context of public advocacy of racial hatred, discrimination and abuse, these policies and practises, taken together, have disproportionately impacted Black foreign nationals. While migration legislation, policy and official communication might be race-neutral, Tunisian authorities have implemented them in a discriminatory way. The EU-backed Tunisian migration and asylum system is characterized by a de facto policy of racialized exclusion.

As a result, Tunisia cannot be regarded as either a place of safety for the disembarkation of refugees and migrants rescued or intercepted at sea, nor as a “safe third country” – a country in which it is deemed that a third country national could have sought protection – for the transfer of asylum seekers, particularly Black people.

Among a series of recommendations, Amnesty International is calling on the Tunisian authorities to end their advocacy of racism and xenophobia and protect refugees and migrants from arbitrary arrest and detention, racial profiling, and torture and other ill-treatment. It is calling on them to urgently stop collective expulsions, to protect the right to life of refugees and migrants and to respect the principle of non-refoulement in all circumstances.

Amnesty International is asking the EU to urgently rethink the principles of its migration cooperation with Tunisia to ensure that it focuses firmly on refugee protection, is based on clear human rights benchmarks, and prevents the EU from being complicit in human rights violations, including by perpetuating anti-Black racism.

## 2. METHODOLOGY

This report investigates the experiences of refugees and migrants in Tunisia – notably in and around the capital Tunis, the eastern city of Sfax (about 270km from Tunis) and the southern city of Zarzis (about 540km from Tunis), between February 2023 and June 2025. Amnesty International interviewed 120 refugees and migrants, including 39 refugees and asylum seekers. The organization identified individuals to be interviewed by looking for people who had been recently intercepted at sea, expelled or arrested, or individuals who had lived in Tunisia at least in the past year and were willing to share their experience. They were referred by journalists, activists and civil society organizations, or identified through social media communications.

Of the 120, 92 were men and 28 were women. Eight were children aged 16 or 17. Interviewees were nationals of Afghanistan, Algeria, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Gambia, Ghana, Guinea, Libya, Mali, Nigeria, Senegal, Sierra Leone, South Sudan, Sudan and Yemen. Almost all interviewees referred to themselves as “Blacks”, often when describing their perception of being racialized. Nationals of Yemen and Afghanistan also considered themselves to be at risk of racialized treatment in Tunisia. Interviews were carried out in French, English or Arabic, with one interview requiring an external translator. Most people were based in and around Tunis and Sfax at the time of the events they described; others were in and around the western cities of Kasserine and Kef; the eastern coastal cities of Mahdia, Monastir and Sousse; and Zarzis. Others were based in the towns of Ben Gardane, Douz, Nafta or Sbeitla, located in the south and west of the country. Most interviews were carried out by voice calls via secure messaging applications.

While conducting the interviews, Amnesty International ensured space for individuals to speak in a way that would be most comfortable for them and to respect their privacy and security concerns. Interviews with children were conducted in a way that took into account their age and evolving capacity to provide consent. The organization ensured additional time, repeated questions as needed and adjusted the wording of some questions. All interviewees were informed about the nature and purpose of the research as well as how the information provided would be used and shared. Informed consent was obtained from each interviewee prior to the start of interview and confirmed at the end of the interview. No incentives were provided to interviewees in exchange for their accounts.

Twelve of the individuals interviewed shared pictures of identification documents, injuries, locations, screenshots of phone communications as well as videos taken in detention or during an interception or an expulsion, which Amnesty International reviewed.

Amnesty International spoke to nine family members and close friends of individuals who were subjected to human rights violations in the cities of Tunis, Sfax, Sousse (about 150km southeast of Tunis) and Zarzis. It also spoke to 21 human rights defenders, members of civil society and international organizations, as well as four journalists, who all regularly interviewed and worked with refugees and migrants in Tunisia and Libya.

Amnesty International reviewed publications by relevant UN bodies, such as the Office of the High Commissioner for Human Rights (OHCHR), UN Special Procedures, the International Organization for Migration (IOM) and the Office of the UN High Commissioner for Refugees (UNHCR), and by media and human rights organizations. Amnesty International also reviewed the Facebook pages of Tunisia's presidency, Ministry of Interior, Ministry of Foreign Affairs and National Guard.

Out of concern for their safety, Amnesty International has used pseudonyms in quotation marks for all individuals whose cases are featured in this report and omitted identifying details where appropriate.

Amnesty International would like to express deep gratitude to the individuals who agreed to share their profoundly personal and, in most cases, painful testimonies at a cost to their time and energy. Almost all of

them entrusted the organization with their testimony while facing extremely precarious situations. Amnesty International also thanks all those who assisted with the research and the preparation of this report, including civil society organizations and activists whose work this report builds on.

Amnesty International shared its findings and recommendations with Tunisian, European and Libyan authorities for their comment. No response had been received yet by the time of publication.

# 3. BACKGROUND

## 3.1 MIGRATION ROUTES IN AND OUT

Tunisia has a population of around 12 million. While there are no official statistics on the number of foreign nationals in the country, estimates over the past five years have placed the total between 30 and 60 thousand at any given time. In 2020-21, Tunisia's National Institute of Statistics (INS) and National Migration Observatory (ONM) estimated that nearly 59,000 foreign nationals were living in the country, including more than 21,000 from non-Maghreb African countries,<sup>1</sup> most of whom were from the Congo, Côte d'Ivoire, Democratic Republic of Congo, Guinea and Mali. According to the report, 42.2% of migrants from non-Maghreb African countries were economically active, mainly in the service sector, notably in cleaning and construction work.<sup>2</sup> Close to 5,500 sub-Saharan migrants were studying in Tunisian universities in 2023-24, according to the Ministry of Higher Education, out of about 9,000 foreign students.<sup>3</sup> On 20 May 2024, Tunisian Member of Parliament Yassine Mami, cited former Minister of Interior Kamel Feki's estimate that 32,000 sub-Saharan African nationals from 27 different countries resided in Tunisia, including 23,000 residing irregularly.<sup>4</sup> In January 2025, the National Guard cited IOM statistics saying that more than 20,000 irregular migrants were present in makeshift camps in El Amra, northern Sfax, the main departure zone for irregular maritime crossings to Italy.<sup>5</sup>

Given Tunisia's geographic location at the northern tip of Africa and close to Italian shores, irregular maritime crossings towards Italy have taken place for years, increasing particularly in periods of political and social turmoil, such as the year 2011. Until 2022, people engaging in such crossings were mostly Tunisian nationals, while crossings of sub-Saharan African refugees and migrants started mostly from Libya.<sup>6</sup>

From 2017 onwards, the European Union (EU) and its member states stepped up their cooperation with Libyan authorities and militias to reduce departures from Libya and to trap tens of thousands of people in a country where refugees and migrants are particularly vulnerable to serious human rights violations.<sup>7</sup> As early as 2019, sub-Saharan African nationals started to seek to escape Libya by crossing into Tunisia, mostly on foot. Likewise, from 2020 onwards, an increasing number of refugees and migrants from sub-Saharan Africa crossed into Tunisia from neighbouring Algeria because of the Covid-19 pandemic, due to deteriorating socio-economic conditions there as well as fear of collective expulsion.<sup>8</sup>

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<sup>1</sup> National Institute of Statistics (INS) and National Migration Observatory (ONM), *Report of the National Survey on International Migration Tunisia-HIMS*, 7 December 2021, <https://www.ins.tn/en/publication/report-national-survey-international-migration-tunisia-hims>, p. 59.

<sup>2</sup> INS and ONM, *Report of the National Survey on International Migration Tunisia-HIMS* (previously cited), pp. 65-67.

<sup>3</sup> Tunisian Ministry of Higher Education and Scientific Research, Higher Education and Scientific Research in Figures, [https://www.mes.tn/page.php?code\\_menu=13](https://www.mes.tn/page.php?code_menu=13) (in Arabic, accessed on 18 June 2025).

<sup>4</sup> Webdo, "Combien de migrants irréguliers y a-t-il en Tunisie?" ["How many irregular migrants are there in Tunisia?"], 21 May 2024, <https://www.webdo.tn/fr/actualite/national/combien-de-migrants-irreguliers-y-a-t-il-en-tunisie/214283> (in French).

<sup>5</sup> La Presse, "Garde nationale: plus de 20 mille migrants irréguliers présents dans la localité d'El Amra à Sfax" ["National Guard: More than 20,000 irregular migrants present in the town of El Amra in Sfax"], 23 January 2025, <https://lapresse.tn/2025/01/23/garde-nationale-plus-de-20-mille-migrants-irreguliers-presents-dans-la-localite-del-amra-a-sfax/> (in French).

<sup>6</sup> Italian Institute for International Political Studies (ISPI), "Irregular migration from North Africa: Shifting local and regional dynamics", 31 July 2023, <https://www.ispionline.it/en/publication/irregular-migration-from-north-africa-shifting-local-and-regional-dynamics-136302>; Global Initiative Against Transnational Organized Crime (GI-TOC), *Losing Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe*, January 2022, <https://globalinitiative.net/analysis/tunisia-migration-europe/>

<sup>7</sup> Amnesty International, *Libya's Dark Web of Collusion: Abuses against Europe-bound Refugees and Migrants* (Index: MDE 19/7561/2017), 11 December 2017, <https://www.amnesty.org/en/documents/mde19/7561/2017/en/>

<sup>8</sup> GI-TOC, *Tunisia: Increased Fragility fuels Migration Surge*, July 2023, <https://globalinitiative.net/wp-content/uploads/2024/10/Tunisia-Increased-fragility-fuels-migration-surge-GI-TOC-July-2023-v2.pdf>, p. 15.

Tunisian law criminalizes irregular entry, stay and exit, without distinction for refugees and asylum seekers.<sup>9</sup> Tunisian authorities perceive and frequently refer to migrants without proper documentation as “illegal migrants”. In recent years, officials have increasingly referred to irregular migrants as “a threat to national security.”<sup>10</sup> This has rendered refugees and migrants more vulnerable to xenophobic and racist attacks, unlawful violence and arbitrary detention, and has made it difficult for them to seek a remedy for any violation of their rights.

Thousands of foreign nationals in Tunisia are asylum seekers or refugees. As of March 2025, 10,683 refugees and asylum seekers were registered with UNHCR in Tunisia, most of them nationals of Sudan, the Syrian Arab Republic and Somalia.<sup>11</sup> In 2023, UNHCR registered an almost ninefold increase in asylum applications compared to 2022, mainly from Sudanese nationals, most of whom had reached the country by land.<sup>12</sup> In the first quarter of 2024, this number further increased by 600% compared to the same period in 2023, which according to UNHCR was due to “the persistence of insecurity in other regions and the continuity of mixed movements flows seeking safety”.<sup>13</sup>

According to UNHCR, the gap between refugees in need in Tunisia and refugees receiving resettlement opportunities to a third country remained significant,<sup>14</sup> with only 20 refugees resettled out of Tunisia in 2025 as of April, compared to 331 resettled in 2024.<sup>15</sup>

Over the past two years, Tunisia has therefore increasingly become a country of transit and destination for sub-Saharan African refugees and migrants fleeing Libya and Algeria or coming from their home country in the hope of reaching European shores, often departing from the eastern region of Sfax to the Italian islands of Lampedusa, Pantelleria and Sicily.<sup>16</sup> By late 2022, Tunisia had surpassed Libya as the main departure point for Italy, adding to an overall increase in sea arrivals in Italy.<sup>17</sup> However, as crossings from Tunisia eventually slowed down, from October 2023 onwards Libya again became the main country of departure.<sup>18</sup> In February 2025, 93% of people reaching Italy via sea had departed from Libya, while 3% came from Tunisia.<sup>19</sup> In November 2023, European Commissioner for Home Affairs Ylva Johansson indicated that the drop in departures from Tunisia was due to “the reinforced action of the coastguard of this country”.<sup>20</sup>

Meanwhile, the central Mediterranean has remained the most dangerous migration route globally, with close to 1,800 people dying or going missing in 2024, a decrease of about 33% compared to 2023 which reflected a parallel decrease in recorded irregular crossings.<sup>21</sup>

Tunisia is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Convention provides for a comprehensive set of civil, political, economic and social rights for migrants and their families, regardless of their status, and strengthens their protection from exploitation.

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<sup>9</sup> Tunisia, Loi 68-7 relative à la Condition des Étrangers en Tunisie [Law 68-7 relating to the Condition of Foreigners in Tunisia], 1968; Tunisia, Loi 75-40 relative aux Passeports et aux Documents de Voyage [Law 75-40 relating to Passports and Travel Documents], 1975 (as amended by Law 2004-6 on 3 February 2004).

<sup>10</sup> GI-TOC, *Tunisia: Increased Fragility fuels Migration Surge* (previously cited), p. 9.

<sup>11</sup> UNHCR, “UNHCR Tunisia monthly operational update (May 2025)”, <https://data.unhcr.org/en/documents/details/116934>

<sup>12</sup> Office of the UN High Commissioner for Refugees (UNHCR) in Tunisia, “UNHCR Tunisia Factsheet January 2024”, 31 January 2024, <https://data.unhcr.org/en/documents/details/107196>

<sup>13</sup> UNHCR, Tunisia Operational Update - January-March 2024, <https://reliefweb.int/report/tunisia/unhcr-tunisia-operational-update-january-march-2024>

<sup>14</sup> UNHCR, “UNHCR Tunisia operational update (May 2024)”, <https://data.unhcr.org/en/documents/details/109712>

<sup>15</sup> UNHCR, “Resettlement Data Finder”, <https://www.unhcr.org/refugee-statistics/download> (accessed 17 June 2025).

<sup>16</sup> ISPI, “Irregular migration from North Africa: Shifting local and regional dynamics” (previously cited); GI-TOC, *Losing Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe* (previously cited).

<sup>17</sup> UNHCR, “Italy sea arrivals dashboard March 2023”, 11 May 2023, <https://data.unhcr.org/en/documents/details/100615>

<sup>18</sup> UNHCR, Operational Data Portal, <https://data2.unhcr.org/en/situations/mediterranean/location/5205> (accessed on 5 February 2024), “Italy Weekly Snapshots”; UNHCR, “Italy Sea Arrivals Dashboard November 2023”, 16 January 2024, <https://data.unhcr.org/en/documents/details/106079>; UNHCR, “UNHCR Italy weekly snapshot – 16 June 2025”, 16 June 2025, <https://data.unhcr.org/en/documents/details/116940>

<sup>19</sup> UNHCR, “Italy Sea Arrivals Dashboard February 2025”, 15 April 2025, <https://data.unhcr.org/en/documents/details/115737>

<sup>20</sup> Africanews, “EU: Drop in migrant departures from Tunisia”, 29 November 2023, <https://www.africanews.com/2023/11/29/eu-drop-in-migrant-departures-from-tunisia/>

<sup>21</sup> IOM’s Global Migration Data Analysis Centre (GMDAC), “Missing migrants recorded in the Central Mediterranean”, <https://missingmigrants.iom.int/region/mediterranean> (accessed on 18 June 2025).

## 3.2 RACIAL DISCRIMINATION AGAINST BLACK PEOPLE

International human rights law recognizes that it is critical to look at historical grounds of discrimination to analyse racist structures and practices.<sup>22</sup> A historical and race-blind analysis fails to challenge the persisting structures of global racial inequality, which is inconsistent with the human rights principles of equality and non-discrimination.<sup>23</sup> The Durban Declaration and Programme of Action (DDPA) acknowledged xenophobia and discrimination facing migrants as a notable manifestation of modern racism and intolerance.<sup>24</sup> As such, the history of enslavement of Black people, European colonialism and contemporary racial discrimination constitute a critical backdrop to understanding the racialized dimensions of the migration and asylum system.

The international human rights system understands race “a social construction that for many determines their access to fundamental human rights, which can sometimes mean the difference between life and death.”<sup>25</sup>

### THE LEGACY OF SLAVERY AND COLONIALISM

Slavery constitutes a crime against humanity under international law.<sup>26</sup> Slavery was founded on the dehumanization and dispossession of individuals on the basis of race and embodied extreme forms of racial discrimination.<sup>27</sup> Through the DDPA, UN member states identified that histories of slavery represented significant sources of racism, racial discrimination, xenophobia and related intolerance, with impacts on Africans and people of African descent, Asians and people of Asian descent and Indigenous people, and that colonialism was also a root cause of racism.<sup>28</sup> Colonialism and the slave trade, despite their formal abolition, have entrenched racial discrimination and continue to be a root cause of contemporary manifestations of racism and racially discriminatory violations of human rights.<sup>29</sup>

Until the 20th century, Black nationals of sub-Saharan regions were captured, enslaved and traded throughout the Saharan region for locations north of the Sahara Desert and the Mediterranean, by Arab and Tamazight-speaking North Africans.<sup>30</sup> While in the Saharan regions of North Africa, a form of chattel slavery constituted the basis of the system of economic production, in regions nearer to the Mediterranean, enslaved Black people were mainly exploited as domestic servants and concubines that shared the slavers' household, as well as soldiers.<sup>31</sup> Between the 16<sup>th</sup> and 18<sup>th</sup> centuries, slavers from Ottoman provinces also captured white people who were sold in various North African slave markets.<sup>32</sup> While Black and white slaves were simultaneously present in northern Africa, the former were considered to have the lowest value and status.<sup>33</sup> Slavery was

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<sup>22</sup> UN General Assembly, Report: *Contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, 22 October 2021, UN Doc. A/76/434, para. 3. A/76/434: Contemporary forms of racism, racial discrimination, xenophobia and related intolerance I OHCHR.

<sup>23</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Global extractivism and racial equality*, 14 May 2019, UN Doc. A/HRC/41/54, para. 14.

<sup>24</sup> UN General Assembly, *Contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (previously cited), para. 32.

<sup>25</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Global extractivism and racial equality* (previously cited), para. 12.

<sup>26</sup> Rome Statute of the International Criminal Court, Article 7 (c).

<sup>27</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Global extractivism and racial equality* (previously cited), para. 12.

<sup>28</sup> Durban Declaration and Programme of Action (DDPA), paras. 13-16 and 18.

<sup>29</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Reparation, racial justice and equality*, 21 August 2019, UN Doc. A/74/321, paras 20-21; UN Secretary-General (UNSG), Report: *Report of the Regional Conference of the Americas Santiago, Chile, 5-7 December 2000 - Note by the Secretary-General*, 24 April 2001, UN Doc. A/CONF.189/PC.2/7, para. 3.

<sup>30</sup> Kehinde Andrews, *Resisting Racism: Race, Inequality and the Black Supplementary School Movement*, 2013; Ralph A. Austen, “The trans-Saharan slave trade: a tentative census”, in Jan Hogendorn and Henry Gemery (editors), *The Uncommon Market: Essays in the Economic History of the Atlantic Slave Trade*, 1979, pp. 23-76; Eric Hanonou, “Blackness, slavery and anti-racism activism in contemporary North Africa”, in Project on Middle East Political Science (POMEPS), *Racial Formations in Africa and the Middle East: A Transregional Approach*, September 2021, POMEPS Studies 44, pp. 41-48; Bruce Hall, “The question of race in the pre-colonial southern Sahara”, September-December 2005, *The Journal of North African Studies*, Volume 10, Issue 3-4; Stephen J. King, “Black Arabs and African migrants: between slavery and racism in North Africa”, 4 October 2019, *The Journal of North African Studies*, Volume 26, Issue 1, DOI: 10.1080/13629387.2019.1670645; Mariella Villasante-de Beauvais, “Webb, James L. A. – Desert frontier. Ecological and economic change along the western Sahel, 1600-1850. Madison, The University of Wisconsin Press, 1995, XXVI-227”, 2000, *Cahiers d'études africaines*, Volume 158, <https://doi.org/10.4000/etudesafraicaines.186>

<sup>31</sup> Samia Ben Amor, “Les noirs dans les dialectes tunisiens: la terminologie de la discrimination de couleur” [“Black people in Tunisian dialects: The terminology of colour-based discrimination”], 2021, Kervan – International Journal of Afro-Asiatic Studies, Volume 25, Issue 1, <https://ojs.unito.it/index.php/kervan/article/view/5890/5221>; Murray Gordon, *Slavery in the Arab World*, 1998; Stephen J. King, “Anti-Black racism and slavery in desert and non-desert zones of north Africa”, in POMEPS, *Racial Formations in Africa and the Middle East: A Transregional Approach*, September 2021, POMEPS Studies 44, pp. 35-40.

<sup>32</sup> Samia Ben Amor, “Les noirs dans les dialectes tunisiens: la terminologie de la discrimination de couleur” (previously cited); Stephen J. King, “Black Arabs and African migrants: between slavery and racism in North Africa” (previously cited).

<sup>33</sup> Samia Ben Amor, “Les noirs dans les dialectes tunisiens: la terminologie de la discrimination de couleur” (previously cited).

gradually racialized in a way that led it to be conflated with Blackness,<sup>34</sup> and Black people came to be seen as an abject race of slaves based on negative and servile connotations.<sup>35</sup> The concept of Blackness came to be understood explicitly or implicitly in opposition to a normative and superior white Arabness and was used to define citizenship rights, therefore legitimizing a range of abuses.<sup>36</sup> Thus, in the period prior to European colonization, race was used to legitimize the enslavement of Black people.<sup>37</sup>

Relying on the history of racialized enslavement, colonialism reinforced the construct of Blackness as non-Indigenous to North Africa and racialized a hierarchical division between North and Saharan or sub-Saharan Africa.<sup>38</sup> White or light-skinned people of the southern Mediterranean were portrayed as “closer” to Europe in terms of civilization,<sup>39</sup> while whiteness was entrenched as the norm and reference.<sup>40</sup> Colonialism also consolidated racial identities as instruments of political and social classification and to distribute rights and resources.<sup>41</sup>

Successive post-colonial Tunisian authorities then actively pursued a homogenization project that further highlighted Black Tunisians’ foreignness, by failing to recognize how their perceptions have been informed by the history of slavery and colonialism.<sup>42</sup> White slave descendants were integrated into a culture that prized their whiteness while Black Tunisians remained racialized as slave descendants.<sup>43</sup>

## ANTI-BLACK RACISM IN TUNISIA

Racial discrimination manifests in Tunisia both structurally and interpersonally,<sup>44</sup> leading to a range of human rights violations and abuses for Black and dark-skinned Tunisians and foreign nationals. Several studies have characterized it as systemic racism.<sup>45</sup>

Pervasive stigma associated with Blackness in North Africa has impeded Black Tunisians’ access to social mobility, property, and political and religious representation.<sup>46</sup> Black Tunisians are also marginalized in the public sphere. Although there are no official statistics on race and ethnicity, a nationally representative survey

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<sup>34</sup> Habeeb Akande, *Illuminating the Darkness: Blacks and North Africans in Islam*, 2012; Leslie Gross-Wyrtzen, “‘There is no race here’: on blackness, slavery, and disavowal in North Africa and North African studies”, 13 June 2022, *The Journal of North African Studies*, Volume 28, Issue 3, <https://doi.org/10.1080/13629387.2022.2089124>; Stephen J. King, “Black Arabs and African migrants: between slavery and racism in North Africa” (previously cited); Shaun Elizabeth Marmon, “Slavery in the Islamic Middle East”, in Cambridge University Press, *The Cambridge World History of Slavery*, September 2021, Chapter 14, <https://doi.org/10.1017/9781139024723>.

<sup>35</sup> Bruce S. Hall, “The question of ‘race’ in the pre-colonial southern Sahara”, 2005, *The Journal of North African Studies*, Volume 10, Issue 3-4, <https://doi.org/10.1080/13629380500336714>, pp. 339–367; John O. Hunwick, *West Africa, Islam, and the Arab World: Studies in Honor of Basil Davidson*, 2006; Tidiane N’Diaye, *Le Génocide Voilé: Enquête Historique [The Veiled Genocide: Historical Investigation]*, 2008.

<sup>36</sup> Chouki El Hamel, *Black Morocco: A History of Slavery, Race, and Islam*, 2013, p. 264; John O. Hunwick, “Islamic law and polemics over slavery in north and west Africa, 16th–19th century”, in Shaun Marmon, *Slavery in the Islamic Middle East*, 1999, pp. 43–68; Nader Kadhim, *Africanism: Blacks in the Medieval Arab History*, 2023.

<sup>37</sup> Bruce S. Hall, “The question of ‘race’ in the pre-colonial southern Sahara” (previously cited), p. 344.

<sup>38</sup> Leila Tayeb, “What is whiteness in North Africa?”, 2021, *Lateral*, Volume 10, Issue 1, <https://doi.org/10.25158/L10.1.20>

<sup>39</sup> Leila Tayeb, “What is whiteness in North Africa?” (previously cited).

<sup>40</sup> Yasmine Akrimi, “Slavery and colonialism: A legacy of racialization in the Maghreb”, April 2021, <https://www.bic-rhr.com/research/slavery-and-colonialism-legacy-racialization-maghreb>

<sup>41</sup> Muriam Haleh Davis, “Race and decolonization in North Africa”, 22 February 2023, <https://doi.org/10.1093/acrefore/978019027734.013.1054>

<sup>42</sup> Afifa Ltfi, “Black Tunisians and the Pitfalls of Bourguiba’s Homogenization”, June 2020, in POMEPS, *Africa and the Middle East: Beyond the Divides*, POMEPS Studies 40, <https://pomeps.org/pomeps-studies-40-africa-and-the-middle-east-beyond-the-divides>, pp. 69–72; Huda Mzioudet, “Black Racial Politics and the Racist Populist Backlash during Tunisia’s Democratic Transition”, May 2024, <https://pomeps.org/black-racial-politics-and-the-racist-populist-backlash-during-tunisia-democratic-transition>

<sup>43</sup> Afifa Ltfi, “Black Tunisians and the Pitfalls of Bourguiba’s Homogenization” (previously cited); Marta Scaglioni, *Becoming the Abid: Lives and Social Origins in Southern Tunisia*, 2020, pp. 193–198.

<sup>44</sup> Minority Rights Group, *Identity and Citizenship in Tunisia: The Situation of Minorities after the 2011 Revolution*, November 2018, <https://minorityrights.org/app/uploads/2024/01/mrg-tunisia-briefing-final-eng-nov-2018.pdf>; Shreya Parikh, “The limits of confronting racial discrimination in Tunisia with Law 50”, 2021, *Middle East Report*, Issue 299, <https://merip.org/2021/08/the-limits-of-confronting-racial-discrimination-in-tunisia-with-law-50/>; Yasmine Akrimi, *Between Securitisation and Racialisation: The Sub-Saharan African Experience in Tunisia*, 18 December 2020, <https://ftdes.net/en/entre-securisation-et-racialisation-lexperience-subsaharienne-en-tunisie/>; Vincent Geisser, “Tunisie, ‘la chasse aux migrants subsahariens est ouverte’” [“Tunisia, ‘the hunt for sub-Saharan migrants is open’”], 2023, *Migrations Société*, Volume 191, Issue 1, <https://doi.org/10.3917/migra.191.0007>, pp. 7–20 (in French); La Presse, “Plus de 50 % des migrants subsahariens ont été exposés à des actes de racisme de la part de Tunisiens” [“More than 50% of sub-Saharan migrants have been exposed to acts of racism from Tunisians”], 16 December 2019, <https://lapresse.tn/2019/12/16/plus-de-50-des-migrants-subsahariens-ont-ete-exposes-a-des-actes-de-racisme-de-la-part-de-tunisiens/>

<sup>45</sup> Célia Sadai, “Racisme anti-noirs au Maghreb: Dévoilement(s) d’un tabou” [“Anti-Black racism: Unveiling a taboo”], 2021, *Hérodote*, Volume 1, Issue 180, <https://doi.org/10.3917/her.180.0131> (in French); Yasmine Akrimi, *Waiting in the Middle Ground: Blocking the Movement of Illegalized People on the Move in Tunisia, an Unsafe Country*, June 2022, [https://ftdes.net/rapports/Waiting.in.the.middle.ground\\_%20Blocking.the.movement.of.illegalized.people.on.the.move.in.Tunisia.pdf](https://ftdes.net/rapports/Waiting.in.the.middle.ground_%20Blocking.the.movement.of.illegalized.people.on.the.move.in.Tunisia.pdf); Primož Krašovec and Anja Zalta, “Black (and) Christian? New systemic racism and the ‘refugee’ as a depersonalized category of surplus: a case study of Tunisian attitudes towards sub-Saharan Africans”, 17 July 2024, *Religions*, Volume 15, Issue 7, <https://doi.org/10.3390/rel15070863>

<sup>46</sup> Eric Hanonou, “Blackness, slavery and anti-racism activism in contemporary North Africa” (previously cited); Minority Rights Group, *Identity and Citizenship in Tunisia: The Situation of Minorities after the 2011 Revolution* (previously cited);

in 2018 found Black Tunisians to be socio-economically disadvantaged, almost twice as likely to be unemployed than other Tunisians, and more likely to experience differentiated treatment from public authorities.<sup>47</sup> Black Tunisians as well as Black foreign nationals have shared multiple testimonies of being routinely subjected to verbal abuse and racial discourse based on degrading and dehumanizing stereotypes, which can lead to physical abuse.<sup>48</sup> Gender identity, nationality and migration status add intersecting layers of discrimination, increasing the risk of impunity.<sup>49</sup>

Racial discrimination is closely related to the history of slavery in Tunisia and North Africa.<sup>50</sup> Some Black Tunisians' identity cards may still carry the family name of those who freed their ancestors, indicating slavery's lingering influence.<sup>51</sup> It also shows through the range of racial terms and insults commonly used to refer to Black people, which connote subordination, servitude and dehumanization,<sup>52</sup> as well as through the perpetuation of certain practices of segregation, such as the burials of Black Tunisians in separated burial grounds referred to by the local population as "slave cemeteries" in some cities.<sup>53</sup> In certain locations in southern Tunisia, descendants of slave-owners retain ties to descendants of their former slaves, with the expectation that they will work for them.<sup>54</sup>

A "culture of silence" generally characterized the public debate on racism which, associated with a failure by the Tunisian authorities to address the issue, contributed to maintaining and reproducing racism.<sup>55</sup> The opening of the civil and political environment following the 2011 revolution provided more space for racism to be discussed openly.<sup>56</sup> Anti-racism and Black activists have contributed to shaping Tunisian public policy and

<sup>47</sup> Sharan Grewal, "In another first, Tunisia criminalizes racism", 15 October 2018, <https://www.brookings.edu/articles/in-another-first-tunisia-criminalizes-racism/>

<sup>48</sup> Jeune Afrique, "Le Racisme Au Maghreb", 23 August 2004, <http://www.jeuneafrique.com/99821/archives-thematique/le-racisme-au-maghreb/>; Fatima-Ezzahra Bendami, "Black Tunisians breaking taboos", 24 March 2021, <https://africasacountry.com/2021/03/black-tunisians-breaking-taboos>

<sup>49</sup> Mediterranean network for feminist information, "Ivorian domestic workers in Tunisia: Modern-day slavery", 6 July 2023, <https://medfeminiswiya.net/2023/07/06/ivorian-domestic-workers-in-tunisia-modern-day-slavery/?lang=en>; Vincent Geisser, "Tunisie, des migrants subsahariens toujours exclus du rêve démocratique" ["Tunisia, sub-Saharan migrants still excluded from the democratic dream"], 2019, *Migrations Société*, Volume 3, Issue 177, <https://doi.org/10.3917/migra.177.0003>, p. 3-18; Hassen Boubakri and Sylvie Mazzella, "La Tunisie entre transit et immigration : politiques migratoires et conditions d'accueil des migrants africains à Tunis" ["Tunisia between transit and immigration: migration policies and conditions of reception of African migrants in Tunis"], 2005, *Autrepart*, Volume 36, Issue 4, <https://doi.org/10.3917/autr.036.0149>, pp. 149-165; Cassarini, Camille, "L'immigration subsaharienne en Tunisie: de la reconnaissance d'un fait social à la création d'un enjeu gestionnaire", *Migrations société*, vol. 32, No. 179, January to March 2020, pp. 43-57.

<sup>50</sup> Stephen J. King, "Black Arabs and African migrants: between slavery and racism in North Africa" (previously cited); Rafik Chekkat, "Black lives scorned: The wretched of the Maghreb", 11 August 2020, <https://orientxxi.info/magazine/black-lives-scorned-the-wretched-of-the-maghreb.4066>

<sup>51</sup> Afifa Ltfi, "Black Tunisians and the Pitfalls of Bourguiba's Homogenization" (previously cited); Huffington Post, "Meet Saadia Mosbah, a woman whose courageous fight against racism transcends borders", 13 March 2015, [https://www.huffpost.com/entry/tunisia-racism-fight\\_n\\_6856554](https://www.huffpost.com/entry/tunisia-racism-fight_n_6856554)

<sup>52</sup> Samia Ben Amor, "Les noirs dans les dialectes tunisiens: la terminologie de la discrimination de couleur" ["Blacks in Tunisian dialects: The terminology of colour-based discrimination"] (previously cited); Afifa Ltfi, "Desarticulating blackness or the semantics of (anti)blackness in Tunisia", in POMEPS, *Racial Formations in Africa and the Middle East: A Transregional Approach*, September 2021, POMEPS Studies 44, pp. 55-60; Stephen J. King, "Anti-Black racism and slavery in desert and non-desert zones of North Africa" (previously cited).

<sup>53</sup> Africanews, "Tunisie: Plus d'égalité pour les minorités noires" ["More equality for Black minorities"], 9 December 2019, <https://fr.africanews.com/2018/11/14/tunisie-plus-d-egalite-pour-les-minorites-noires/>; Jeune Afrique, "Racisme en Tunisie: Saadia Mosbah, l'indignée", 9 April 2015, <https://www.jeuneafrique.com/228741/societe/racisme-en-tunisie-saadia-mosbah-l-indigne-e/>

<sup>54</sup> Inès Mrad Dali, "De l'esclavage à la servitude: Le cas des noirs en Tunisie" ["From slavery to servitude: The case of Black people in Tunisia"], 2005, *Cahiers D'études Africaines*, Volume 45, Issue 179-180, <https://doi.org/10.4000/etudesafraicaines.15058>, pp. 935-956.

<sup>55</sup> Eric Hanonou, "Blackness, slavery and anti-racism activism in contemporary North Africa" (previously cited); Stéphanie Pouessel, "Les Tunisiens noirs entre stéréotype, racisme et histoire: regard sur l'actualisation d'une identité 'marginale intégrée'" ["Black Tunisians between stereotype, racism and history: A look at the renewal of a 'marginally integrated' identity"], in Stéphanie Pouessel (editor), *Noirs au Maghreb: Enjeux Identitaires [Black people in the Maghreb: Identity Issues]*, 2012, pp. 75-98; Stéphanie Pouessel, "Les marges renaissantes: Amazigh, Juif, Noir. Ce que la révolution a changé dans ce 'petit pays homogène par excellence' qu'est la Tunisie" ["The resurgent margins: Amazigh, Jewish, Black - What the revolution has changed in this prime example of a 'small homogeneous country' that is Tunisia"], 2012, *L'Année du Maghreb*, Volume VIII, <https://doi.org/10.4000/anneemaghreb.1432>, pp. 143-160; Stephen J. King, "Black Arabs and African migrants: between slavery and racism in North Africa" (previously cited); Shaun Elizabeth Marmon, "Slavery in the Islamic Middle East", in Cambridge University Press, *The Cambridge World History of Slavery*, September 2021, Chapter 14, <https://doi.org/10.1017/9781139024723>;

<sup>56</sup> Eric Hanonou, "Blackness, slavery and anti-racism activism in contemporary North Africa" (previously cited); Stephen J. King, "Black Arabs and African migrants: Between slavery and racism in North Africa" (previously cited); Stéphanie Pouessel, "Les marges renaissantes: Amazigh, Juif, Noir. Ce que la révolution a changé dans ce 'petit pays homogène par excellence' qu'est la Tunisie" ["The resurgent margins: Amazigh, Jewish, Black - What the revolution has changed in this prime example of a 'small homogeneous country' that is Tunisia"], 2012, *L'Année du Maghreb*, Volume VIII, <https://doi.org/10.4000/anneemaghreb.1432>, pp. 143-160.

laws in that regard,<sup>57</sup> including through the adoption of Law 2018-50 that made Tunisia the first country in the Middle East and North Africa (MENA) region to enact a law penalizing racial discrimination.<sup>58</sup>

The prohibition of racial discrimination is an essential tenet of international law, considered to be absolute.<sup>59</sup> Tunisia has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a key treaty in this regard.

International human rights law requires states to eliminate all forms of racial discrimination, including in migration governance, which entails “reforming institutions, legislation, policies and practices that may not be discriminatory in purpose but that are discriminatory in outcome and effect”.<sup>60</sup> Increasingly there is recognition in international human rights law and scholarship that migration laws, policies and practices are far from race-neutral, even if they appear to be. In practice, in many parts of the world, non-white migrants are more vulnerable to discrimination than white migrants, regardless of nationality.<sup>61</sup>

Xenophobia must be understood as an intersectional form of discrimination.<sup>62</sup> Although it has often been defined as discrimination based on the perception of being a foreigner and non-citizen, it also involves an intersection between racial and other grounds. Recognizing the inextricable link between xenophobia and racism provides a clearer understanding of their roots and manifestations. People on the move face heightened contexts of racialization that perpetuate prejudices and biases that favour racial exclusion and discrimination. Race, ethnicity, religion, language and other characteristics are used to determine someone’s migration status and nationality.

According to the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, states through migration governance precondition the full enjoyment of human rights.<sup>63</sup> While policies and laws which confer access to citizenship, nationality and immigration status are often facially race-neutral, they in practice result in racialized exclusion. It is therefore critical to contextualize the treatment faced by refugees and migrants as a result of Tunisian and European migration policies within the legacies of slavery and colonialism and within broader anti-Black racism.<sup>64</sup>

### 3.3 BROADER HUMAN RIGHTS CRACKDOWN

More than three years after 25 July 2021, when President Saïed dissolved the government, dismantled parliament and suspended chapters of the constitution, granting himself sole executive and legislative authority, Tunisia is witnessing a significant human rights rollback.<sup>65</sup>

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<sup>57</sup> Maha Abdelhamid, “Les noirs Tunisiens après la Révolution de 2011: Retour sur les prémices d’un mouvement contre le racisme” [“Black Tunisians after the 2011 Revolution: A look back at the beginnings of a movement against racism”], in EuroMeSco, *Les Minorités dans la région MENA [Minorities in the MENA Region]*, 27 August 2018, <https://www.euromesco.net/publication/les-noirs-tunisiens-apres-la-revolution-de-2011-retour-sur-les-premices-dun-mouvement-contre-le-racisme/>

<sup>58</sup> Tunisia, Loi organique 2018-50 relative à l’Élimination de Toutes les Formes de Discrimination Raciale [Organic Law 2018-50 of 23 October 2018 relating to the Elimination of all Forms of Racial Discrimination].

<sup>59</sup> Universal Declaration on Human Rights (UDHR), Articles 1, 2 and 7; International Covenant on Civil and Political Rights (ICCPR), Articles 2(1), 4(1) and 26; International Covenant on Economic, Social and Cultural Rights, Article 2(2); International Convention on the Elimination of All Forms of Racial Discrimination; African Charter on Human and Peoples’ Rights, Articles 2 and 3.

<sup>60</sup> UN High Commissioner for Human Rights, *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers*, UN Doc. A/HRC/47/53, 1 June 2021, para. 17; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 20, 2 July 2009, UN Doc. E/C.12/GC/20, para. 30.

<sup>61</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report, 25 April 2018, UN Doc. A/HRC/38/52, para. 30.

<sup>62</sup> Amnesty International, “Submission to the UN Committee on the Elimination of Racial Discrimination (CERD)-Committee for the Protection of the Rights of Migrants Workers (CMW) joint general comment/recommendation: Obligations of State Parties on Addressing and Eradicating Xenophobia and its Impact on the Rights of Migrants, their Families, and Other Non-Citizens Affected by Racial Discrimination” (Index: IOR 40/7898/2024), 4 April 2024, <https://www.amnesty.org/en/documents/ior40/7898/2024/en/>

<sup>63</sup> UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report, 25 April 2018, UN Doc. A/HRC/38/52, para. 7 and 14.

<sup>64</sup> Mustapha El Miri, “Devenir ‘noir’ sur les routes migratoires: Racialisation des migrants subsahariens et racisme global” [“Becoming ‘black’ on migration routes: Racialisation of migrants”], 2018, *Sociologie et Sociétés*, Volume 50, Issue 2, pp.101-124, <https://doi.org/10.7202/1066815ar>

<sup>65</sup> Amnesty International, “Tunisia: Human rights must be upheld following suspension of parliament”, 26 July 2021, <https://www.amnesty.org/en/latest/news/2021/07/tunisia-human-rights-must-be-upheld-following-suspension-of-parliament-2/>; Amnesty International, *Tunisia: Adoption of new constitution must not institutionalize erosion of human rights* (Index: MDE 30/5925/2022), 19 August 2022, <https://www.amnesty.org/en/documents/mde30/5925/2022/en/>; Amnesty International, *Tunisia: A Year of Human Rights Regression since President’s Power-Grab* (Index: MDE 30/5876/2022), 21 July 2022, <https://www.amnesty.org/en/documents/mde30/5876/2022/en/>; Amnesty International, “Tunisia: Human Rights Council should address rapidly growing rights crisis”, 27 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/tunisia-human-rights-council-should-address-rapidly-growing-rights-crisis/>

In June 2022, the president granted himself the power to dismiss judges summarily through Decree-Law 2022-35 and used this new power to arbitrarily dismiss 57 judges through Presidential Decree 2022-516.<sup>66</sup> Over the following two years, harassment of judges and lawyers<sup>67</sup> and reprisals against those protesting these measures have eroded judicial independence.<sup>68</sup>

Since late 2022, the authorities ramped up their targeting of individuals exercising their right to freedom of expression, association and assembly as well as political opposition figures and other perceived critics of President Saïed, using expression-related offences and conspiracy charges.<sup>69</sup> Over 70 people, including political opponents, lawyers, journalists, activists and human rights defenders, have been subjected to arbitrary prosecutions and/or arbitrary detention.<sup>70</sup> In April 2025, a criminal court sentenced 37 people to between 4 and 74 years imprisonment for unfounded terrorism and conspiracy charges, in a sham trial marred by egregious fair trial violations.<sup>71</sup>

The authorities have also clamped down on freedom of expression and of the press using the draconian Decree-law 54 of 2022<sup>72</sup> against journalists, activists and artists,<sup>73</sup> notably ahead of the presidential elections of October 2024.<sup>74</sup> In July 2024, a Tunis court sentenced media figure and lawyer Sonia Dahmani to a one-year prison sentence, later reduced to eight months, over sarcastic comments made on TV questioning the claim that Black African migrants were seeking to settle over Tunisia.<sup>75</sup> In October 2024, the same court sentenced her to another two years in prison in a separate case for highlighting racist practices in Tunisia, later reduced to eighteen months.

In May 2024, authorities launched an unprecedented crackdown on civil society organizations supporting refugees and migrants, as part of a wider attack on civil society which later expanded to target other organizations.<sup>76</sup>

The Tunisian electoral commission (ISIE) denied two organizations, IWatch and Mourakiboun, their requests for accreditation to monitor the presidential elections, claiming they were receiving “suspicious foreign funding”. Shortly after, authorities opened an investigation against them for financial crimes and ordered a freeze on their bank accounts.

From October 2024 onwards, financial authorities opened investigations into at least a dozen organizations, summoning and questioning staff members about the organizations’ funding and activities protected under the right to freedom of association, going far beyond a review of tax compliance. In parallel, banks have increasingly delayed and obstructed incoming transfers of funds from abroad, demanding excessive

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<sup>66</sup> Amnesty International, “Tunisia: Arbitrary dismissals a blow to judicial independence”, 10 June 2022,

<https://www.amnesty.org/en/latest/news/2022/06/tunisia-arbitrary-dismissals-a-blow-to-judicial-independence/>

<sup>67</sup> Amnesty International, “Tunisia: Lawyers targeted with judicial harassment and reprisals” (Index: MDE 30/7894/2024), 28 March 2024,

<https://www.amnesty.org/en/documents/mde30/7894/2024/en/>

<sup>68</sup> Amnesty International, “Tunisia: Authorities must end erosion of judicial independence”, 31 May 2024,

<https://www.amnesty.org/en/latest/news/2024/05/tunisia-authorities-must-end-erosion-of-judicial-independence/>

<sup>69</sup> Amnesty International, “Tunisia: Authorities must release Ennahda party leader and end crackdown on political opposition”, 16 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/tunisia-authorities-must-release-ennahda-party-leader-and-end-crackdown-on-political-opposition/>

<sup>70</sup> Amnesty International, “Tunisia: Authorities escalate crackdown on media, freedom of expression”, 30 May 2024,

<https://www.amnesty.org/en/latest/news/2024/05/tunisia-authorities-escalate-clampdown-on-media-freedom-of-expression/>;

Amnesty International, “Tunisia: Release and drop charges against opposition activists arbitrarily detained for a year”, 23 February 2024,

<https://www.amnesty.org/en/latest/news/2024/02/tunisia-release-and-drop-charges-against-opposition-activists-arbitrarily-detained-for-a-year/>;

Amnesty International, “Tunisia: Immediately release journalist facing two years in prison for ‘insulting’ government minister”, 9 January 2024, <https://www.amnesty.org/en/latest/news/2024/01/tunisia-immediately-release-journalist-facing-two-years-in-prison-for-insulting-government-minister/>;

Amnesty International, “Tunisia: The abuse of pre-trial detention to silence political opponents, authorities targeting political opposition with vague pretrial detention laws”, 22 September 2023, <https://www.amnesty.org/en/documents/mde30/7207/2023/en/>;

Amnesty International, “Tunisia: Authorities add human rights lawyers to trumped-up conspiracy case”, 9 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/tunisia-authorities-add-human-rights-lawyers-to-trumped-up-conspiracy-case/>

<sup>71</sup> Amnesty International, “Tunisia: Further information: Mass convictions of opposition activists” (Index: MDE 30/9437/2025),

<https://www.amnesty.org/en/documents/mde30/9437/2025/en/>

<sup>72</sup> Amnesty International, “Tunisia: Repeal draconian cybercrime decree” (Index: MDE 30/6290/2022), 12 December 2022,

<https://www.amnesty.org/en/documents/mde30/6290/2022/en/>

<sup>73</sup> Amnesty International, “Tunisia: Authorities escalate clampdown on media, freedom of expression”, 30 May 2024,

<https://www.amnesty.org/en/latest/news/2024/05/tunisia-authorities-escalate-clampdown-on-media-freedom-of-expression/>;

Amnesty International, “Tunisia: Artist jailed for criticizing president: Rached Tamboura” (Index: MDE 30/7893/2024), 28 March 2024,

<https://www.amnesty.org/en/documents/mde30/7893/2024/en/>

<sup>74</sup> Amnesty International, *The State of the World’s Human Rights: April 2025* (Index: POL 10/8515/2025), 28 April 2025,

<https://www.amnesty.org/en/documents/pol10/8515/2025/en/>, p.366.

<sup>75</sup> Amnesty International, “Tunisia: Further information: Unjustly jailed lawyer treated inhumanely: Sonia Dahmani” (Index:

MDE 30/8851/2024), 16 December 2024, <https://www.amnesty.org/en/documents/mde30/8851/2024/en/>

<sup>76</sup> Amnesty International, “Tunisia: Year-long arbitrary detention of human rights defenders working with refugees and migrants”, 7 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/draft-tunisia-year-long-arbitrary-detention-of-human-rights-defenders-working-with-refugees-and-migrants/>

documentation, thereby impeding NGO operations and leading to the closure of at least one organization in June 2025.

Prior to this escalation, in October 2023, parliamentarians proposed a draft law on associations that would severely restrict their work.<sup>77</sup> In May 2024, the government announced that a draft law on association was being finalized.<sup>78</sup>

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<sup>77</sup> Amnesty International, "Tunisia: Repressive NGO draft law threatens independent civil society", 21 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/tunisia-repressive-ngo-draft-law-threatens-independent-civil-society/>

<sup>78</sup> Presidency of the Tunisian government, Facebook post: "رئيس الحكومة يشرف على مجلس وزاري مضيق حول مشروع قانون أساسي يتعلق بتنظيم الجمعيات" ["The head of government supervises a narrow ministerial council on a draft basic law related to the organization of associations"], 13 May 2024, <https://www.facebook.com/Presidencedugouvernementtunisien/posts/pfbid02Qw8e5bUPeTY8VNKeLQ5JJFy6JGkZsy5dZ9PmRnCjJ5EW6MDjsBSA6SQwmshcD6EMI> (in Arabic).

# 4. TUNISIA'S MIGRATION POLICY SHIFT

Since 2023, there has been a radical shift in migration policy and practices in Tunisia, characterized by escalating anti-migrant and often racist rhetoric, including by public officials, and migration policing increasingly involving widespread human rights violations.

## 4.1 RACIST AND XENOPHOBIC OFFICIAL DISCOURSE

Since early 2023, from the Tunisian president to other members of his cabinet, to members of parliament with large social media following, racist and xenophobic rhetoric has continued to be repeated publicly, with no action taken by the authorities to address racist or hate speech.

Irregular migration did not initially appear to be a priority for President Saïed after he was elected in 2019, despite his frequent advocacy of populist views.<sup>79</sup> In several public comments and media interventions between 2020 and 2022, he highlighted the need to move beyond security-based approaches to migration policy, and blamed migrant deaths and disappearances on criminal networks.<sup>80</sup>

In 2023, irregular migration, often publicly associated with Black African migrants, became a more contentious political issue. From late 2022 onwards, the Tunisian Nationalist Party was more regularly invited to appear in the media. It espouses “great replacement” ideology and considers the presence of sub-Saharan African nationals in Tunisia to be part of a European-backed “resettlement project”, akin to a new colonization, which, in their view, constitutes an existential threat to Tunisia.<sup>81</sup> The party has shared revisionist accounts of Tunisian history that conflates Black African migrants with Black slaves in the 18<sup>th</sup> and 19<sup>th</sup> centuries.<sup>82</sup> In December

<sup>79</sup> Arab Reform Initiative, “The ghost people and populism from above: The Kais Saïed case”, 23 March 2022, <https://www.arab-reform.net/publication/the-ghost-people-and-populism-from-above-the-kais-saied-case/>; Eric Gobe, “Kais Saïed's populism as the crystallization of the crisis of the Tunisian parliamentary regime” [“Le populisme de Kais Saïed comme cristallisation de la crise du régime parlementaire tunisien”], March 2022, <https://shs.hal.science/halshs-03613984/document> (in French); Hatem Nafti, “The Kais Saïed system: An authoritarian populist project carried out with the help of the elites”, [“Le système de Kais Saïed : Un projet populiste autoritaire porté avec le concours des élites”], Confluences Méditerranée, volume 125, number 2, August 2023, <https://doi.org/10.3917/come.125.0029> (in French), pp. 27–40.

<sup>80</sup> GI-TOC, “Tunisia: Increased fragility fuels migration surge”, July 2023, <https://globalinitiative.net/wp-content/uploads/2024/10/Tunisia-Increased-fragility-fuels-migration-surge-GI-TOC-July-2023-v2.pdf>, pp. 10–11; Business News, “Kais Saïed: le Pôle judiciaire économique et financier a été créé pour dissimuler des crimes” [“Kais Saïed: the economic and financial judicial centre was created to conceal crimes”], 6 December 2022, <https://businessnews.com.tn/2022/12/06/article-1193645/1193645/> (in French); Tunisian Presidency, Facebook post: “استقبل رئيس الجمهورية قيس سعيّد، اليوم الإثنين 17 أكتوبر 2022 بقصر قرطاج، السيد توفيق شرف الدين، وزير الداخلية، والسيد مراد سعيّدان، المدير العام للأمن الوطني” [“Today, Monday 17 October 2022, at the Carthage Palace, the President of the Republic, Kais Saïed, received Mr. Tawfiq Charfeddine, Minister of the Interior, and Mr. Mourad Saidane, Director General of National Security”], 17 October 2022, <https://tinyurl.com/43kpk6re> (in Arabic); The Legal Agenda, “Irregular migration in Kais Saïed's discourse”, 18 July 2022, <https://tinyurl.com/bddhxfwy>; AP News, “Tunisian leader: Young are paid to migrate, harm Europe ties”, 1 August 2021, <https://tinyurl.com/ymf5v5be>.

<sup>81</sup> Tunisian Nationalist Party, *تقرير مشروع الإستيطان الأجنبي وإزالة تونس من الوجود* [Report on the Sub-Saharan African Settlement Project and the Elimination of Tunisia from Existence], 3 February 2023, <https://www.tnp.tn/%D8%B9%D8%B1%D9%8A%D8%B6%D8%A9/> (in Arabic).

<sup>82</sup> Huda Mzioudet, “Black Racial Politics and the Racist Populist Backlash during Tunisia's Democratic Transition”, May 2024, <https://pomaps.org/black-racial-politics-and-the-racist-populist-backlash-during-tunisias-democratic-transition>

2022, the party launched a petition<sup>83</sup> calling for the expulsion of sub-Saharan “illegal migrants” and the repeal of Tunisian Law 2018-50 penalizing racial discrimination.<sup>84</sup> The party said it had submitted documentation to national and local officials, and met the governor of Ariana, a Tunis suburb, in December 2022.<sup>85</sup>

It was in this context that, on 21 February 2023, during a speech at a National Security Council meeting, President Saïed stated:

**“The influx of large numbers of irregular migrants from sub-Saharan Africa to Tunisia... is unnatural... There is a criminal arrangement that has been prepared since the beginning of this century to change the demographic composition of Tunisia... These successive waves of irregular migration have the undeclared objective of turning Tunisia into only an African country, with no affiliation to the Arab or Islamic nations... Hordes of irregular migrants from sub-Saharan Africa subsist, with the violence, crime, and unacceptable practices [they lead to]. Whoever is behind this phenomenon is human trafficking and at the same time claims to be defending human rights.”<sup>86</sup>**

The president’s discriminatory and hateful remarks triggered an upsurge in anti-Black racist violence over the following weeks. Groups of individuals took to the streets across Tunisia, notably in the capital Tunis and the city of Sfax (270km southeast of Tunis), and attacked Black refugees and migrants, including students, while police officers detained and expelled scores of those facing such violence.<sup>87</sup>

In the first quarter of 2023, there was also a more than tenfold increase in sea arrivals by refugees and migrants in Italy from Tunisia, compared to the same period in 2022,<sup>88</sup> and more than four times the number of sea interceptions in March 2023 compared to March 2022, according to official statements monitored by the Tunisian Forum for Economic and Social Rights (FTDES), a human rights organization.<sup>89</sup> The spike in numbers was particularly apparent after the Tunisian president’s speech.

On 23 February 2023, in response to the international outcry about his comments, President Saïed said:

**“We only asked for the application of the law... There is a plan to re-settle [sub-Saharan migrants in Tunisia] and we mentioned this... Those who lie by speaking about racial discrimination seek to sow strife, division and harm... Except one newspaper today [which] talked about the large sums of money received to re-settle a number of Africans in Tunisia... Courts have been created by sub-Saharan nationals who entered the country illegally... We will not allow a change in the Tunisian demographic makeup... To all officials at all levels, take care of our brothers from sub-Saharan Africa who are in a legal situation... We reassure Africans legally residing in Tunisia about their situation and I warn against any harm against anyone.”<sup>90</sup>**

On 5 March 2023, in a Facebook post, the Tunisian presidency declared:

**“Tunisia expresses its astonishment at this campaign whose originators are known, related to alleged racism in Tunisia, and rejects this accusation.”<sup>91</sup>**

<sup>83</sup> Tunisian Nationalist Party, “عريضة التخلص من الإستيطان الأجنبي في تونس” [“Petition to eliminate the settlement of sub-Saharan Africans in Tunisia”], 28 December 2022, <https://www.tnp.tn/عريضة-التخلص-من-الاستيطان-الاجبي-في-تونس>, <https://www.tnp.tn/-/عريضة-التخلص-من-الخطر-الاجبي-في-تونس> (in Arabic).

<sup>84</sup> Tunisia, Loi organique 2018-50 relative à l’Élimination de Toutes les Formes de Discrimination Raciale [Organic Law 2018-50 of 23 October 2018 relating to the Elimination of All Forms of Racial Discrimination].

<sup>85</sup> Nawaat, “Parti nationaliste tunisien: Racisme autorisé par l’Etat” [Tunisian Nationalist Party: State-Authorized Racism], 14 February 2023, <https://nawaat.org/2023/02/14/parti-nationaliste-tunisien-racisme-autorise-par-letat/> (in French).

<sup>86</sup> Tunisian Presidency, Facebook post: “ترأس رئيس الجمهورية قيس سعيّد، عصر اليوم الثلاثاء 21 فيفري 2023 بقصر قرطاج، اجتماعاً لمجلس الأمن القومي خصّص للإجراءات العاجلة التي يجب اتخاذها لمعالجة ظاهرة توافد أعداد كبيرة من المهاجرين غير النظاميين من إفريقيا جنوب الصحراء إلى تونس” [“This afternoon, Tuesday 21 February 2023, at the Carthage Palace, the President of the Republic, Kais Saïed, chaired a meeting of the National Security Council devoted to the urgent measures that must be taken to address the phenomenon of the influx of large numbers of irregular migrants from sub-Saharan Africa to Tunisia”], 21 February 2023, <https://www.facebook.com/Presidence.tn/posts/pfbid02gNxHdmD3mmgNr4VkcKfHaE3R5AP4aidxipA4ad4b8UhXkMB2PWDk9rcZz7vCoVl>

<sup>87</sup> Amnesty International, “Tunisia: President’s racist speech incites a wave of violence against Black Africans”, 10 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/tunisia-presidents-racist-speech-incites-a-wave-of-violence-against-black-africans/>

<sup>88</sup> Agenzia Nova, “Migrants: Landings boom from Tunisia, new arrivals from Libya increased by 152 percent”, 29 March 2023, <https://www.agenzianova.com/en/news/migranti-boom-di-sbarchi-dalla-tunisia-i-nuovi-arrivi-dalla-libia-sono-aumentati-del-152-per-cento/>

<sup>89</sup> Tunisian Forum for Economic and Social Rights (FTDES), *Social observatory 2023 annual report*, 13 February 2024, <https://ftdes.net/ar/le-rapport-annuel-de-lobservatoire-social-tunisien-2023/>, p. 8.

<sup>90</sup> Tunisian Presidency, Facebook post: “لقاء رئيس الجمهورية قيس سعيّد مع السيد توفيق شرف الدين، وزير الداخلية” [“Meeting of the President of the Republic, Kais Saïed, with Mr. Tawfiq Charfeddine, Minister of the Interior”], 23 February 2023, <https://www.facebook.com/watch/?v=2747297918745203> (in Arabic).

<sup>91</sup> Tunisian Presidency, Facebook post: “تعبّر تونس عن استغرابها من هذه الحملة المعروفة بمصادرها والمتعلقة بالعنصرية المزعومة في تونس” [“Tunisia expresses its astonishment at this campaign, whose sources are known, related to alleged racism in Tunisia”], 5 March 2023, <https://www.facebook.com/Presidence.tn/posts/pfbid09jiqrhEKBZUMS3zDbR3GRooimHKzK2rPUcyXUKBJyTL62UXPrKVAgizigHcPJw5gl> (in Arabic).



**"Tunisia will never be a land of settlement for irregular migrants from sub-Saharan Africa seeking to reach Europe... Authorities are prepared to confront all plans to alter the demographic composition of the Tunisian population."**<sup>98</sup>

These views were often echoed by influential parliamentarians with large social media followings.<sup>99</sup>

On 26 July 2023, parliamentarian Manel Bdida declared in parliament: "Africans are planning to destroy the state through [the city of] Sfax."<sup>100</sup> In a radio interview on 18 September 2023, parliamentarian Fatma Mseddi claimed, in reference to the presence of sub-Saharan migrants:

**"No one feels the danger we are in... Especially because these Africans carry bladed weapons... This is a big danger for our children's security... The real problem is that [sub-Saharan migrants] must not be present in Tunisia... They must be expelled. Their only place is in their countries."**<sup>101</sup>

On 7 February 2025, parliamentarian Fatma Mseddi stated in an interview, using dehumanizing language, that the authorities "must find a radical solution to stop the haemorrhage of births among irregular migrant mothers", describing this as a plot threatening Tunisian society,<sup>102</sup> a view echoed by parliamentarian Tarak Mahdi.<sup>103</sup>

In the weeks following these statements, Tunisian social media users started sharing videos of themselves tracking down Black foreign nationals in different regions and threatening violence and other abuse against them.<sup>104</sup> No action was taken by the authorities to halt or deter such racist hate speech.

In March 2023, UN experts<sup>105</sup> expressed serious concern about reports of widespread racist violence and racial and xenophobic discrimination against sub-Saharan migrants.<sup>106</sup> In a statement issued on 4 April 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) found that the 21 February presidential speech contravened the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and urged Tunisian authorities "to publicly condemn and distance themselves from racist hate speech".<sup>107</sup>

On 17 May 2024, spokesperson for the UN High Commissioner for Human Rights Ravina Shamdasani expressed concern at the "rise in the use of dehumanising and racist rhetoric against Black migrants and Black Tunisians".<sup>108</sup>

<sup>98</sup> RT Arabic, "وزير الداخلية التونسي: بلادنا ليست أرض توطين ولا حارسا للفضاء الأوروبي" ["Tunisian Interior Minister: Our country is neither a land of settlement nor a guardian of European territory"], 22 April 2025, <https://sa24.co/show/771370227.html> (in Arabic).

<sup>99</sup> Business News, "A parliamentarian assures that members of Boko Haram are infiltrated among the migrants in Sfax" ["Un député assure que des membres de Boko Haram sont infiltrés parmi les migrants à Sfax!"], 4 July 2023, <https://businessnews.com.tn/2023/07/04/article-1198858/1198858/> (in French).

<sup>100</sup> Member of the Tunisian Assembly of the Representatives of the People (ARP) Manel Bdida, Oral intervention during an exchange with the Ministry of Interior at the ARP, 26 July 2023, [https://arp.tn/en\\_US/deputy/details/852](https://arp.tn/en_US/deputy/details/852) (in Arabic).

<sup>101</sup> Business News, "Fatma Mseddi: les migrants subsahariens doivent être déportés" ["Fatma Mseddi: sub-Saharan migrants must be expelled"], 18 September 2023, <https://businessnews.com.tn/2023/09/18/article-1200558/1200558/> (in French).

<sup>102</sup> The Independent Arabia, "أطفال المهاجرين في تونس ضحايا الحروب والفقر" ["Migrant children in Tunisia are victims of war and poverty"], 7 February 2025, <https://shorturl.at/ZzZKV> (in Arabic).

<sup>103</sup> Business News, "Tarak Mahdi : les migrants se propagent comme un cancer en métastase !" ["Tarak Mahdi: Migrants are spreading like a metastasizing cancer!"], 3 June 2025, <https://www.turess.com/fr/businessnews/148594> (in French).

<sup>104</sup> Wassim Wassim, Facebook post: "سليانة منذ قليل" [Siliana not long ago], 28 April 2025, <https://www.facebook.com/watch/?v=1918743685565993> (in Arabic); Wissem Apollo Khmiri, Facebook post: "لمن لا يعرف أهل فريقيا الشمال" [For those who do not know the people of northwestern Africa, the people of wheat], 25 April 2025, <https://www.facebook.com/watch/?v=683987540874620> (in Arabic); Moncef Djebbi, Facebook post: "حماية الشمال الغربي" [The protection of northwestern regions], 17 March 2025, <https://www.facebook.com/reel/1149530826972797> (in Arabic).

<sup>105</sup> Mandates of the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; the Working Group on People of African Descent; the Working Group on Arbitrary Detention; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; and the Special Rapporteur on the Human Rights of Migrants.

<sup>106</sup> UN Special Procedures, Communication, 28 March 2023, Réf.: AL TUN 3/2023, p.5 (in French).

<sup>107</sup> Committee on the Elimination of Racial Discrimination (CERD), "Tunisia must immediately stop hate speech and violence against migrants from south of Sahara, UN Committee issues early warning", 4 April 2023, <https://www.ohchr.org/en/press-releases/2023/04/tunisia-must-immediately-stop-hate-speech-and-violence-against-migrants>

<sup>108</sup> Office of the UN High Commissioner for Human Rights (OHCHR), "Tunisia – Concern at increased targeting of migrants", 17 May 2024, <https://www.ohchr.org/en/press-briefing-notes/2024/05/tunisia-concern-increased-targeting-migrants>

# 5. ASSAULTS ON BLACK REFUGEES AND MIGRANTS

**“They just said, ‘We don't want Blacks here, you are going home.’”**

“Adama” an Ivorian migrant, speaking to Amnesty International

From February 2023 onwards, senior Tunisian officials made repeated racist remarks against predominantly Black refugees and migrants from sub-Saharan countries, associating their presence with a security threat, with criminality and illegality, with an invasion, or with a conspiracy. Although this rhetoric often appears race-neutral, it implicitly associates nationality and race, manifested through stereotypes, assumptions and biases about migrant behaviours based on race and national origin. These associations, a legacy of colonial racialized hierarchy,<sup>109</sup> have had dire and discriminatory consequences for Black refugees and migrants in the country, including discrimination, hate crimes, racial profiling and arbitrary detention. While racist violence was most prevalent in the aftermath of the February 2023 presidential speech, patterns of racial profiling and arbitrary arrest and detention have continued to date.

Of the 120 refugees and migrants interviewed, all but seven were Black individuals from Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Gambia, Ghana, Guinea, Mali, Nigeria, Senegal, Sierra Leone, South Sudan and Sudan. In cases involving interceptions at sea and collective expulsions, Black people represented the overwhelming majority of those affected. Almost all cases involving assaults, arbitrary arrest and detention, and ill-treatment, involved Black people.

## 5.1 ASSAULTS, ARRESTS AND CONSTRUCTIVE REFOULEMENT IN THE AFTERMATH OF FEBRUARY 2023

“Manuela”, a Cameroonian asylum seeker, said a group of six men attacked her on 24 February 2023, three days after the president's racist remarks, in what constituted a hate crime. The men shouted racist insults at her and stabbed her in the chest, causing horrific injuries.<sup>110</sup> She told Amnesty International that she had been standing outside a café in the Ariana suburb in Tunis, when she felt a violent blow on the neck. She fell to the ground and heard voices shouting, in French “Go back home, you gang of Blacks, we don't want you here.” When she woke up, she was in hospital, covered in blood, her clothes torn. She had a long open wound on

<sup>109</sup> Leila Tayeb, “What is whiteness in North Africa?”, 2021, *Lateral*, Volume 10, Issue 1, <https://doi.org/10.25158/L10.1.20>

<sup>110</sup> Interview in person with “Manuela” (name changed for security reasons), Cameroonian asylum seeker, Tunis, 4 March 2023.

her right breast, and other injuries to her abdomen and lips. She shared with Amnesty International a photo taken that night, showing the injury on her breast.

“Manuela” was one of 20 Black migrants in Tunis, including five asylum seekers, interviewed in March 2023 who had been attacked and assaulted by a group of men.<sup>111</sup> In at least three cases, the police were present but failed to intervene. Those interviewed described how, after the Tunisian president’s advocacy of hatred, groups of Tunisian men, sometimes armed with batons and knives, had taken to the streets of the capital and attacked them or raided their houses. The discriminatory motive apparent in these cases indicates that they constitute racist hate crimes.

In eight cases, violent groups forced Black migrants and asylum seekers out of their homes and stole or destroyed their belongings.<sup>112</sup> Ten told Amnesty International<sup>113</sup> that they had been evicted by their landlord within a week of a public announcement by the National Guard on 23 February 2023 that threatened to punish anyone hosting or employing irregular migrants.<sup>114</sup> Although the rhetoric of public officials appeared to be race-neutral, these practices only affected Black foreign nationals, including asylum seekers and students awaiting the renewal of their residency permit, showing that they are racially discriminatory.

In other documented cases, police assaulted and/or arbitrarily arrested Black migrants based on racial targeting and profiling.

Avocats Sans Frontières, a human rights organization providing legal aid, confirmed that at least 840 Black African migrants, foreign students and asylum seekers were rounded up in February 2023 in several cities.<sup>115</sup> They were taken to police or National Guard stations, interrogated and released after a period of pre-trial detention. Others were referred to trial and sentenced to prison on charges of irregular stay or entry. Some of them were eventually held in a form of administrative detention.

“Osman”, a student from the Democratic Republic of Congo who was in the process of renewing his residency card, was stopped in the street by two plainclothes police officers in late February 2023, while he was walking. He was the only Black person in the street and the only one stopped. Police detained him for eight nights in a Tunis prison before a judge ordered his release.<sup>116</sup> He was then taken to the interior ministry-run Ouardia Reception and Orientation Centre (Ouardia centre) on the outskirts of Tunis and detained there for several weeks.

“Milena”, a student from Burkina Faso, said that police physically and verbally attacked her on the morning of 3 March 2023.<sup>117</sup> She told Amnesty International she was coming out of the supermarket when three Tunisian men standing nearby began to insult her, telling her to leave the country. A passing police car stopped, but instead of addressing the men, asked “Milena” to produce her residency permit. She replied that she was a student and produced her school documents. She was immediately handcuffed and taken to a police station in Ariana. She was released following four hours in detention after a Tunisian woman she knows vouched for her.

**“When I got to the police station one policeman shouted at me saying, ‘You Blacks create problems’, and another one kneed me in the stomach.”**

“Milena”, a student from Burkina Faso, recounting her police assault in March 2023

<sup>111</sup> Interviews conducted separately in person with 20 Black migrants and asylum seekers, Tunis, 2-4 March 2023.

<sup>112</sup> Interviews conducted separately in person with eight Black migrants and asylum seekers, Tunis, 2-4 March 2023.

<sup>113</sup> Interviews conducted separately in person with 10 Black migrants and asylum seekers, Tunis, 2-4 March 2023.

<sup>114</sup> Atteasia TV, Facebook post: <https://www.facebook.com/watch/?v=1421110925361543> (in Arabic). [“Al-Jebabli: Individuals and all parties that shelter or employ irregular migrants will be arrested (video)”], 23 February 2023, <https://www.facebook.com/watch/?v=1421110925361543> (in Arabic).

<sup>115</sup> Interview by video call with member of Avocats Sans Frontières (name withheld for security reasons), 2 March 2023.

<sup>116</sup> Interview by voice call with “Osman”, Congolese student detained in the Ouardia Reception and Orientation Centre, 15 March 2023.

<sup>117</sup> Interview in person with “Milena”, Burkinabé national, Tunis, 4 March 2023.

By mid-March 2023, at least 50 migrants, most from sub-Saharan Africa, were being detained indefinitely and arbitrarily in the Ouardia centre.<sup>118</sup>

Meanwhile, in the aftermath of the president's advocacy of racial hatred, hundreds of Black Africans were intimidated into returning to their countries, including regular and irregular migrants. For instance, facilitated by their respective embassies, at least 300 Malians and Ivorians were returned home on 4 March 2023 as part of what was described as a "voluntary evacuation."<sup>119</sup>

On 2 March 2023, two days before these returns, the Ministry of Foreign Affairs denied claims of forced expulsions or involuntary returns, declaring:

**"Foreign nationals enjoy the necessary protection in Tunisia without any discrimination."<sup>120</sup>**

However, racist discourse by officials, impunity for racist violence or eviction by Tunisian nationals, racial profiling, arbitrary and discriminatory arrests and indefinite detention all call into question to what extent such returns can be based on the consent of departing migrants. In such conditions, returns are not voluntary and constitute constructive refoulement, meaning people's lives are made so difficult that they feel compelled to leave the country even if it means returning to a situation they fear.

In a clear-cut case, Tunisian authorities pressured refugees and migrants who were being arbitrarily and indefinitely detained in Ouardia to return involuntarily to their countries of origin. Amnesty International interviewed five of these detainees in March 2023. They included two irregular migrants, two students awaiting the renewal of their residency permit and one asylum seeker, who said that during their indefinite detention, officers from the General Administration of Borders and Foreigners Police demanded that they sign a document requesting their repatriation.<sup>121</sup> Officers presented the document as the only exit option for the detainees, who were not granted access to a lawyer nor brought before a judicial authority.

## 5.2 RACIAL PROFILING

Amnesty International interviewed 41 Black refugees and migrants between August 2023 and June 2025 who related experiences of racial profiling from security authorities.<sup>122</sup> The National Guard arrested 29 of them ahead of collective expulsions. Twelve others shared their experience of discriminatory police stops and identity checks in or around the cities of Tunis and Sfax, without it resulting in an expulsion. They all said that the National Guard and police arrested or stopped them because of the colour of their skin or their assumed country of origin, in almost all cases without seeking to ascertain whether they had the documentation necessary to stay in the country. Most said the police or National Guard seized their money and belongings without justification.

"Mariem" and "Adama", migrants from the Côte d'Ivoire, told Amnesty International that early on 22 November 2023 the National Guard arrested them in Tunis without explanation.<sup>123</sup> "Mariem" said:

**"They just arrested all the Black people they could find on the street... We were 22 all of us, with a baby and a pregnant woman. I was waiting for a bus. There are others who were going to work or shopping."**

"Adama" added:

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<sup>118</sup> Interview by video call with member of Avocats Sans Frontières (name withheld for security reasons), 2 March 2023; World Organization Against Torture (OMCT), "Legal Brief on the arbitrary detention in the Ouardia migrant detention centre" ["Note juridique sur la détention arbitraire au centre de détention de migrants d'El-Ouardia"], 21 March 2023, <https://omct-tunisie.org/wp-content/uploads/2023/03/Note-juridique-El-Ouardia-VF.pdf> (in French).

<sup>119</sup> Africanews, "Hundreds of students fly home from Tunisia after attacks", 6 March 2023, <https://www.africanews.com/2023/03/05/hundreds-of-students-fly-home-from-tunisia-after-attacks/>

<sup>120</sup> Ministry of Foreign Affairs, Immigration and Tunisians Abroad, Facebook post: تبعاً لما يتم تداوله من أخبار تتعلق بانتهاكات وترحيل قسري من تونس لعدد من المهاجرين من البلدان الشقيقة لجنوب الصحراء، بهم وزارة الشؤون الخارجية والهجرة والتونسين بالخارج أن تؤكد على أن السلطات التونسية لم تقم بانتهاكات أو ترحيل أي مواطن أجنبي بصفة قسرية من بين هذه الجاليات المتواجدة في تونس. ["Following news being circulated regarding violations and forced expulsion from Tunisia of a number of immigrants from sub-Saharan countries, it is important for the Ministry of Foreign Affairs, Immigration and Tunisians Abroad to confirm that the Tunisian authorities have not committed violations or forcibly expelled any foreign citizen from among these communities located in Tunisia."], 2 March 2023, <https://t.ly/V921F>.

<sup>121</sup> Interviews conducted separately by voice call with five detainees in the Ouardia Reception and Orientation Centre, 15-16 March 2023.

<sup>122</sup> Interviews conducted separately in person with five Black migrants, 29 September 2023, Sfax; Interviews conducted separately by voice call with 36 Black migrants and asylum seekers, 7 October 2023-11 June 2025.

<sup>123</sup> Interviews conducted separately by voice call with "Mariem" and "Adama", Ivorian nationals, 25 November 2023.

**"I have a valid visa [for Tunisia], but they did not explain or ask for identification documents... They handcuffed us and put us in a bus that brought us to Algeria. They just said, 'We don't want Blacks here, you are going home.'"**

"Fara", a Guinean migrant, was arrested by the National Guard along with seven other Black women on 17 September 2023 while she was visiting a friend in Sfax.<sup>124</sup> She said that four of the women were students with a valid visa for Tunisia. She added:

**"They looked at the passports for a long time, then they just tore them apart and threw them away, like dirt."**

"Denis", a Cameroonian migrant who had lived in Tunisia for three years, recounted his experience of living in Sfax as a Black migrant, saying that police repeatedly stopped him for an identity check solely because of his skin colour.<sup>125</sup> He gave an example:

**"In March [2023], on a Saturday night, I was walking home from work. I had just received my pay. [Police] stopped me in the city centre, only me. I showed them my consular card. They just searched my bag and took everything, my pay, my phone... This happens all the time."**

"Jonas", a Guinean migrant living in Sfax, said:

**"It happens all the time. In September [2023], I was in a taxi. Police stopped the taxi because they saw me, they did not ask for any documentation, but they took 350 dinars from me... In April, during Ramadan [2023], the police stopped me in the streets and searched me. They asked for my passport, but it was at home. They took 50 dinars I had on me."**<sup>126</sup>

"Ismael", an Ivorian migrant who spent a month in prison in Tunis under charges which were not shared with him, recounted his arbitrary arrest from his home, with 14 other Black migrants, in February 2025:

**"Police broke down the door in the night, they raided the neighbourhood, took all the Black people. We were seven [Black] men, eight [Black] women in my building... We asked why are you taking us, they didn't say anything... I showed them my passport, they took it without looking at it, one [officer] said: 'I don't care about your passport'... I was too scared to go back to the police [after my release] to get it back."**<sup>127</sup>

Arbitrary stops, searches, identity checks, investigations and arrests that are not motivated by objective criteria, but instead on grounds such as race, colour, descent, national or ethnic origin, based on unexamined biases, constitute racial or ethnic profiling.<sup>128</sup> Often performed for the purpose of immigration control, profiling is considered fundamentally discriminatory under international human rights law.<sup>129</sup> While the UN Human Rights Committee considered that identity checks carried out to control irregular immigration serve a legitimate purpose, physical or ethnic characteristics should not by themselves be deemed indicative of a possible irregular presence in the country, nor should the controls target only people with specific physical or ethnic characteristics.<sup>130</sup> Racial and ethnic profiling constitutes a violation of the right to equality that paves the way for additional human rights violations, such as excessive use of force and unlawful detention.<sup>131</sup>

While Tunisia was the first country in the MENA region to enact a law penalizing racial discrimination in 2018, serious concerns have remained about its effective implementation due to the prevalence of public advocacy of racial hatred and other racial discrimination.<sup>132</sup>

<sup>124</sup> Interviews by voice and video call with "Fara", a Guinean national, 9-10 October 2023.

<sup>125</sup> Interview by voice call with "Denis", a Cameroonian national, 7 October 2023.

<sup>126</sup> Interview in person with "Jonas", a Guinean national, Sfax, 29 September 2023.

<sup>127</sup> Interview conducted by voice call with "Ismael", an Ivorian national, 11 June 2025.

<sup>128</sup> CERD, General Recommendation 36: Preventing and Combating Racial Profiling by Law Enforcement Officials, 17 December 2020, UN Docs. CERD/C/GC/36, paras. 13-14; Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban Declaration and Programme of Action), para. 72.

<sup>129</sup> Universal Declaration of Human Rights (UDHR), Article 2; International Covenant on Civil and Political Rights (ICCPR), Article 2 and 26; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 1, 2, 4, 5 and 7; CERD, General Recommendation 31: The Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System, 2005, para. 20; Human Rights Committee (HRC), Communication 1493/2006, 17 August 2009, UN Docs. CCPR/C/96/D/1493/2006.

<sup>130</sup> HRC, Communication 1493/2006, 17 August 2009, UN Docs. CCPR/C/96/D/1493/2006, paras. 7.2. and 7.4.

<sup>131</sup> UN Human Rights Council, "Conference room paper", in annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General on its Forty-Seven Session: *Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance Follow-up to and Implementation of the Durban Declaration and Programme of Action*, 28 June 2021, UN Doc. A/HRC/47/CRP.1, para. 84.

<sup>132</sup> Tunisia, Loi organique 2018-50 relative à l'Élimination de Toutes les Formes de Discrimination Raciale [Organic Law 2018-50 of 23 October 2018 relating to the Elimination of All Forms of Racial Discrimination]; HRC, Concluding Observations: Tunisia, 24 April 2020, UN Doc. CCPR/C/TUN/CO/6, para. 17.

## 5.3 ARBITRARY AND INDEFINITE DETENTION

Among the refugees and migrants interviewed between March 2023 and June 2025, 60 had been arbitrarily arrested and detained, including 45 men and 15 women.<sup>133</sup> Three were children. Two of them were refugees and five were asylum seekers.

Thirteen were detained indefinitely in the Ouardia Reception and Orientation Centre (Ouardia centre). Thirty-two were detained ahead of their expulsion to Libya or Algeria, in a National Guard station, military post or unidentified location near the borders, outside of any judicial process, including 18 following their interception at sea and disembarkation. Fifteen people were imprisoned for up to three months for irregular stay or in relation to receiving money from abroad, without being charged or informed of the reason and duration of their detention, and without being able to challenge it.

Such arbitrary detention disproportionately impacted Black refugees and migrants due to the prevalence of racial profiling and the context of public advocacy of racial hatred and racial abuse.

The right to liberty and the related prohibition of arbitrary detention are enshrined in numerous human rights treaties. Migrants should never be detained solely because of their legal status, except in the most exceptional circumstances, as a last resort, for the shortest time possible, and there should always be a presumption against it.<sup>134</sup> Migrants, refugees and asylum seekers, like anyone else, must benefit from a legal presumption of liberty.<sup>135</sup> As a consequence, automatic or routine detention is arbitrary.<sup>136</sup>

In order not to be arbitrary, migration-related detention must adhere to the requirements of legality, reasonableness, necessity, proportionality and non-discrimination, including access to procedural safeguards.<sup>137</sup> Prolonged and indefinite detention without access to judicial review amounts to arbitrary detention. Anyone held in detention must be promptly brought before a judicial authority and be provided with an effective opportunity to challenge the lawfulness of the decision to detain them, as well as the necessity and proportionality of such a decision.<sup>138</sup> Foreign nationals must specifically be given notification of their detention in writing, in a language they understand, stating the grounds for the detention and setting out the conditions to challenge it.<sup>139</sup>

Under international law, criminalizing irregular migration is not a legitimate justification for the use of migration-related detention, since entering or staying in a country irregularly cannot be considered a crime against people, property or national security.<sup>140</sup>

Additionally, the migration-related detention of children is prohibited under international law as it can never be in their best interests and may constitute cruel, inhuman or degrading treatment.<sup>141</sup> Refugees and asylum

<sup>133</sup> Interviews conducted separately by voice call with 60 refugees and migrants, 15 March 2023-11 June 2025.

<sup>134</sup> ICCPR, Article 9(1); UN Refugee Convention, Article 31; UN Special Rapporteur on the Human Rights of Migrants, Report: Specific Groups and Individuals – Migrant Workers, 30 December 2002, UN Doc. E/CN.4/2003/85, paras. 35, 43 and 73-74; UNHCR, Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum seekers, 2012, Guidelines 2-4.

<sup>135</sup> HRC, General Comment 8: Right to Liberty and Security of Persons (Article 9), 30 June 1982, HRI/GEN/1/Rev.9, Volume I, para. 1; HRC, General Comment 35: Right to Liberty and Security of Persons (Article 9), 16 December 2014, CCPR/C/GC/35, paras. 3 and 18; HRC, General Comment 31: The Nature of the General Legal Obligation imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13, para. 10.

<sup>136</sup> WGAD, Revised Deliberation 5: Deprivation of Liberty of Migrants, 7 February 2018, Annex to A/HRC/39/45, para. 19; UN Special Rapporteur on the Human Rights of Migrants, Report, 2 April 2012, UN Doc. A/HRC/20/24, para. 68.

<sup>137</sup> UN Refugee Convention, Article 31; WGAD, Revised Deliberation 5: Deprivation of Liberty of Migrants, 7 February 2018, Annex to A/HRC/39/45, paras. 12-24; UNHCR, Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum seekers, 2012, Guidelines 3-4; UN Special Rapporteur on the Human Rights of Migrants, Report, 2 April 2012, UN Doc. A/HRC/20/24, paras. 9 and 68-69; ICCPR, Article 9; African Commission on Human and Peoples' Rights (ACHPR), Article 6; UN Working Group on Arbitrary Detention (WGAD), Fact Sheet 26, 8 February 2019, <https://t.ly/VwJBL>, Section IV.

<sup>138</sup> ICCPR, Articles 2 and 9; WGAD, Report: Civil and Political Rights, Including the Questions of Torture and Detention, 15 December 2003, UN Doc. E/CN.4/2004/3, paras. 85-86; UN Committee Against Torture (CAT), General Comment 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2, para. 13; UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principles 4, 11 and 32.

<sup>139</sup> WGAD, Revised Deliberation 5: Deprivation of Liberty of Migrants, 7 February 2018, Annex to A/HRC/39/45, para. 33.

<sup>140</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Crime, Article 5; WGAD, Report: Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development, 10 January 2008, UN Doc. A/HRC/7/4, paras. 46 and 53; UN Special Rapporteur on the Human Rights of Migrants, Report, 2 April 2012, UN Doc. A/HRC/20/24, paras. 13-14.

<sup>141</sup> CRC, Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration, 28 September 2012, <https://www.refworld.org/reference/themreport/crc/2012/en/95889>, paras. 78-79; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint General Comment 4, and CRC, Joint General Comment 23, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23, paras. 5 and 9; WGAD, Revised Deliberation 5: Deprivation of Liberty of Migrants, 7 February 2018, Annex to A/HRC/39/45, para. 11.

seekers should never be detained or penalized because they were compelled to enter the country irregularly.<sup>142</sup> International standards also outline that at-risk groups such as pregnant and nursing women should not be detained.<sup>143</sup> On that basis, any decision restricting the right to liberty of refugees and migrants must always be based on a detailed case-by-case assessment of their personal circumstances.<sup>144</sup>

### 5.3.1 OUARDIA RECEPTION AND ORIENTATION CENTRE

Tunisian authorities have been using the Ouardia centre, on the outskirts of Tunis, as an administrative detention facility where they have unlawfully detained asylum seekers and migrants indefinitely, without the chance to challenge their detention, before returning them to their country of origin or to another country.

People are often brought to Ouardia after they have served a prison sentence or following an identity check.

The centre has been operating as a detention facility for foreign nationals since 2011.<sup>145</sup> In November 2019, the FTDES visited the centre and found that 24 people were detained there,<sup>146</sup> while in October 2020, Middle East Eye reported the presence of 26 people, including five children.<sup>147</sup> According to the FTDES, the number of detainees in Ouardia has fluctuated over the years but has increased since 2021.<sup>148</sup>

Tunisian authorities have continued to detain foreign nationals in Ouardia despite the Tunis Administrative Court's July 2020 ruling which considered the detention of 22 sub-Saharan nationals unlawful.<sup>149</sup>

The indefinite nature of the detention, the lack of due process, the fact that people can be detained in Ouardia despite already having completed a first prison sentence and the discriminatory nature of such detention for Black foreign nationals render it arbitrary and unlawful. As a consequence, the Ouardia centre functions as a parallel place of detention for Black foreign nationals, thus participating in and reinforcing their discriminatory treatment by law enforcement authorities.

None of the detainees interviewed by Amnesty International had received any official document confirming their detention, the reasons for it, or its legal basis, nor were they granted access to a lawyer or brought before a competent judicial authority. Access to UNHCR services, including legal assistance, is restricted as it often depends on the ability of the detainee to initiate contact with the agency on their own. From June 2024 onwards, the situation worsened for unregistered asylum seekers. Even if they managed to establish contact with UNHCR, they were no longer able to register due to the government-imposed suspension on new asylum requests.<sup>150</sup> This left them without any formal protection framework and at heightened risk of arbitrary detention, refoulement, and other human rights violations.

By mid-March 2023, at least 50 migrant men, most from sub-Saharan Africa, were being detained indefinitely in Ouardia.<sup>151</sup> Amnesty International interviewed six of the men between March and May 2023, including three

<sup>142</sup> UN Refugee Convention, Article 31; WGAD, Revised Deliberation 5: Deprivation of Liberty of Migrants (previously cited), para. 9; UNHCR, Guidelines on International Protection 14: Non-penalization of Refugees on Account of their Irregular Entry or Presence and Restrictions on their Movements in Accordance with Article 31 of the 1951 Convention relating to the Status of Refugees, 23 September 2024, UN Doc. HCR/GIP/24/14.

<sup>143</sup> UN General Assembly (UNGA), Resolution 57/176: Trafficking in Women and Girls, adopted on 30 January 2003, A/RES/57/176, para. 8; OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, 20 May 2002, E/2002/68/Add.1, Sections 7.3 and 7.4; UN Special Rapporteur on the Human Rights of Migrants, Report: Specific Groups and Individuals – Migrant Workers (previously cited), paras. 43 and 50; International Detention Coalition, Legal framework standards relating to the detention of refugees, asylum seekers and migrants, 2011, [idcoalition.org/wp-content/uploads/2011/07/IDC-Legal-Detention-Framework-Guide\\_Final.pdf](https://www.idcoalition.org/wp-content/uploads/2011/07/IDC-Legal-Detention-Framework-Guide_Final.pdf)

<sup>144</sup> Amnesty International, *Irregular Migrants and Asylum Seekers: Alternatives to Detention* (Index: POL 33/001/2009), 1 April 2009, <https://www.amnesty.org/en/documents/pol33/001/2009/en/>, pp. 6 and 7-8.

<sup>145</sup> Libération, "Je vis dans un trou noir" : en Tunisie, un centre d'accueil de migrants transformé en véritable prison ["I live in a black hole": in Tunisia, a migrant reception centre transformed into a real prison"], 29 March 2023, [https://www.liberation.fr/international/afrique/je-vis-dans-un-trou-noir-en-tunisie-un-centre-daccueil-de-migrants-transforme-en-veritable-prison-20230329\\_3066GQYJYFAMH05NTBYX0TU5XU/](https://www.liberation.fr/international/afrique/je-vis-dans-un-trou-noir-en-tunisie-un-centre-daccueil-de-migrants-transforme-en-veritable-prison-20230329_3066GQYJYFAMH05NTBYX0TU5XU/) (in French).

<sup>146</sup> FTDES, *Migrants Placed in the Wardia Centre: Detained, then Expelled or "Forcibly" Returned*, 16 December 2019, <https://ftdes.net/en/migrants-placed-in-the-wardia-centre-detained-then-expelled-or-forcibly-returned/>

<sup>147</sup> Middle East Eye, "Dans ce centre, on n'applique pas la loi" : El Ouardia, zone grise pour les migrants qui arrivent en Tunisie ["In this centre, the law is not applied": El Ouardia, a gray area for migrants arriving in Tunisia"] (previously cited).

<sup>148</sup> Middle East Eye, "Dans ce centre, on n'applique pas la loi" : El Ouardia, zone grise pour les migrants qui arrivent en Tunisie ["In this centre, the law is not applied": El Ouardia, a gray area for migrants arriving in Tunisia"], 8 October 2020, <https://www.middleeasteye.net/fr/reportages/tunisie-tunis-centre-ouardia-migrants-detention> (in French).

<sup>149</sup> InfoMigrants, "La justice tunisienne ordonne la libération de migrants en detention" ["Tunisian judiciary orders the release of detained migrants"], 17 July 2020, <https://www.infomigrants.net/fr/post/26085/la-justice-tunisienne-ordonne-la-liberation-de-migrants-en-detention> (in French); World Organisation against Torture (OMCT), "Legal Brief on the arbitrary detention in the Ouardia migrant detention centre" (previously cited).

<sup>150</sup> See section 9.2 "No more access to asylum procedures".

<sup>151</sup> Interview by video call with member of Avocats Sans Frontières (name withheld for security reasons), 2 March 2023; World Organization Against Torture (OMCT), "Legal Brief on the arbitrary detention in the Ouardia migrant detention centre" (previously cited).

arrested in late February 2023.<sup>152</sup> In May 2023, at least 13 men were still being held indefinitely in the centre, including at least one asylum seeker.<sup>153</sup> As women were held in a different section of the facility, they could not provide an estimate of their number.

Between February and April 2024, Amnesty International spoke to seven Black migrants detained in Ouardia,<sup>154</sup> who each estimated that the centre was holding between 30 and 45 men.

“Osman”, a student from Democratic Republic of Congo who was detained for several weeks in Ouardia after being held for eight nights in a police station in late February 2023, told Amnesty International:

**“At the station, the police bombarded me with questions, then gave me what looked like a police report in Arabic to sign. I asked for a translator, but the officer started shouting and repeated ‘Sign, sign!’ They started to beat me, I was very scared, so I signed. When you arrive in Ouardia, no one tells you anything, you don’t understand where you were brought.”<sup>155</sup>**

“Leo”, a student from the Congo who was detained in Ouardia for about a month, told Amnesty International in February 2024:

**“I was arrested in the street by the police and sentenced to prison for irregular stay in October [2023]... After I served my sentence, the police brought me [to Ouardia]. Nobody told me what was happening, nobody explained anything... I don’t know how long I am here for or if I am going to be expelled.”<sup>156</sup>**

“Leo” eventually left Tunisia for another country in March 2024. He shared that Ouardia guards subjected him and other Black detainees to repeated pressure to leave Tunisia, which indicated a racially discriminatory practice. He explained:

**“They kept harassing us. Every day they came into our room, they said we needed to buy our ticket to go home, that there was no other solution to get out of the centre. I got tired of it and scared, I wanted out, so I said okay... I bought a ticket for [another country]... They only harassed us Blacks, but they never told the Algerians they needed to buy a ticket home... [The officers] pushed me to sign a document in Arabic. They did not explain what it was.”**

Two Nigerian men told Amnesty International that they had arrived in Tunisia in February and March 2024, respectively, and were arrested by Tunisian border police at the Tunis airport for entering with a forged visa.<sup>157</sup> One of them, “Yemi”, said:

**“The police brought us from the airport to the [Ouardia] centre, without explanation... We were never brought to court... They tell us every day, you need to buy a ticket to go home, that’s all, but I don’t have the money.”**

On 2 August 2023, in response to a letter from Amnesty International sharing its findings on the Ouardia centre, the Ministry of Interior wrote:

**“The number of foreigners currently staying at the Ouardia Reception and Orientation Centre is 15 foreigners, under the custody of the General Administration of Borders and Foreigners Police, based in particular on the provisions of Article 12 of Law 7 of 1968 relating to the situation of foreigners in Tunisia, which stipulates that a temporary resident foreigner must leave Tunisia when the validity of his residency card expires unless he obtains its renewal, in addition to the provisions of Article 19 of the same law, which stipulates that ‘the Secretary of State for the Interior shall determine the location where the expelled foreigner who is unable to leave Tunisia must reside.**

**“The General Administration of Borders and Foreigners Police is responsible for housing at the Ouardia Reception and Orientation Centre foreign nationals released from Tunisian prisons, who had previously been involved in criminal cases that would undermine public security, until they leave [Tunisia], while those who have obtained an “asylum seeker” card are handed over to the Tunisia office of UNHCR to sponsor them without housing them in [Ouardia].**

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<sup>152</sup> Interviews conducted separately by voice call with six Black migrants and asylum seekers detained in the Ouardia Reception and Orientation Centre, 15 March 2023-7 May 2023.

<sup>153</sup> Interview by voice call with “Benoit”, Ivorian national detained in Ouardia, 7 May 2023.

<sup>154</sup> Interviews conducted separately by voice call with seven Black migrants detained in Ouardia, 28 February-30 April 2024.

<sup>155</sup> Interview by voice call with “Osman”, Congolese student detained in the Ouardia Reception and Orientation Centre, 15 March 2023.

<sup>156</sup> Interviews by voice call with “Leo”, Congolese student detained in the Ouardia Reception and Orientation Centre, 28 February-25 March 2024.

<sup>157</sup> Interviews conducted separately by voice call with two Nigerian migrants detained in Ouardia, 29 March 2024.

**“If a foreign national is accommodated at the centre, their country’s representative in Tunisia will be informed... of their legal status in our country, the reason for their accommodation, and any legal case in which they are involved. Foreign nationals sheltered at the centre may contact lawyers and their diplomatic representatives.”<sup>158</sup>**

### 5.3.2 AFTER AN INTERCEPTION AND AHEAD OF A COLLECTIVE EXPULSION

Between September 2023 and May 2025, the Tunisian National Guard detained at least 32 refugees and migrants arbitrarily, without any judicial oversight, individualized assessment or procedural safeguards, for up to five days,<sup>159</sup> together with groups of up to 100 people.<sup>160</sup> These detentions happened ahead of forcible and unlawful collective expulsions to Libya and Algeria, in a National Guard station in and around the coastal cities of Mahdia (200km southeast of Tunis), Monastir (170km southeast of Tunis) and Sfax; the southern cities of Medenine (500 km from Tunis) and Zarzis (540km from Tunis); in the southern and western towns of Ben Gardane, Douz and Nafta; and in unidentified locations near the borders, in a National Guard station and military post. Eighteen of them, including one refugee and two asylum seekers registered with UNHCR, were detained following an interception at sea.<sup>161</sup> Tunisian authorities did not clarify the legal basis for these detentions.

“Fadi”, a Chadian national, told Amnesty International that he was held in a National Guard station in Sbeitla town for five days in early September 2023, without any judicial process, before they forcibly returned him to Algeria.<sup>162</sup> He explained:

**“They put us in a big room, men, women and kids, we were at least 40 people. They searched us and took our phones, passports and money. A woman I saw had a UNHCR card.”**

“Sekou”, also a Guinean national, described what happened to him in December 2023:

**“After [the coastguard] intercepted us and we spent the day at the port, [the officers] took us onto a bus that drove towards the Libyan border... Before the expulsion, we spent three days in a National Guard station, somewhere near [the southern city of] Medenine.”<sup>163</sup>**

Two Ivorian migrants further told Amnesty International about their arbitrary detention for three days in April 2025, following an interception at sea, in what they both described as “abandoned houses” less than an hour away from the Libyan border.<sup>164</sup> One of them, “Ismael” shared:

**“It was in the middle of the desert, nobody would ever hear you or know you were there... [The National Guard] brought us there at night in a bus... [after three days] something like a military truck took us to another camp, it was about ten minutes... then they drove for about fifteen minutes and left us in the desert, told us to keep walking towards Libya.”**

### 5.3.3 OTHER DETENTION WITHOUT LEGITIMATE GROUNDS

Fifteen foreign nationals, including a refugee, two asylum seekers and three people with a valid visa for Tunisia, were detained for up to three months between August 2023 and April 2025 solely for their alleged irregular status or for having received money from abroad.<sup>165</sup> Tunisian authorities detained them without charging them or informing them of the reason for and duration of their detention, and without giving them access to legal representation or a judicial authority to challenge their detention. Judicial authorities failed to give the refugees and asylum seekers access to UNHCR.

Tunisian Law 68-7 of 1968 relating to the Condition of Foreigners in Tunisia and Law 2004-6 of 2004, amending Law 75-40 of 1975, relating to Passports and Travel Documents, criminalise irregular migration for both Tunisian and foreign nationals, providing fines and imprisonment for non-nationals who enter, stay in or

<sup>158</sup> Tunisian Ministry of Interior, letter to Amnesty International, 2 August 2023, on file with Amnesty International.

<sup>159</sup> Interviews conducted separately by voice call with 32 Black refugees and migrants, 25 September 2023-11 June 2025.

<sup>160</sup> This number is based on estimations from interviewed individuals.

<sup>161</sup> Interviews conducted separately by voice call with 18 Black refugees and migrants, 25 September 2023-11 June 2025.

<sup>162</sup> Interview in person with “Fadi”, a Chadian national, 27 October 2023, Tunis.

<sup>163</sup> Interview by voice call with “Sekou”, a Guinean national, 26 March 2024.

<sup>164</sup> Interview conducted by voice call with “Kouassi” and “Ismael”, Ivorian nationals, 10-11 June 2025.

<sup>165</sup> Interviews conducted separately by voice call with 15 migrants and asylum seekers, 14 November 2023-11 June 2025.

exit the country without valid documentation.<sup>166</sup> Tunisia permits 90-day visa-free travel for nationals of several African countries, but sub-Saharan migrants face significant administrative challenges to obtain a residency permit.<sup>167</sup> On 6 May 2024, a group of parliamentarians proposed amendments to Law 68-7 which would strengthen penalties for irregular migrants and for people aiding them.<sup>168</sup> On 20 May 2024, as reported to the press by Member of Parliament Yassine Mami, former Minister of Interior Kamel Feki shared that close to 1,100 sub-Saharan nationals were detained in Tunisian prisons.<sup>169</sup>

Amnesty International spoke to “Anna”, a friend of a Congolese refugee sentenced to two months of prison in February 2025, who closely followed his prosecution and provided him with a lawyer.<sup>170</sup>

**“The refugee status did not matter in the end. The police, the prosecution, the judge, they all ignored his UNHCR card, they sentenced him anyway.”**

“Anna”, friend of a Congolese refugee sentenced to two months in prison, speaking to Amnesty International

“Khalid”, a Sudanese asylum seeker, told Amnesty International about his arrest and subsequent imprisonment by police in Tunis on 23 September 2023.<sup>171</sup> Police and judicial authorities ignored his asylum seeker status. They also failed to inform him of the reason for and duration of his detention or to provide him with the possibility to challenge it. A Tunis court sentenced him to one month in prison without the presence of a lawyer. He said:

**“The police asked, ‘Why did you come to Tunisia? Why didn’t you stay in Sudan to fight in your country?’ I told them I was an asylum seeker registered with UNHCR... After two days in custody, I was brought to court. I asked the judge to call UNHCR to check that I am an asylum seeker. He said, ‘We are not calling anyone’, he said I entered Tunisia illegally... I don’t know why I was sent to prison. I did not understand anything the whole time.”**

“Sira”, a Guinean migrant, said she was detained for almost two weeks in Thyna prison in Sfax for irregular stay in November 2023, despite having a valid visa for Tunisia that authorities did not allow her to present.<sup>172</sup> She said she was arrested and detained with three other women, including a pregnant woman. She told Amnesty International:

**“I did not understand why I was arrested, I told [the police] my passport was at home. They would not explain anything... They took me to prison, I did not know why... After almost two weeks in prison, I went in front of a judge, but I did not understand what was happening. Nobody explained or translated, and we were not allowed to speak. I was released from prison that day.”**

“Sira” shared her prison release form with Amnesty International, which confirmed that she had received a suspended two-month prison sentence.

“Kevin”, a Cameroonian student, told Amnesty International that police arrested him in Sfax in December 2023 as he was exiting a post office, where he collected a bank transfer from his parents in Cameroon.<sup>173</sup> “Kevin” spent three days in police custody, followed by three weeks in the Thyna prison in Sfax, without being informed of the reason for his detention and without being able to contact his family or a lawyer. He was eventually presented in front of a judge who ordered his release. Amnesty International was not able to determine the legal basis for his detention. “Kevin” said:

<sup>166</sup> Tunisia, Loi 68-7 relative à la Condition des Etrangers en Tunisie [Law 68-7 relating to the Condition of Foreigners in Tunisia], 1968, Articles 23-24; Tunisia, Loi 75-40 relative aux Passeports et aux Documents de Voyage [Law 75-40 relating to Passports and Travel Documents], 1975, Articles 34-35, 38 and 41-43 (as amended by Law 2004-6 on 3 February 2004); UN Special Rapporteur on the Human Rights of Migrants, Report: Mission to Tunisia, 3 May 2013, UN Doc. A/HRC/23/46/Add.1, paras. 32-35.

<sup>167</sup> REACH and Mercy Corps, *Tunisia, Country of Destination and Transit for Sub-Saharan Africans*, October 2018, <https://t.ly/9Qglq>

<sup>168</sup> Tunisian Assembly of People’s Representatives (ARP), 1968 المورخ في 8 مارس 1968 لسنة 7 لتعديل وإتمام القانون عدد 041/2024 بتعلق بتنقيح وإتمام القانون عدد 041/2024 amending and supplementing Law 7 of 1968 dated 8 March 1968 relating to the status of foreigners in Tunisia], 6 May 2024, [https://www.arp.tn/ar\\_SY/loi/project/4034](https://www.arp.tn/ar_SY/loi/project/4034) (in Arabic).

<sup>169</sup> Webdo, “Combien de migrants irréguliers y a-t-il en Tunisie?” [“How many irregular migrants are there in Tunisia?”], 21 May 2024, <https://www.webdo.tn/fr/actualite/national/combien-de-migrants-irreguliers-y-a-t-il-en-tunisie/214283> (in French).

<sup>170</sup> Interview by video call with “Anna”, a woman migrant, 9 June 2025.

<sup>171</sup> Interview by voice call with “Khalid”, Sudanese asylum seeker, 14 November 2023.

<sup>172</sup> Interview by voice call with “Sira”, a Guinean national, 11 December 2023.

<sup>173</sup> Interview by voice call with “Kevin”, a Cameroonian national, 28 April 2024.

**“Police forced me to sign a document in Arabic that I did not understand... I showed them my university registration and my visa, but they still kept me in custody, and they took all my documentation... [In court,] there was a translator. The judge asked who sent me the money and why... He said I was arrested for ‘transfer of money’.”**

“Moussa”, from the Côte d'Ivoire, recounted his arrest by the police in Sfax on 26 September 2023, along with his 14-year-old brother:

**“We did not have documentation. We both had to spend the night in custody at the police station. The next day they released my brother, but I stayed, and I was sentenced to four months of prison.”<sup>174</sup>**

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<sup>174</sup> Interview by video call with “Moussa”, an Ivorian national, 16 December 2023.

# 6. VIOLATIONS DURING INTERCEPTIONS AND DISEMBARKATION

**“They kept hitting our boat with long batons with sharp endings, they pierced it... There were at least two women and three babies without life vests. We saw them drown...”**

“Céline”, a Cameroonian woman, speaking to Amnesty International

Along with the rise in maritime crossings, the numbers of interceptions and people intercepted by Tunisian authorities have considerably increased since 2019, jumping by over 300% in 2020.<sup>175</sup> The rate spiked dramatically following President Saïed’s racist speech in February 2023,<sup>176</sup> with upwards of 75,000 people intercepted in 2023.<sup>177</sup> In September 2023, UNHCR assessed that: “[H]igh departure rates in Tunisia result from the perception of insecurity among refugee communities, following incidents of racially motivated attacks and hate speech, as well as collective expulsions.”<sup>178</sup>

<sup>175</sup> FTDES, Social Observatory December 2022 Report, 15 January 2023, <https://ftdes.net/en/rapport-decembre-2022-des-mouvements-sociaux-suicides-violences-et-migrations/>; GI-TOC, *Losing Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe*, January 2022, <https://globalinitiative.net/analysis/tunisia-migration-europe/>

<sup>176</sup> Agenzia Nova, “Migrants: Landings boom from Tunisia, new arrivals from Libya increased by 152 percent”, 29 March 2023, <https://www.agenzianova.com/en/news/migranti-boom-di-sbarchi-dalla-tunisia-i-nuovi-arrivi-dalla-libia-sono-aumentati-del-152-per-cento/>

<sup>177</sup> Xinhuanews, “Tunisia: more than 75,000 clandestine migrants intercepted and prevented from crossing the Mediterranean in 2023” [“Tunisie: plus de 75.000 migrants clandestins interceptés et empêchés de traverser la Méditerranée en 2023”], 21 February 2024, <https://french.news.cn/20240222/f020b42f28bd4499a3972ea72d19dcaa/c.html>; FTDES, *Social Observatory 2023 Annual Report* (previously cited).

<sup>178</sup> Director of the New York Office of the UN High Commissioner for Refugees (UNHCR), Ruven Menikdiwela, Briefing to the UN Security Council, 23 September 2023, UN Doc. SC/15427.

As of mid-July 2024, the number of people intercepted reached 74,464 – almost the same number of people intercepted in the whole of 2023<sup>179</sup> – while sea arrivals to Italy from Tunisia decreased by 80% in 2024 compared to 2023.<sup>180</sup> Arrivals from Tunisia continued to decrease at a similar rate in the first half of 2025.<sup>181</sup>

In the cases of interceptions and disembarkations documented between June 2023 and May 2025, on the coasts of the eastern cities of Sfax and Mahdia and the town of Chebba, Tunisian authorities resorted to reckless, unlawful and violent actions that put peoples' lives at risk and never carried out individualized assessments of protection needs. During disembarkation, they did not respect due process, ignored UNHCR documents and did not examine identification documents.

In a context marked by the public advocacy of racial hatred and racial targeting by law enforcement authorities, interceptions and disembarkations have been conducted in ways that reinforce the risk of racial profiling and targeting, therefore disproportionately affecting Black refugees and migrants.

The Tunisian National Guard, a police force with military status and supervised by the Ministry of Interior, oversees the protection of land and maritime borders, including through the Maritime National Guard, which acts as Tunisia's coastguard. Multiple testimonies collected by civil society and media outlets have previously described interceptions conducted by the Tunisian coastguard as dangerous and reckless with practices that jeopardized lives.<sup>182</sup>

Before 2024, Tunisian authorities did not publicly share consistent and precise information regarding interceptions, but the FTDES monitored official statements and data from the Ministry of Interior to establish at least partial statistics. Tunisian authorities did not publish disaggregated data by race or nationality, although they periodically mentioned the proportion of Tunisians compared to foreign or sub-Saharan African nationals intercepted. However, according to the FTDES and as confirmed by Amnesty International's monitoring of official public communications, Tunisian authorities have stopped sharing data on interceptions since June 2024,<sup>183</sup> further hindering analysis of public policy and actions.

On 19 June 2024, the Tunisian government notified the International Maritime Organization (IMO) of the establishment of a Tunisian maritime search and rescue region (SRR),<sup>184</sup> a decision called for and supported by the EU. This followed the establishment on 5 April 2024 of a national maritime search-and-rescue coordination centre, whose operations are overseen by the ministries of defence and interior.<sup>185</sup> Both decisions are expected to facilitate interception operations over a larger maritime zone.<sup>186</sup>

<sup>179</sup> Mosaïque FM, "Nouri: 74 mille migrants irréguliers arrêtés depuis janvier 2024" ["Nouri: 74,000 irregular migrants arrested since January 2024"], 17 July 2024, <https://www.mosaïquefm.net/fr/actualite-national-tunisie/1293011/nouri-74-mille-migrants-irreguliers-arretes-depuis-janvier-2024> (in French).

<sup>180</sup> UNHCR, "Italy sea arrivals dashboard December 2023", 13 March 2024, <https://data.unhcr.org/en/documents/details/107239>; UNHCR, "Italy sea arrivals dashboard December 2024", 11 April 2025, <https://data.unhcr.org/en/documents/details/115663>; Anadolu Agency, "Tunisie : baisse de 80% des migrants irréguliers vers l'Europe en 2024" ["Tunisia: 80% drop in irregular migrants going to Europe by 2024"], 23 January 2025, [https://www.aa.com.tr/fr/afrique/tunisie-baisse-de-80-des-migrants-irr%C3%A9guliers-vers-l-europe-en-2024/3459831#:~:text=%22En%20adoptant%20une%20approche%20s%C3%A9curitaire,%25%22%2C%20a%20affirm%C3%A9%20Jr ad,\(in French\).](https://www.aa.com.tr/fr/afrique/tunisie-baisse-de-80-des-migrants-irr%C3%A9guliers-vers-l-europe-en-2024/3459831#:~:text=%22En%20adoptant%20une%20approche%20s%C3%A9curitaire,%25%22%2C%20a%20affirm%C3%A9%20Jr ad,(in French).)

<sup>181</sup> UNHCR, "Italy weekly snapshot - 16 June 2025", 16 June 2025, <https://data.unhcr.org/en/documents/details/116940>; UNHCR, "Italy weekly snapshot - 17 June 2024", 17 June 2024, <https://data.unhcr.org/en/documents/details/109365>

<sup>182</sup> Alarm Phone, *Interrupted at Sea: The Illegal and Violent Practices of the Tunisian National Guard in the Central Mediterranean*, June 2024, <https://alarmphone.org/wp-content/uploads/2024/06/Interrupted-sea-EN.pdf>; Infomigrants, "Tunisie : les garde-côtes accusés de voler les moteurs des migrants et de faire chavirer les embarcations" ["Tunisia: Coastguards accused of stealing migrants' engines and capsizing boats"], 24 April 2024, <https://www.infomigrants.net/fr/post/48419/tunisie--les-gardecotes-accuses-de-voler-les-moteurs-des-migrants-et-de-faire-chavirer-les-embarcations> (in French); Human Rights Watch, *Tunisia: No Safe Haven for Black African Migrants, Refugees*, 19 July 2023, <https://www.hrw.org/news/2023/07/19/tunisia-no-safe-haven-black-african-migrants-refugees>; France 24, "Les gardes-côtes tunisiens mis en cause dans le naufrage de migrants subsahariens" ["Tunisian coastguards implicated in the shipwreck of sub-Saharan migrants"], 29 June 2023, <https://www.france24.com/fr/afrique/20230629-les-gardes-cotes-tunisiens-mis-en-cause-dans-le-naufrage-de-migrants-subsahariens> (in French); Alarm Phone, "Contesting borders in a racist environment", 18 January 2023, [https://alarmphone.org/en/2023/01/18/contesting-borders-in-a-racist-environment/?post\\_type\\_release\\_type=post](https://alarmphone.org/en/2023/01/18/contesting-borders-in-a-racist-environment/?post_type_release_type=post)

<sup>183</sup> FTDES, "Number and distribution of intercepts and operations arrested in Tunisia", 24 January 2025, <https://ftdes.net/en/la-migration-non-reglementaire-sur-les-cotes-tunisiennes/>

<sup>184</sup> Agenzia Nova, "Tunisia establishes a search and rescue zone at sea", 19 June 2024, <https://www.agenzianova.com/en/news/Tunisia-establishes-a-search-and-rescue-zone-at-sea/>

<sup>185</sup> Tunisia, Décret 2024-181 du 5 avril 2024, portant organisation de la recherche et du sauvetage maritimes ["Decree 2024-181 of April 5, 2024, organizing maritime search and rescue"]

<sup>186</sup> Amnesty International, Joint statement: Tunisia is not a place of safety for people rescued at sea, (Index: MDE 30/8593/2024), 4 October 2024, <https://www.amnesty.org/en/documents/mde30/8593/2024/en/>; SOS Méditerranée, "Humanitarian concerns over Tunisia's new search and rescue region", 26 July 2024, <https://www.sosmediterranee.org/humanitarian-concerns-over-tunisia-s-new-search-and-rescue-region/>

## 6.1 DANGEROUS INTERCEPTIONS AT SEA

During interceptions at sea, the Tunisian National Maritime Guard (hereinafter, the Tunisian coastguard) has resorted to reckless, unlawful and violent actions that put peoples' lives at risk, rather than protecting peoples' lives and safety in vulnerable situations. These included high-speed manoeuvres creating large waves that threaten to capsize migrants' boats; slapping or hitting people with batons; firing tear gas at close range at the faces of people, including children; colliding with migrants' boats; and using threatening and insulting language.

Twenty-five of the Black refugees and migrants interviewed by Amnesty International described such unlawful behaviour in 24 interceptions between June 2023 and May 2025.<sup>187</sup> Among them were three children, six asylum seekers and one refugee registered with UNHCR. Seventeen of these interceptions specifically involved excessive use of force and ill-treatment that put lives at risk. The people intercepted included children and pregnant women.

A Cameroonian national provided two videos of an interception analysed by Amnesty International, which show Tunisian coastguard near a boat full of migrants, appearing to create waves around it, while one of the migrants is yelling: "They are threatening to drown us! They are threatening to capsize us!"<sup>188</sup> The videos corroborate his testimony and align with what other interviewees shared with Amnesty International.

"Céline", a Cameroonian woman migrant intercepted in June 2023, told Amnesty International:

**"They kept hitting our [wooden] boat with long batons with sharp endings, they pierced it... There were at least two women and three babies without life vests. We saw them drown and then we could not see the bodies anymore. I have never been so scared."**<sup>189</sup>

"Céline" made a second failed attempt to cross the sea in August 2023 with a group that included a pregnant woman and three children. She said that about 15 Tunisian National Guard officers caught up with them off the coast of Sfax, hit the boat until they pierced it and sprayed them heavily with tear gas. "Céline" told Amnesty International there was so much tear gas that she fainted.

"Hakim", a Cameroonian migrant, described the interception off the coast of Sfax on 24 January 2024 of the inflatable boat he was in with 35 other Black migrants, including five small children:

**"Around 3am or 4am, a small boat from the coastguard found us, not far from international waters. They pointed a big headlight at us that blinded us. They circled us and made big waves, the boat became unstable. They asked us to stop it, so we did. Two coastguards started hitting the engine with wooden batons... They kept hitting the boat until they pierced it. Water started coming in and we started sinking, slowly. One of them shouted: 'You want to go to Italy, go to Italy!' And then they left us there... At 6am, a fisherman found us. He said he would alert the coastguard... Then a bigger boat came and took us back to Sfax."**<sup>190</sup>

"Bilel" and "Jamal", both Sudanese asylum seekers, told Amnesty International about their interception at sea on 25 September 2023.<sup>191</sup> "Bilel" said:

**"Two coastguards found us near the Kerkennah islands. They asked us to stop, then they asked if we are Sudanese, we said 'yes'... They hit us with batons, they hit the boat, everyone, and they were making waves around us, we had to stop. They rammed into our boat very strong, trying to sink us."**

"Jamal" added:

**"Then one of them looked at us and said, 'What will you do now?', as if mocking us, then he kept throwing water at us, for no reason."**

The officers left the boat at sea for about two hours, before another coastguard boat arrived and disembarked them in the port of Chebba.

<sup>187</sup> Interviews conducted separately by voice call with 18 Black refugees and migrants, 20 September 2023-16 June 2025; Interviews conducted separately in person with five Guinean nationals, Sfax, 29 September 2023; Interviews conducted separately in person with two Sudanese asylum seekers, Tunis, 27 October 2023.

<sup>188</sup> Videos filmed on 19 September 2023 on file with Amnesty International.

<sup>189</sup> Interview by voice call with "Céline", a Cameroonian national, 8 October 2023.

<sup>190</sup> Interview by voice call with "Hakim", a Cameroonian national, 14 March 2024.

<sup>191</sup> Interviews conducted separately in person with "Bilel" and "Jamal", Sudanese asylum seekers, Tunis, 27 October 2023.

“Ousmane”, a Guinean migrant, described similar practices during his interception off the coast of Sfax on 25 December 2023:

**“Two small [coastguard] boats found us and asked us to cut the engine, so we did, but they still circled around us to create waves and make us fall, again and again. They hit one woman with a wooden baton, several times, until we gave them the engine.”<sup>192</sup>**

“Kouassi”, an Ivorian migrant, shared a similar account of his interception off the coast of Sfax on 7 April 2025:

**“The coastguard tried to sink us by creating waves around us... They hit [our boat] with their boat and they hit us with wooden batons, we got scared, we were all yelling to the captain, stop, stop, give them the engine.”<sup>193</sup>**

On 1 October 2024, a group of UN experts sent a communication to the Tunisian authorities outlining multiple patterns of alleged violations against refugees and migrants, including dangerous manoeuvres when intercepting refugees and migrants at sea; physical violence, including beatings; threats of use of firearms; removal of engines and fuel; and capsizing of boats.<sup>194</sup> In their response, the Tunisian authorities denied these allegations:

**“The competent services of the Ministry refute these unfounded allegations, as no situation similar to what has been described has been recorded... The search and rescue units of the National Guard are committed to carrying out their duties within the framework of the law and ensuring respect for human rights during interventions at sea and the rescue of people attempting to cross the border.”<sup>195</sup>**

Under international human rights law, the rights to life and security prohibit states from unnecessary or disproportionate use of force or other practices that put migrants’ lives at risk.<sup>196</sup> States further have a positive obligation to protect the right to life and to take special measures to protect the right to life of individuals in situations of vulnerability, including at sea.

The Protocol Against the Smuggling of Migrants by Land, Sea and Air expressly binds states to “ensure the safety and humane treatment of the persons on board” and recalls that nothing “shall affect the other rights, obligations and responsibilities of States and individuals under international law”.<sup>197</sup> The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Special Rapporteur on torture) further established that the use of force for no purpose other than border control generally cannot be regarded as lawful, necessary or proportionate, and may amount to ill-treatment.<sup>198</sup>

While interceptions may be framed as search-and-rescue operations, relevant international standards still apply. These bind all shipmasters to assist anyone in distress at sea, without regard to the nationality or status of those in distress, or the circumstances in which they are found, and to do everything possible to treat the survivors humanely and to meet their immediate needs.<sup>199</sup>

In this regard, operations at sea should operate under a broad understanding of distress, so that timely and necessary assistance is provided to migrants in unseaworthy vessels even if they are not in immediate danger of sinking.<sup>200</sup> Overcrowded and unseaworthy boats, not operated by professionals and not carrying adequate safety equipment – such as those routinely used by people crossing the central Mediterranean irregularly – should be considered “in distress” by default.<sup>201</sup>

<sup>192</sup> Interview conducted by voice call with “Ousmane”, a Guinean national, 3 April 2024.

<sup>193</sup> Interview conducted by voice call with “Kouassi”, an Ivorian national, 10 June 2025.

<sup>194</sup> UN Special Procedures, Communication, 1 October 2024, Ref. AL TUN 6/2024, p.2 (in French).

<sup>195</sup> Permanent Mission of the Tunisian Republic to the UN in Geneva, Response to UN Special Procedures Communication AL TUN 6/2024, 14 March 2025, p.2 (in French).

<sup>196</sup> UDHR, Article 3; ICCPR, Article 6(1).

<sup>197</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Crime, Article 19(1).

<sup>198</sup> UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Special Rapporteur on torture), *Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment*, 21 July 2017, UN Doc. A/72/178, para. 62(c).

<sup>199</sup> International Maritime Organization (IMO), Resolution MSC.167(78): Guidelines on the Treatment of Persons Rescued at Sea, 20 May 2004, para. 5.

<sup>200</sup> OHCHR, Recommended Principles and Guidelines, supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations, Principles 4.

<sup>201</sup> European Parliament and European Council, Regulation (EU) 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, 15 May 2014, Article 9, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0656>

## 6.2 LACK OF PROTECTION DURING DISEMBARKATION

Twenty-five Black refugees and migrants intercepted at sea between June 2023 and May 2025 described the lack of individualized protection assessment following interception and during disembarkation.<sup>202</sup>

The number of people in their boats ranged from 28 to 52 and included children and pregnant women.<sup>203</sup> They all departed from Tunisian shores, most of them from the region of Sfax. After the interception, they were made to board Tunisian coastguard boats which eventually took them to port, where they were held for at least two hours, often before being taken to a National Guard station nearby.

During disembarkation, officers asked all those intercepted to empty their pockets and carried out body searches, including invasive strip searches. They confiscated items such as phones, money and identification documents, including UNHCR cards, and handcuffed people without justification. They often tore up identification documents. Five people recounted how officers searched, smashed or reset their phones in front of them.

All the individuals interviewed stated that National Guard officers did not at any point ask about their age, asylum status or other protection needs, nor did they provide information about the reasons for the interception, detention and search or about any appeal process. All confirmed that, whether at the port or at the National Guard station, there was no individualized assessment of protection concerns, including for children and for asylum seekers and refugees registered with UNHCR.

National Guard officers also ignored or refused to recognize UNHCR cards presented as evidence of asylum seeker or refugee status, even prior to the suspension of UNHCR registration and refugee status determination (RSD) in June 2024. Tunisian authorities did not examine their identification documents or, when they did, did not recognize that UNHCR documents provided protection.

UNHCR is not present at disembarkation points and does not receive referrals from Tunisian authorities for individuals intercepted at sea and disembarked from vessels that departed from Tunisia. For vessels that departed from Libya and found themselves in distress at sea, Tunisian authorities at times contacted UNHCR and the IOM to refer to them individuals seeking asylum or other vulnerable migrants in need of temporary shelter. This was not the case anymore for UNHCR after June 2024 as individuals rescued or intercepted at sea have been unable to access asylum procedures.<sup>204</sup>

“Rayan”, a Sudanese asylum seeker intercepted on 29 September 2023, told Amnesty International:

**“They took the UNHCR cards of the people in the group. I tried to plead for them to give it back. I said we are asylum seekers registered with UNHCR. The officer just ignored me. He said, ‘Go back to your place’.”**<sup>205</sup>

“Bilel”, a Sudanese asylum seeker intercepted on 25 September 2023, also told Amnesty International he tried to explain his status to Tunisian officers and asked for protection but found himself similarly ignored.<sup>206</sup>

“Issa”, a 16-year-old Cameroonian asylum seeker intercepted on 19 September 2023 told Amnesty International that officers took his phone and did not ask about his identification documents, age or protection needs.<sup>207</sup>

“Youssef”, a Gambian migrant, described his rescue and interception at sea on 20 November 2023 by the coastguard.<sup>208</sup> After embarking off the coast of Sfax, he spent close to three days at sea until the boat’s engine stopped working. The National Guard rescued everyone on the boat that same day and brought them back to Sfax, where they were detained until the following day. He said:

**“They did not ask us any information or explain anything, they only searched our pockets. They handcuffed us with plastic ties.”**

“Kouassi”, an Ivorian migrant, confirmed this behaviour during a disembarkation on 7 April 2025:

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<sup>202</sup> Interviews conducted separately by voice call with 18 Black refugees and migrants, 20 September 2023–16 June 2025; Interviews conducted separately in person with five Guinean nationals, Sfax, 29 September 2023; Interviews conducted separately in person with two Sudanese asylum seekers, Tunis, 27 October 2023.

<sup>203</sup> Most interviewees remembered the exact number of people on their boat either because their smuggler or boat captain counted them, or because the coastguards counted them after their interception.

<sup>204</sup> See section 9.2 “No more access to asylum procedures”.

<sup>205</sup> Interview by voice call with “Rayan”, a Sudanese asylum seeker, 25 October 2023.

<sup>206</sup> Interview conducted in person with “Bilel”, a Sudanese asylum seeker, 27 October 2023, Tunis.

<sup>207</sup> Interview by voice call with “Issa”, a Cameroonian asylum seeker, 25 September 2023.

<sup>208</sup> Interviews by voice call with “Youssef”, a Gambian national, 23–26 December 2023.

**“They don’t tell you anything, there is no assessment, no questions, they tell you ‘shut your mouth’... They don’t look at your papers, they tore my passport and threw it away... I saw they took the blue cards from UNHCR, yes, from other people, they threw them away... They search you and take everything from you, phone, water, money, papers. They tie your hands in the back with two plastic ties.”<sup>209</sup>**

Any deprivation of liberty at international borders should be a measure of last resort imposed after an individual assessment.<sup>210</sup> It should be clearly defined in law, of limited scope and duration, necessary and proportionate, and its reasons should be explained to the individual.

According to international human rights standards, protection and assistance obligations should always be prioritized over law enforcement and migration management objectives in any interaction between individuals and border officials.<sup>211</sup> Border governance measures should not have adverse effects on the human rights of people on the move.

Disembarkations should be followed by adequate human rights-based screening, interviewing, identification and referral to the appropriate protection services, on an individual basis.<sup>212</sup> Any operation should guarantee that protection needs can be assessed individually and with due process, including by ensuring access to asylum determination mechanisms and determining the “best interests” of minors. Other at-risk individuals should be carefully screened, such as survivors of torture and gender-based violence and trafficking, the elderly, and medical cases including injured people or people living with disabilities.<sup>213</sup> Authorities should provide individuals with accessible information explaining the reasons for the interception, give them the right to challenge it before an independent authority, and facilitate access to effective remedies in cases of human rights violations.<sup>214</sup>

In cases of refugees and migrants who travel by sea, states – in cooperation with international and NGOs, if needed – should provide immediate humanitarian assistance where necessary, including medical care, adequate food and water, blankets, clothing and sanitary items, on a non-discriminatory basis regardless of their migration status or the circumstances in which they arrived at the border.<sup>215</sup> Tunisia, as a state party to the International Convention on Maritime Search and Rescue (SAR Convention), is specifically bound to “ensure that assistance be provided to any person in distress at sea... regardless of the nationality or status of such a person or the circumstances in which that person is found”<sup>216</sup> and “provide for their initial medical or other needs, and deliver them to a place of safety.”<sup>217</sup> Therefore, search-and-rescue operations must terminate with disembarkation of survivors in a “place of safety”.

As further demonstrated below, notably with regards to patterns of collective expulsions violating the principle of non-refoulement and torture and other ill-treatment, Tunisia does not constitute a place of safety for the disembarkation of refugees and migrants.

In a communication to the Tunisian authorities sent on 1 October 2024, a group of UN experts made this assessment:

**“Given the allegations of systematic violence and abuse against migrants, asylum seekers, and refugees, including women and children, including violations of the right to life, including in the context of interceptions at sea... Tunisia does not meet the conditions to conduct search and rescue operations and ensure the identification and**

<sup>209</sup> Interview conducted by voice call with “Kouassi”, an Ivorian national, 10 June 2025.

<sup>210</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, 2014, Guideline 8.

<sup>211</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (previously cited), Section II(A).

<sup>212</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, (previously cited), Guidelines 5, 6 and 7.

<sup>213</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Crime, Article 16; UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation 30: Women in Conflict Prevention, Conflict and Post-Conflict Situations, 1 November 2013, UN Doc. CEDAW/C/GC/30, para. 41(b); CEDAW, General Recommendation 32: The Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women, 5 November 2014, UN Doc. CEDAW/C/GC/32, para. 44; CRC, General Comment 6: The Treatment of Unaccompanied or Separated Children outside their Country of Origin, UN Doc. CRC/GC/2005/6, paras. 13, 31 and 52; UN Special Rapporteur on torture, Report, 5 January 2016, UN Doc. A/HRC/31/57, para. 70(q); OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, UN Doc. E/2002/68/Add.1, Guidelines 2, 5, 8 and 11; OHCHR, Recommended Principles and Guidelines, supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations, Principles 4 and 5; OHCHR, “What do we mean by ‘protection’ for migrants?”, undated, [https://t.ly/Oj\\_mz](https://t.ly/Oj_mz) (accessed 30 November 2023); OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, (previously cited), Guideline 6.

<sup>214</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, (previously cited), Guideline 5, 6 and 7.

<sup>215</sup> OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, (previously cited), Guideline 5.

<sup>216</sup> IMO, International Convention on Maritime Search and Rescue (SAR Convention), 1979, Chapter 2.1.10.

<sup>217</sup> IMO, International Convention on Maritime Search and Rescue (SAR Convention), 1979, Chapter 1.3.2.

protection of victims of trafficking and persons in need of international protection upon disembarkation, in accordance with international obligations, and therefore does not meet the definition of a place of safety.”<sup>218</sup>

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<sup>218</sup> UN Special Procedures, Communication, 1 October 2024, Ref. AL TUN 6/2024, pp. 9-10 (in French).

# 7. COLLECTIVE AND SUMMARY EXPULSIONS

**“[The National Guard] left us [on the Algerian border]... We were hungry, thirsty... [They] told us: ‘This is your last day in Tunisia. If you keep coming back, we will shoot you in the head.’”**

“Abdoulaye” a Cameroonian national, speaking to Amnesty International

Collective and summary expulsions of sub-Saharan migrants by Tunisia, while not a new phenomenon, were relatively infrequent before 2023 and often involved pushbacks in border areas.<sup>219</sup> Since June 2023, however, they have taken place far more frequently and involved larger groups of people, predominantly Black refugees and migrants, expelled from the mainland and border areas.

The first wave of collective expulsions to the Libyan and Algerian borders in June-July 2023 created an international outcry. However, since then, collective expulsions have become routine, in blatant violation of the principle of non-refoulement. Such expulsions have become nearly systematic after an interception at sea.

Tunisian authorities have continued to carry out collective expulsions either following racially motivated arrests or following interceptions at sea which are conducted in a way that reinforces the risk of racial discrimination. Within the wider context of public advocacy of racial hatred and discrimination collective expulsions have disproportionately affected Black refugees and migrants and resulted in a racially discriminatory impact.

Although legislation such as Law 68-7 and Law 2004-6 governing the treatment of foreign nationals is seemingly race-neutral, Tunisian authorities have implemented them in a discriminatory way because race and skin colour have been used to make assumptions about individuals’ migration-related behaviour, which fed into patterns of arbitrary arrest, detention, interceptions, disembarkations and collective expulsions. This claim is reinforced by the lack of data on race and racial bias, which prevents authorities from safeguarding against racial discrimination, thus rendering migration laws and policies more likely to be racist in practice.

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<sup>219</sup> UN Special Procedures, “Tunisia and Libya: UN experts condemn collective expulsion and deplorable living conditions of migrants”, 10 November 2021, <https://t.ly/NbiMn>; FTDES, “Serious concern from national and international organizations regarding the situation of 36 migrants on the Tunisian-Libyan border” [“Vives inquiétudes des organisations nationales et internationales face à la situation de 36 personnes migrantes à la frontière tuniso-libyenne”], 6 August 2019, <https://ftdes.net/vives-inquietudes-des-organisations-nationales-et-internationales-face-a-la-situation-de-36-personnes-migrantes-a-la-frontiere-tuniso-libyenne/> (in French); Hassen Boubakri and Sylvie Mazzella, “Tunisia between transit and immigration: migration policies and reception conditions of African migrants in Tunis” [“La Tunisie entre transit et immigration: politiques migratoires et conditions d’accueil des migrants africains à Tunis”], Autrepart, Issue 36, November 2005, <https://www.cairn.info/revue-autrepart-2005-4-page-149.htm>.

The public advocacy of hatred by Tunisian officials and the racist violence that accompanied the start of collective expulsion operations further show that they have been used as tools for racialized exclusion.

Collective and summary expulsions carried out without due process, without consideration of individual circumstances and protection needs and without the possibility of recourse, along with its discriminatory outcomes of racialized exclusion, are arbitrary and prohibited under international law.<sup>220</sup> Foreign nationals, irrespective of their legal status, are entitled to an individual decision on their expulsion.<sup>221</sup> Expulsions should only be carried out following an individual assessment of each person's circumstances, including asylum requests, children's best interests and the right to family life.<sup>222</sup> Collective expulsions prevent the proper identification of individuals entitled to international protection and are therefore a breach of the principle of non-refoulement – the international legal principle that prohibits the transfer of individuals to another country or jurisdiction where they would face a real risk of serious human rights violations or abuses.<sup>223</sup>

Under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), racial discrimination is explicitly prohibited in the context of expulsions. The Committee on the Elimination of Racial Discrimination (CERD) indicated that states must ensure that: (1) domestic legislation concerning expulsions does not discriminate in purpose or in practice against non-citizens based on race, colour or nationality, and that non-citizens have equal access to effective remedies, including the ability to challenge expulsion orders, and equal access to effective remedies; (2) non-citizens are not subject to collective expulsions without taking into account the personal circumstances of each individual; (3) non-citizens are not returned to a country where they risk torture or ill-treatment; and (4) that non-citizens, especially long-term residents, are not expelled if this would interfere with their family life.<sup>224</sup>

Under Tunisian Law 68-7 relating to the Condition of Foreigners in Tunisia and Law 2004-6 relating to Passports and Travel Documents, foreign nationals without valid documentation or whose presence constitutes “a threat to public order” can be expelled, including by an administrative order from the Ministry of Interior or at the initiative of security authorities.<sup>225</sup> The law does not clarify the expulsion process, nor does it provide for the possibility to challenge the expulsion order. Broad provisions within Laws 68-7 and 2004-6 also criminalize assistance to irregular migrants, including transportation and accommodation – provisions which were used to target refugee and migrant rights defenders in May 2024.

The Tunisian authorities do not publish clear and comprehensive statistics on expulsions, nor do they share data disaggregated by race or ethnicity, as required by international human rights standards.<sup>226</sup>

## 7.1 PATTERN OF EXPULSIONS

“Ousmane” and “Amara”, both Black Guinean nationals with a valid visa for Tunisia, told Amnesty International that the National Guard arrested them on 26 October 2023 on the outskirts of Sfax, along with several other Black foreign nationals, and drove them to near the Libyan border.<sup>227</sup> “Ousmane” said:

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<sup>220</sup> ICCPR, Article 13; African Charter on Human and Peoples' Rights (ACHPR), Article 12; Human Rights Committee (HRC), General Comment 15: The Position of Aliens under the Covenant, 11 April 1986, para. 10; CERD, General Recommendation 30: Discrimination against Non-Citizens, 1 August 2004, para. 26.

<sup>221</sup> UN Secretary-General (UNSG), *Promotion and Protection of Human Rights, Including Ways and Means to Promote the Human Rights of Migrants*, 7 August 2014, UN Docs. A/69/277, para. 67; OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders*, (previously cited), Guideline 9; UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report, 23 November 2018, UN Docs. A/HRC/37/50; para. 74; United Nations High Commissioner for Human Rights, Intervener Brief filed pursuant to leave granted by the European Court of Human Rights (ECtHR), *N.D. and N.T. v. Spain*, Application 8675/15 and 8697/15, 13 February 2020, <https://hudoc.echr.coe.int/eng?i=001-201353>, paras 136 and 156.

<sup>222</sup> UN Special Rapporteur on torture, report, 23 November 2018, UN Docs. A/HRC/37/50; para. 78.

<sup>223</sup> UN Refugee Convention, Article 33; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture), Article 3(1); Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 2(3).

<sup>224</sup> CERD, General Recommendation 30 on Discrimination against Non-Citizens, UN Doc. CERD/C/64/Misc.11/rev.3, 5 August 2004, paras 25-28.

<sup>225</sup> Tunisia, Loi 68-7 relative à la Condition des Etrangers en Tunisie [Law 68-7 relating to the Condition of Foreigners in Tunisia], 1968, Article 18; Tunisia, Loi 75-40 relative aux Passeports et aux Documents de Voyage [Law 75-40 relating to Passports and Travel Documents], 1975, Article 34 and 50 (as amended by Law 2004-6 on 3 February 2004).

<sup>226</sup> UN Working Group of Experts on People of African Descent, Report of the Working Group of Experts on People of African Descent on its twenty-third and twenty-fourth sessions, 15 August 2019, UN Doc. A/HRC/42/59, para. 99; UN High Commissioner for Human Rights, Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officers, 1 June 2021, UN Doc. A/HRC/47/53, para. 20; The Durban Declaration and Programme of Action, para. 92.

<sup>227</sup> Interviews conducted separately by voice call with “Ousmane” and “Amara”, Guinean nationals, 27 October 2023.

**“[Officers] asked us to come with them. We said, ‘Why? We have a visa’... They said, ‘We don’t care about your passports, you have to go back home.’ I asked for my passport back, they replied, ‘We don’t care about your passport, you will go back home to the desert.’”**

From June 2023 onwards, the Tunisian National Guard, military and police have collaborated to summarily and collectively expel refugees and migrants on a routine basis, including children and pregnant women. Between June 2023 and May 2025, Tunisian authorities conducted collective expulsions of at least 11,500 refugees and migrants to Libya and Algeria – the vast majority of them Black people – without procedural safeguards and outside of any judicial oversight, in at least 70 separate instances.<sup>228</sup> According to interviewed individuals, expelled groups ranged from eight to 800 people,<sup>229</sup> indicating that at least 9,520 individuals were collectively expelled from September 2023 onwards – 6,330 to Algeria and 3,190 to Libya.<sup>230</sup> In addition, UN sources indicate that Tunisian authorities collectively expelled about 2,000 migrants and asylum seekers to the Libyan border between June and August 2023, which Amnesty International included in its total estimate.<sup>231</sup>

Tunisian authorities have summarily expelled groups of refugees and migrants to remote desert or border areas in Libyan, Algerian and Tunisian territory, thus putting their lives at risk. Tunisian authorities carried out these expulsions without fulfilling their duty to independently assess individual circumstances, risks incurred upon return and possible protection needs, outside of any judicial oversight, without clearly informing them that they were being expelled, and without giving them the opportunity to challenge expulsion orders.

Successive reports from the UN Secretary General on the United Nations Support Mission to Libya (UNSMIL) similarly found that expulsions of migrants and asylum seekers from Tunisia to Libya have been ongoing.<sup>232</sup> From June 2023 to April 2025, forces from the Libyan Ministry of Interior and the Libyan Border Guard intercepted 12,750 refugees and migrants at the border with Tunisia. A June 2024 report from the Office of the High Commissioner for Human Rights (OHCHR) mentioned “the arbitrary detention of thousands of migrants and asylum seekers in Libya since June 2023 after their collective expulsion from Tunisia, facilitated by the Tunisian and Libyan authorities”.<sup>233</sup>

In response to media requests, the Tunisian authorities have on multiple occasions denied carrying out collective expulsions to the borders. However, in August 2023, former Minister of Interior Kamel Feki conceded that small groups of people trying to enter Tunisia had been pushed back to the Libyan and Algerian borders.<sup>234</sup>

“Yanis”, aged 22, and “Abdo”, just 16 years old, both Black Sudanese asylum seekers registered with UNHCR, told Amnesty International that they were arrested in the town of El Amra, northern Sfax, on 10 October 2023.<sup>235</sup> They said the officers did not ask to see identification documents, nor did they ask about their legal status or age. “Yanis” recounted:

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<sup>228</sup> Interviews conducted separately by voice call with 54 refugees and migrants, eight people who described the expulsion of their relatives or friends and four human rights activists who documented expulsions to Libya and Algeria, 20 September 2023–16 June 2025; Interviews conducted separately in person with three migrants and asylum seekers, Tunis, 27 October 2023; Interviews conducted separately in person with three Guinean migrants, 29 September 2023, Sfax; Interviews conducted in person with five Guinean migrants, Tunis, 1 March 2024.

<sup>229</sup> Individuals expelled in small groups reported to Amnesty International that they remembered the exact number of people who were with them, after several days spent together, or they heard a security official counting them. For instance, two individuals reported to Amnesty International that they heard Libyan militiamen counting them following their expulsion, so they knew they were part of a group of 800 people. Another migrant told Amnesty International that a Tunisian coastguard official said there were 600 people in the port after a disembarkation. Other interviewed individuals estimated their number based on their occupation of a specific location, such as a large bus or a room, based on which Amnesty International used the lowest possible number. All individuals intercepted at sea then expelled knew exactly how many people were with them on their boat.

<sup>230</sup> The discrepancy between expulsions to Algeria and Libya may not necessarily reflect a real discrepancy in the numbers of people expelled but may be a result of the difficulty in accessing information from individuals expelled to Libya, compared to those expelled to Algeria, as the former are most likely to end up detained indefinitely in Libya and less able to share their experience.

<sup>231</sup> UN High Commissioner for Human Rights, “Global Update to the Fifty-Fourth Regular Session of the UN Human Rights Council (HRC)”, 11 September 2023, <https://www.ohchr.org/en/news/2023/09/human-rights-council-opens-its-fifty-fourth-regular-session-hears-global-update-high>

<sup>232</sup> United Nations Support Mission to Libya (UNSMIL), “Reports of the Secretary-General”, <https://unsmil.unmissions.org/reports-secretary-general> (accessed on 7 July 2025).

<sup>233</sup> OHCHR, Report to the Human Rights Council: *Technical Assistance and Capacity-Building to Improve Human Rights in Libya*, UN Doc. A/HRC/56/70, 3 June 2024, <https://www.ohchr.org/en/documents/country-reports/ahrc5670-technical-assistance-and-capacity-building-improve-human-rights>, para. 38.

<sup>234</sup> Associated Press, “Tunisian minister concedes ‘small groups’ of migrants were pushed back into desert no man’s land”, 3 August 2023, <https://apnews.com/article/tunisia-migrants-desert-interior-minister-pushback-81455ce286edc87d3da4ebd9438a2609>

<sup>235</sup> Interviews conducted separately in person with “Yanis” and “Abdo”, Sudanese asylum seekers, Tunis, 27 October 2023.

**“[The National Guard] didn’t say where they were taking us, just took us and other Black migrants from the area and pushed us into buses, then they drove towards [the Algerian city of] Tebessa. They only asked, ‘Are you Sudanese’, we said ‘yes’.”**

Those expelled to Algeria had to walk back to Tunisia, which took them days or weeks, with no food or water with them. In most cases, Tunisian authorities confiscated their phones, identification documents and money, leaving them vulnerable to death, to criminal violence and to arbitrary arrest and renewed expulsion. Nine individuals expelled between November 2023 and January 2024 told Amnesty International that criminal groups operating between the Algerian border and the city of Sfax kidnapped them following their expulsion, subjecting them to physical abuse and demanding ransoms to secure their freedom.<sup>236</sup>

Those expelled to Libya were usually handed over to the Libyan Border Guard or to militias, who left them stranded in the desert or, in most cases, took them to detention centres. These include a detention facility in the border region of Nalut, controlled by the Stability Support Authority (SSA) militia as of May 2025;<sup>237</sup> the Al-Assah detention centre, about 15km from the Tunisian border, operated by the Libyan Border Guard and the Libyan Directorate for Combating Illegal Migration (DCIM);<sup>238</sup> the Bir Al-Ghanam centre, 90km south of Tripoli, nominally under the control of the DCIM, the Al-Mabani Collection and Return centre in the Ghout al-Sha'al neighbourhood, Tripoli, also nominally controlled by the DCIM; and an unidentified detention facility near the north-western city of Zwara. Refugees and migrants were held without any due process in cruel and inhuman conditions and asked to pay ransoms for their freedom. Those who were left stranded in the desert, often at night, had to walk to the nearest Libyan town or city to find shelter, or try to walk back to the Tunisian border, at the risk of their life.

Amnesty International spoke to 65 refugees and migrants who were summarily expelled between 1 July 2023 and 26 May 2025 to Algeria or Libya by Tunisian authorities.<sup>239</sup> They included 14 refugees and asylum seekers registered with UNHCR, and 11 individuals with valid visas for Tunisia. Of the 65, eight were children, 19 were women and 38 were men. Amnesty International also interviewed eight people who described the expulsion of their relatives or friends, as well as four human rights activists involved in documenting human rights violations perpetrated against those expelled from Tunisia to Libya and Algeria.<sup>240</sup> Most of them described expulsions from the Sfax region, while nine recounted expulsions from Tunis; from the southern cities of Kasserine and Zarzis; from the northwestern city of Kef; and from the eastern coastal cities of Mahdia and Sousse. Nine others described expulsions from the towns of Douz, Nafta and Sbeitla (south and west of the country).

Thirty-one had been intercepted at sea and disembarked off the coasts of Mahdia, Sfax or Sousse,<sup>241</sup> while 40 were arrested by the National Guard in the southern region of Sfax, in the cities of Kasserine, Kef, Tunis or Zarzis, or in the towns of Douz, Nafta and Sbeitla.<sup>242</sup> Six people were expelled more than once. At least four men were collectively expelled following their release from Thyna prison in Sfax in December 2023 and January 2024.<sup>243</sup> At least three men were expelled from the Ouardia Orientation and Reception Centre in Tunis in March 2024.<sup>244</sup>

The first wave of collective expulsions took place between late June and early July 2023, against the background of an upsurge of racist violence, including assaults, arbitrary evictions and job terminations, as

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<sup>236</sup> Interviews conducted separately by voice call with nine migrants and asylum seekers, 29 November 2023–28 April 2024.

<sup>237</sup> On 12 May 2025, armed clashes erupted in Tripoli between rival militias resulting in the killing of the leader of the SSA militia, Abdel Ghani al-Kikli, and in the surrender of many of its members.

<sup>238</sup> On 13 May 2025, in the aftermath of armed clashes between various militias, the Libyan GNU formally dissolved the DCIM and transferred its responsibilities to a new authority called the General Department for Combating Illegal Migration under the Ministry of Interior.

<sup>239</sup> Interviews conducted separately by voice call with 54 refugees and migrants, 20 September 2023–16 June 2025; Interviews conducted separately in person with three migrants and asylum seekers, Tunis, 27 October 2023; Interviews conducted separately in person with three Guinean migrants, 29 September 2023, Sfax; Interviews conducted in person with five Guinean migrants, Tunis, 1 March 2024.

One expulsion to Libya that took place on 1–2 July 2023 was not included in the total estimated number of individuals expelled since June 2023 to avoid duplication with the number of individuals expelled between June and August 2023 provided by UN sources.

<sup>240</sup> Interviews conducted separately by voice call with eight people who described the expulsion of their relatives or friends and four human rights activists who documented expulsions from Tunisia to Libya, 29 November 2023–30 May 2024.

<sup>241</sup> Interviews conducted separately by voice call with 26 refugees and migrants, 20 September 2023–16 June 2025; Interviews conducted separately in person with three Guinean migrants, 29 September 2023, Sfax; Interviews conducted in person with two Guinean migrants, Tunis, 1 March 2024.

<sup>242</sup> Interviews conducted separately by voice call with 32 migrants and asylum seekers, 7 October 2023–11 June 2025; Interviews conducted separately in person with three migrants and asylum seekers, Tunis, 27 October 2023; Interviews conducted in person with five Guinean nationals, Tunis, 1 March 2024.

<sup>243</sup> Interviews conducted separately by voice call with four migrants, 16 December 2023–28 April 2024.

<sup>244</sup> Interviews conducted separately by voice call with three migrants, 28 February–30 April 2024.

well as advocacy of racial hatred against Black migrants by Tunisian officials. On the night of 22-23 May 2023, a group of Tunisian men stabbed to death a man from Benin in a home in the city of Sfax.<sup>245</sup> On 25 June 2023, several hundred people attended two anti-migrant demonstrations in Sfax calling for the expulsion of irregular migrants.<sup>246</sup> On 3 July 2023, in the same city, a Tunisian man was fatally stabbed during clashes between Tunisians and Black foreign nationals,<sup>247</sup> contributing to a new wave of violence against Black people in the city.<sup>248</sup> On 5 July 2023, parliamentarian Moez Barkallah stated that Tunisian authorities had expelled 1,200 sub-Saharan migrants since Eid el-Adha (28 June 2023) from Sfax to the border regions with Libya and Algeria.<sup>249</sup>

Against this backdrop, “Ezra”, an Ivorian man, gave an account of his expulsion to the Libyan border, by Tunisian security officials, on the night of 1-2 July 2023:

**“On Saturday 1 July, around 7 or 8pm, in [the town of] Jbeniana, [northern Sfax], we were hiding in a bunker, waiting for our departure [at sea]... We were 24 people, with one or two children... We were caught by a big group of National Guard, police and military officers... I saw two people who had UNHCR cards... We drove all night in a pick-up truck, we went through three military barracks... In the second one, officers beat us, smashed our phones and took our money...**

**“We reached the Libyan border zone at around 6am... between the coast and the desert... One [Tunisian] officer said, ‘Go to Libya, they will kill you.’ Another officer said, ‘Either you swim, or you run to Libya.’ They gave us a bag filled with our smashed phones... Between Tuesday [4 July] and Wednesday [5 July], other groups of [Black] migrants were brought to the same area, like us... I think we were the first ones there. By Wednesday, there were maybe 700 people.”<sup>250</sup>**

The group attempted to walk up the coastline, but Tunisian men in military uniforms intercepted them, pursued them with dogs, beat four of them and brought them back. On 3 July, “Ezra” and his group found an abandoned mosque where they took shelter, drank some water and charged some of the phones that were still working. Three among their initial group decided to walk to Libya, including a Malian national severely beaten by military officers. “Ezra” sent Amnesty International three videos taken at the border, showing their group, the injuries they sustained and the bag with their smashed phones.

On 10 July 2023, following an international outcry, National Guard officials brought “Ezra” and others back to Tunisia, to a high school in the southern city of Medenine, from where he eventually managed to return to Tunis on 13 July.

In July and August 2023, the IOM and UNHCR,<sup>251</sup> as well as the Office of the Spokesperson for the UN Secretary-General,<sup>252</sup> reported that Tunisian officials had expelled hundreds of refugees and migrants to near or across the country’s borders with Libya and Algeria, from the city of Sfax and other urban centres across Tunisia. On 18 July 2023, UN Experts<sup>253</sup> urged the authorities to take urgent measures to stop collective expulsions and protect the human rights of all migrants.<sup>254</sup>

<sup>245</sup> VOA Africa, “Tunisian arrested for migrant murder”, 29 May 2023, <https://www.voaafrica.com/a/tunisians-arrested-for-migrant-murder/7113766.html>

<sup>246</sup> Middle East Monitor, “Tunisians protest against irregular migrants”, 26 June 2023, <https://www.middleeastmonitor.com/20230626-tunisians-protest-against-irregular-migrants/>

<sup>247</sup> France 24, “Tunisian stabbed to death in clash with African migrants”, 4 July 2023, <https://www.france24.com/en/live-news/20230704-tunisian-stabbed-to-death-in-clash-with-african-migrants>

<sup>248</sup> France 24, “Tunisian mobs target African migrants in Sfax to ‘avenge’ deadly stabbing”, 5 July 2023, <https://www.france24.com/en/africa/20230705-tunisians-target-african-migrants-after-deadly-stabbing>

<sup>249</sup> Business News, “Moez Barkallah: 1200 migrants ont été expulsés depuis l’Aid el Kebir” [“Moez Barkallah: 1,200 migrants have been expelled since Eid el Kebir”], 5 July 2023, <https://businessnews.com.tn/2023/07/05/article-1198896/1198896/> (in French).

<sup>250</sup> Interview by voice call with “Ezra”, an Ivorian national, 7 October 2023.

<sup>251</sup> UNHCR and IOM, “UNHCR and IOM appeal for urgent solutions for refugees and migrants stranded in Tunisia and Libya borders”, 27 July 2023, <https://www.unhcr.org/news/press-releases/unhcr-and-iom-appeal-urgent-solutions-refugees-and-migrants-stranded-tunisia>

<sup>252</sup> Office of the Spokesperson for the United Nations Secretary-General, “Daily Press Briefing”, 1 August 2023, <https://press.un.org/en/2023/db230801.doc.htm>

<sup>253</sup> Mandates of the UN Special Rapporteur on contemporary forms of racism; the Working Group of Experts on People of African Descent; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on freedom of opinion and expression; and CERD.

<sup>254</sup> UN Special Procedures, “UN experts urge Tunisia to act swiftly to uphold migrants’ rights”, 18 July 2023, <https://t.ly/Ao3mb>

According to UNHCR, following the first wave of collective expulsions to Libya, 28 migrants were found dead and over 80 migrants were reported missing,<sup>255</sup> while humanitarian sources told the press agency AFP that more than 100 people had died along the Libyan border over the summer.<sup>256</sup>

## 7.2 EXPULSIONS TO ALGERIA

Between August 2023 and May 2025, the Tunisian National Guard summarily and collectively expelled at least 6,330 refugees and migrants on or across Algerian borders, putting their lives at risk. The expulsions took place without any procedural and substantive safeguards, including a fair and satisfactory individual procedure assessing specific protection needs and risks upon transfer, and the effective opportunity to challenge the expulsion order. Authorities expelled refugees and migrants outside of any judicial oversight, without clearly explaining that an expulsion was being carried out and without providing translation and legal assistance.

Amnesty International interviewed 47 Black individuals expelled to Algeria, including seven asylum seekers, nine migrants with valid visas for Tunisia, two pregnant women and seven children.<sup>257</sup> Thirteen of them shared their GPS coordinates shortly following the expulsion. Four people recounted the expulsion of their friend or family member.<sup>258</sup> Based on their testimonies, Amnesty International documented the collective expulsion of 51 individuals, each expelled in groups of eight to 750 people,<sup>259</sup> amounting to an estimated 6,330 people expelled.

The National Guard expelled 18 people after an interception at sea and a disembarkation in the ports of Mahdia, Sfax or Sousse,<sup>260</sup> and 32 people after an arrest in the Sfax region, in the city of Kasserine or Kef, in the town of Douz, Nafta or Sbeitla, or in an unidentified location near the Algerian border.<sup>261</sup> At least four people were expelled upon their release from prison in Sfax.<sup>262</sup> Three men were expelled from the Ouardia Reception and Orientation Centre.<sup>263</sup> National Guard officers drove refugees and migrants to the Algerian borders in buses and pick-up trucks, in the regions of Gafsa, Kasserine, Kef and Tozeur, often after processing and a short period of detention at a National Guard station, and after confiscating their phones, identification documents and belongings. Eight people reported that National Guard officers strip-searched them before the expulsion.

Amnesty International also spoke to David Yambio, spokesperson and co-founder of Refugees in Libya, a refugee and migrant rights organization that documented the collective expulsion of at least 35 refugees and migrants to the Algerian border, following their forced eviction from informal camps near the Tunis offices of the IOM and UNHCR on 3 May 2024.<sup>264</sup>

Those expelled to Algeria face the risk of onward transfer to a third country where they would encounter a risk of serious human rights violation – thereby constituting chain refoulement. Since 2014, Black refugees and migrants in Algeria, regardless of their migration status, have been subjected to mass arrests and collective expulsions to neighbouring Niger and Mali, based on racial profiling and without individualized assessment and legal procedures, in breach of the principle of non-refoulement.<sup>265</sup> Algerian security forces notably carried

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<sup>255</sup> UNHCR, “UNHCR Update Libya (September 2023) [ENG/AR]”, 21 September 2023, available at: <https://reliefweb.int/report/libya/unhcr-update-libya-september-2023-enar>

<sup>256</sup> France 24, “70,000 migrants intercepted by Tunisia in 2024: official”, 9 December 2023, <https://www.france24.com/en/live-news/20231209-70-000-migrants-intercepted-by-tunisia-in-2023-official>

<sup>257</sup> Interviews conducted separately by voice call with 36 expelled migrants and asylum seekers, 20 September 2023–16 June 2025; Interviews conducted separately in person with three Guinean migrants, Sfax, 29 September 2023; Interviews conducted separately in person with three migrants and asylum seekers, Tunis, 27 October 2023; Interviews conducted in person with five Guinean migrants, Tunis, 1 March 2024.

<sup>258</sup> Interviews conducted separately by voice call with four people who recounted the expulsion of their friend or family member, 29 November 2023–30 May 2024.

<sup>259</sup> See footnote 273 above for more details on the methodology.

<sup>260</sup> Interviews conducted separately by voice call with ten refugees and migrants, 20 September 2023–11 June 2025; Interviews conducted separately in person with three Guinean migrants, Sfax, 29 September 2023; Interviews conducted in person with five Guinean migrants, Tunis, 1 March 2024.

<sup>261</sup> Interviews conducted separately by voice call with 29 migrants and asylum seekers, 7 October 2023–16 June 2025; Interviews conducted separately in person with three migrants and asylum seekers, Tunis, 27 October 2023.

<sup>262</sup> Interviews conducted separately by voice call with four migrants, 16 December 2023–28 April 2024.

<sup>263</sup> Interviews conducted separately by voice call with three migrants, 28 February–30 April 2024.

<sup>264</sup> Interview over phone messaging application with David Yambio, spokesperson of Refugees in Libya, 9 May 2024.

<sup>265</sup> UNHCR, IOM and the Mixed Migration Centre (MMC), *On this Journey, No One Cares if You Live or Die*, 5 July 2024, <https://www.iom.int/news/new-unhcr-iom-mmc-report-highlights-extreme-horrors-faced-migrants-and-refugees-land-routes-africas->

out a discriminatory crackdown against migrants in 2017, which was followed by collective expulsions without any due process.<sup>266</sup> In a report published in February 2024, humanitarian organization Doctors without Borders (Médecins sans Frontières) documented the chain refoulement of individuals collectively expelled from Tunisia to the Algerian border by the Tunisian National Guard, then similarly forcibly expelled from Algeria to Niger by the Algerian authorities throughout 2023.<sup>267</sup> On 21 May 2024, Tunisian online media Inkyfada also reported on similar chain refoulements to Niger in the first quarter of 2024.<sup>268</sup> NGO Alarm Phone Sahara in March and May 2025 also shared multiple testimonies of migrants summarily expelled from Tunisia to Algeria, and from there to Niger.<sup>269</sup>

Algeria does not have legislation on asylum despite having ratified the 1951 Refugee Convention and registered refugees and asylum-seekers suffer inadequate protection.<sup>270</sup> Algerian authorities do not automatically recognize those determined as refugees by UNHCR, which conducts registration of asylum-seekers and refugee status determination (RSD). Algerian Law 08-11 of 2008 on the Conditions of Entry, Stay and Circulation of Foreigners in Algeria, considers irregular entry, stay and exit as criminal offences punishable by imprisonment of up to five years.

Under international human rights and refugee law, the principle of non-refoulement prohibits the return of any individual, regardless of their migration status, to a place where they would be at real risk of persecution or other serious human rights violations, or to a place where they would not be afforded effective and durable protection against such transfer, which would constitute chain refoulement.<sup>271</sup> The principle of non-refoulement not only prohibits forcible returns to such places but also any indirect conduct that would result in a refoulement. Tunisian authorities have a duty to examine these risks in full through an individualized assessment, ahead of any expulsion.

"Fara", a Guinean migrant, told Amnesty International that the National Guard expelled her to Algeria on 17 September 2023, with seven other women and a baby.<sup>272</sup> The National Guard arrested her and the other women in the street, in the city of Sfax, and drove them directly to the Algerian border on the same day. She recounted:

**"They did not explain what was happening, or why. [The officers] looked at our passports, then they tore them apart and threw them away. They took our phones... We asked them to release us, they slapped us and hit us... Four women pleaded that they were students with a visa, and one woman said she just had a surgery and was in a lot of pain."**

She and the other women had to live without shelter near the Algerian city of Tebessa for about a month after the expulsion. "Fara" sent Amnesty International a video filmed on 11 October 2023, showing where they were living and that one of the women had stitches and was bandaged.

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mediterranean-coast; Alarm Phone Sahara, "Assamaka, Septembre et Octobre 2023: Les expulsions régulières et massives d'Algérie au Niger continuent", l'"Assamaka, September and October 2023: Regular and massive expulsions from Algeria to Niger continue", 18 October 2023, <https://alarmphonesahara.info/fr/news/assamaka-septembre-et-octobre-2023-les-expulsions-regulieres-et-massives-d-algerie-au-niger-continuent-personnes-expulsees-piegees-dans-la-misere> (in French); TV5Monde, "L'Algérie a refoulé plus de 9.000 migrants vers le Niger depuis le début de l'année, selon l'ONU" ["Algeria forcibly returned more than 9,000 migrants to the Niger since the start of the year, according to the UN"], 22 June 2023, <https://information.tv5monde.com/afrique/lalgerie-refoule-plus-de-9000-migrants-vers-le-niger-depuis-le-debut-de-lannee-selon-lonu> (in French); Amnesty International, *Algeria: Forced to Leave: Stories of Injustice against Migrants in Algeria* (Index: MDE 28/9512/2018), 20 December 2018, <https://www.amnesty.org/en/documents/mde28/9512/2018/en/>; UN Special Rapporteur on the human rights of migrants, "End of mission statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Niger (1-8 October 2018)", 8 October 2018, <https://www.ohchr.org/en/statements/2018/10/end-mission-statement-un-special-rapporteur-human-rights-migrants-felipe>.

<sup>266</sup> Amnesty International, "Algeria: Mass racial profiling used to deport more than 2,000 sub-Saharan migrants", 23 October 2017, <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-Saharan-migrants/>

<sup>267</sup> Doctors without Borders (Médecins sans Frontières, MSF), *Death, Despair and Destitution: The Human Costs of the EU's Migration Policies*, 20 February 2024, <https://www.msf.org/death-despair-and-dstitution-human-costs-eu-migration-policies>

<sup>268</sup> Inkyfada, "Expulsions de migrant-es aux frontières : un système dissuasif et violent" ["Expulsions of migrants at the borders: a dissuasive and violent system"], 21 May 2024, <https://inkyfada.com/fr/2024/05/21/enquete-expulsions-migration-frontieres-tunisie/> (in French).

<sup>269</sup> Alarm Phone Sahara, "Assamaka: Testimonies of expulsions from Algeria", 8 March 2025, <https://alarmphonesahara.info/en/news/assamaka-testimonies-of-deportation-from-algeria>; Alarm Phone Sahara, "Testimonies of people being (several times) expelled: Cameroonian migrants report about the violence they have faced in several North African countries", 6 June 2025, <https://alarmphonesahara.info/en/news/testimonies-of-people-being-several-times-deported-cameroon-migrants-report-about-the-violence-they-have-faced-in-several-north-african-countries>

<sup>270</sup> Amnesty International, *Algeria: Forced to Leave: Stories of Injustice against Migrants in Algeria* (previously cited).

<sup>271</sup> UN Refugee Convention, Article 33; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture), Article 3(1); Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 2(3).

<sup>272</sup> Interview by voice and video call with "Fara", a Guinean national, 9-10 October 2023.

“Issa”, a 16-year-old Cameroonian asylum seeker, told Amnesty International that, following his disembarkation in the port of Sfax on 19 September 2023, officers brought him and others to a National Guard station in the city.<sup>273</sup>

**“They told us to get into two buses, they refused to say where we were going, we did not know what was happening. At night, our bus arrived near the Algerian border, then officers, they were armed, they dropped us in a deserted area in pick-up trucks.”**

“Abdoulaye”, a Cameroonian migrant, spoke to Amnesty International about his interception at sea on 19 September 2023 and disembarkation in Sfax, following which the National Guard summarily expelled him to Algeria with about 300 people, past the border town of Sakiet Sidi Youssef.<sup>274</sup> “Abdoulaye” said that as his group tried to make their way back to Tunisia, they came across the same officers who expelled them. The following night, after a day in detention in a National Guard station, the officers drove them a second time to the Algerian border. He explained:

**“[The National Guard] left us [on the border], with a very weak pregnant woman – her knees were hurting from being beaten – a five-year-old child, a 16-year-old boy who had to be carried because he was hit on his foot, and a man with severe pain in his shoulders... Across the border, the Algerian army fired shots in the air and ordered us to return to Tunisia... We were hungry, thirsty... [The second time, officers] told us: ‘This is your last day in Tunisia. If you keep coming back, we will shoot you in the head.’”**

“Abdoulaye” shared with Amnesty International pictures of the injuries he described. He said that he eventually walked back to the Tunisian city of Kef, where he had to pay a driver TND 1,500 (approximately EUR 448) for a lift, but that several people were too weak to walk or could not pay.

“Hakim”, a Cameroonian migrant, told Amnesty International that the National Guard expelled him and others to the Algerian border after his interception at sea on 24 January 2024 near Sfax.<sup>275</sup> He said:

**“We spent the day at the port until the evening... [Officers] took us onto three buses, only the Black people, they left the other Tunisians and Libyans who were also intercepted that day.”**

“Karine”, a Cameroonian migrant, recounted a similar expulsion on 26 May 2025, after an interception near Sfax:

**“We were four buses, with men, women, children. They took us near the [border] region of Tozeur... After we were dispersed, I walked [back to Tunis] for two weeks at least I think, I had nothing... Sometimes people I came across would give me some water... I was so tired, so dirty.”<sup>276</sup>**

“Abraham” and “Mahmoud”, two Guinean migrants, described their expulsion to the Algerian border on their release from Thyna prison in Sfax, in December 2023 and January 2024, respectively, after they were convicted for irregular stay.<sup>277</sup> “Mahmoud” explained:

**“From the prison’s exit, National Guard officers handcuffed us and took us in their cars. They made us climb into two buses. We were stacked like animals in each bus, there were at least 200 people.”**

“Abraham” added:

**“We did not know where we were going. [National Guard officers] took our [prison release forms] and told us, ‘You are going home, leaving Tunisia’... They took everything from us, phones, money, papers, they tore my passport apart... They dumped us near a mountain in the middle of the night, then said ‘Keep walking on the left and you will be in Algeria’ with long rifles pointed at us.”**

“Fode”, a Malian migrant, told Amnesty International about his expulsion to Algeria from the Ouardia centre when he was detained in March 2024, without about 10 Black foreign nationals:

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<sup>273</sup> Interview by voice call with “Issa”, a Cameroonian asylum seeker, 25 September 2023.

<sup>274</sup> Interview by voice call with “Abdoulaye”, a Cameroonian national, 25 September 2023.

<sup>275</sup> Interview by voice call with “Hakim”, a Cameroonian national, 14 March 2024.

<sup>276</sup> Interview by voice call with “Karine”, a Cameroonian national, 9 June 2025.

<sup>277</sup> Interviews conducted separately by voice call with “Abraham” and “Mahmoud”, Guinean nationals, 1 February 2024.

**“One evening, the [border police] took us from [Ouardia]. They [strip-]searched us and took everything we had... They drove us to the border, in Algerian territory, between the [northwestern] regions of Jendouba and Kef. They said ‘you are free, go’. It took us eight days to walk back to Tunis.”<sup>278</sup>**

“Leo”, a student from the Congo who was detained in the Ouardia centre between January and March 2024 also described the expulsion of at least two Ivorian men from the centre:

**“In the first couple of weeks of March [2024], I think maybe two-thirds of the men, 20 to 30 people, [police officers] took them. Every couple of days, [the officers] called each nationality: Guineans first, then Ivorians, then Nigerians, then Malians. Two of them contacted me [on Facebook] later and said they were sent to the Algerian border... None of the Arabs [nationals] were taken like this, only Black people.”<sup>279</sup>**

## 7.3 EXPULSIONS TO LIBYA

Between June 2023 and April 2025, the Tunisian National Guard, military and police collaborated to summarily and collectively expel to Libya at least 5,190 refugees and migrants – the vast majority of them Black nationals of sub-Saharan countries – in clear violation of the principle of non-refoulement. Amnesty International as well as other human rights organizations and UN bodies have consistently documented widespread and systematic human rights violations against refugees and migrants in Libya since at least 2010.<sup>280</sup>

Amnesty International interviewed 18 Black refugees and migrants expelled from Tunisia to Libya between July 2023 and April 2025, including nationals from Cameroon, Côte d'Ivoire, Gambia, Guinea, Mali, Senegal and Sudan.<sup>281</sup> One of them was a child. Seven of them were refugees or asylum seekers registered with UNHCR, and two had valid visas for Tunisia. Three of them shared two pictures and five videos taken during or shortly following their expulsion, which were reviewed by Amnesty International.<sup>282</sup> Three were able to share their GPS coordinates shortly following the expulsion. The organisation also interviewed a Yemeni national, who described the expulsion of his friends, two Yemeni asylum seekers registered with UNHCR.<sup>283</sup> Three women, from Cameroon and Sierra Leone, told Amnesty International about their husbands' expulsion to Libya alongside other Black foreign nationals.<sup>284</sup> Based on their testimonies, Amnesty International was able to

<sup>278</sup> Interview by voice call with “Fode”, a Malian national, 30 April 2024.

<sup>279</sup> Interviews by voice call with “Leo”, a Congolese national, 28 February-25 March 2024.

<sup>280</sup> Amnesty International, Libya: “No one will look for you”. Forcibly returned from sea to abusive detention in Libya (Index: MDE 19/4439/2021), 15 July 2021, <https://www.amnesty.org/en/documents/mde19/4439/2021/en/>; UNHCR and Mixed Migration Centre, “On This Journey, No One Cares If You Live or Die”: Abuse, Protection, and Justice along Routes between East and West Africa and Africa’s Mediterranean Coast, 29 July 2020, [www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html](http://www.unhcr.org/uk/news/press/2020/7/5f1ee9314/thousands-refugees-migrants-suffer-extreme-rights-abuses-journeys-africas.html); Amnesty International, *Libya’s Relentless Militia War: Civilians Harmed in the Battle for Tripoli, April-August 2019* (Index: MDE 19/1201/2019), 22 October 2019, <https://www.amnesty.org/en/documents/mde19/1201/2019/en/>, pp. 8-9; UNSMIL and OHCHR, *Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya*, 20 December 2018, [www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf](http://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf); Amnesty International, *Between the Devil and the Deep Blue Sea: Europe Fails Refugees and Migrants in the Central Mediterranean* (Index: EUR 30/8906/2018), 8 August 2018, <https://www.amnesty.org/en/documents/eur30/8906/2018/en/>; Amnesty International, *Libya’s Dark Web of Collusion: Abuses against Europe-bound Refugees and Migrants* (Index: MDE 19/7561/2017), 11 December 2017, <https://www.amnesty.org/en/documents/mde19/7561/2017/en/>; UNSMIL and OHCHR, *Detained and Dehumanized: Report on Human Rights Abuses against Migrants in Libya*, 13 December 2016, [www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf); Amnesty International, “Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya”, 1 July 2016, <https://www.amnesty.org/en/latest/press-release/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/>; Amnesty International, “*Libya is Full of Cruelty: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees*” (Index: MDE 19/1578/2015), 11 May 2015, <https://www.amnesty.org/en/documents/mde19/1578/2015/en/>; Amnesty International, *Scapegoats of Fear: Rights of Refugees, Asylum seekers and Migrants Abused in Libya* (Index: MDE 19/007/2013), 20 June 2013, <https://www.amnesty.org/en/documents/mde19/007/2013/en/>; Amnesty International, “*We Are Foreigners, We Have No Rights: The Plight of Refugees, Asylum seekers and Migrants in Libya*” (Index: MDE 19/020/2012), 13 November 2012, <https://www.amnesty.org/en/documents/mde19/020/2012/en/>; Amnesty International, *Libya: Rule of Law or Rule of Militias?* (Index: MDE 19/012/2012), 5 July 2012, <https://www.amnesty.org/en/documents/mde19/012/2012/en/>; pp. 35-45; Amnesty International, *Detention Abuses Staining the New Libya* (Index: MDE 19/036/2011), 13 October 2011, <https://www.amnesty.org/en/documents/mde19/036/2011/en/>; pp. 8-11; Amnesty International, *Battle for Libya: Killings, Disappearances and Torture* (Index: MDE 19/025/2011), 13 September 2011, <https://www.amnesty.org/en/documents/mde19/025/2011/en/>; pp. 79-90; Amnesty International, *Seeking Safety, Finding Fear: Refugees, Asylum seekers and Migrants in Libya and Malta* (Index: REG 01/004/2010), 14 December 2010, <https://www.amnesty.org/en/documents/reg01/004/2010/en/>; Amnesty International, “*Libya of Tomorrow: What Hope for Human Rights?*” (Index: MDE 19/07/2010), 23 June 2010, <https://www.amnesty.org/en/documents/mde19/007/2010/en/>; pp. 91-111.

<sup>281</sup> Interviews conducted separately by voice call with 18 refugees and migrants, 7 October 2023-11 June 2025.

One expulsion to Libya that took place on 1-2 July 2023 was not included in the total estimated number of individuals expelled since June 2023 to avoid duplication with the number of individuals expelled between June and August 2023 provided by UN sources.

<sup>282</sup> One picture and four videos taken and filmed between 28-30 September 2023; one picture taken between 7-8 April 2025; and one filmed in April 2025, all on file with Amnesty International.

<sup>283</sup> Interview by voice call with “Abbas”, a Yemeni national, 1 April 2024.

<sup>284</sup> Interviews conducted separately by voice call with three migrants, 19 October-30 May 2024.

document the collective expulsion of 23 individuals, who were each expelled in groups of 60 to 800 people,<sup>285</sup> leading to an estimated 3,190 people expelled.

In September 2023, UN High Commissioner for Human Rights Volker Türk stated that the Tunisian authorities had collectively expelled about 2,000 migrants and asylum seekers to the Libyan border as of 31 August.<sup>286</sup> Amnesty International also spoke to three human rights defenders involved in the documentation of violations against those expelled from Tunisia. Based on 12 interviews, they recorded three collective expulsions from Tunisia involving at least 144 refugees and migrants from Syria, Sudan and Yemen between October 2023 and February 2024, including at least one asylum seeker registered with UNHCR.<sup>287</sup> They also obtained nine videos filmed by expelled individuals between December 2023 and January 2024, which were reviewed by Amnesty International.<sup>288</sup>

Successive reports from the UN Secretary-General on the United Nations Support Mission to Libya (UNSMIL) additionally found that expulsions of migrants and asylum seekers from Tunisia to Libya have been ongoing.<sup>289</sup> From June 2023 to April 2025, forces from the Libyan Ministry of Interior and the Libyan Border Guard intercepted more than 12,750 refugees and migrants at the border with Tunisia. A June 2024 report from the OHCHR mentions “the arbitrary detention of thousands of migrants and asylum seekers in Libya since June 2023 after their collective expulsion from Tunisia, facilitated by the Tunisian and Libyan authorities”.<sup>290</sup>

Out of the 23 individuals whose expulsion was documented, Tunisian authorities expelled eight people after arresting them in or around Sfax or the city of Zarzis,<sup>291</sup> while 15 were expelled after being intercepted at sea by the Tunisian coastguard.<sup>292</sup> Those interviewed said they were expelled together with dozens of children and pregnant women. They described how armed members of the Tunisian National Guard, military and police transported them in buses and pick-up trucks to areas near the border crossings of Ras Jdir or Dehiba or in an identified area in the desert along the Libyan border, without informing them that they were being expelled and without any judicial process. None were given the opportunity to challenge their expulsion or claim asylum. In most cases, they were first taken to a National Guard station, a military barracks, or an unidentified detention site near the border where their phones, identification documents and belongings were confiscated. Eleven of them were detained for up to five days, ahead of the expulsion.<sup>293</sup> At least four of them, registered Sudanese asylum seekers, told the Tunisian authorities that they were registered with UNHCR.<sup>294</sup>

In contrast to expulsions to Algeria, refugees and migrants were often directly handed to Libyan militias or to the Libyan Border Guard, based on an informal agreement announced after the Minister of Interior of the Tripoli-based Government of National Unity (GNU), Emad al-Trabulsi, met Tunisia's former Minister of Interior Kamal Feki in Tunis on 9 August 2023. The GNU minister announced an agreement with his Tunisian counterpart to “end the problem of the presence of illegal immigrants in the border area between the two countries”.<sup>295</sup> The Tunisian Ministry of Interior confirmed this and said it had tightened their surveillance over the entire border.<sup>296</sup> The Libyan Ministry of Interior nominally oversees the Directorate for Combatting Illegal

<sup>285</sup> See footnote 273 above for more details on the methodology.

<sup>286</sup> UN High Commissioner for Human Rights, “Global Update to the Fifty-Fourth Regular Session of the UN Human Rights Council (HRC)”, 11 September 2023, <https://www.ohchr.org/en/news/2023/09/human-rights-council-opens-its-fifty-fourth-regular-session-hears-global-update-high>

<sup>287</sup> Interviews conducted separately by voice call with three human rights activists, 26 February-5 March 2024.

<sup>288</sup> Three videos filmed between December 2023 and January 2024, on file with Amnesty International.

<sup>289</sup> UNSMIL, “Reports of the Secretary-General”, <https://unsmil.unmissions.org/reports-secretary-general> (accessed on 7 July 2025).

<sup>290</sup> OHCHR, Report to the Human Rights Council: *Technical Assistance and Capacity-Building to Improve Human Rights in Libya*, UN Doc. A/HRC/56/70, 3 June 2024, <https://www.ohchr.org/en/documents/country-reports/ahrc5670-technical-assistance-and-capacity-building-improve-human-rights>, para. 38.

<sup>291</sup> Interviews conducted separately by voice call with five expelled migrants, 27 October-30 May 2024. Interviews conducted separately by voice call with three women who recounted their husband's expulsion, 19 October-30 May 2024.

<sup>292</sup> Interviews conducted separately by voice call with thirteen expelled refugees and migrants, 7 October 2023-11 June 2025; Interview conducted by voice call with a Yemeni national who recounted the expulsion of his two friends, 1 April 2024.

<sup>293</sup> Interviews conducted separately by voice call with eleven expelled refugees and migrants, 25 October 2023-11 June 2025.

<sup>294</sup> Interviews conducted separately by voice call with four expelled Sudanese asylum seekers, 25-27 October 2023.

<sup>295</sup> Tunisian Ministry of Interior, Facebook post: استقبل السيد وزير الداخلية كمال الفكي اليوم 09 أوت 2023 بمقر الوزارة نظيره الليبي اللواء عماد الطرابلسي وذلك بحضور ثلثة من الإطارات السامية من الجانبين [“Today, 9 August 2023, the Minister of Interior, Kamal El-Feki, received at the Ministry's headquarters his Libyan counterpart, Major General Emad Al-Trabulsi, in the presence of a number of high officials from both sides”], 9 August 2023, <https://t.ly/p-QCs> (in Arabic); Libyan Ministry of Interior, Facebook post: بيان وزارة الداخلية بشأن الأوضاع في المنطقة الحدودية الليبية التونسية [“Statement by the Ministry of Interior regarding the situation in the Libyan-Tunisian border region”], 10 August 2023, <https://www.facebook.com/moi.gov.ly/posts/855480375945662> (in Arabic).

<sup>296</sup> Tunisian Ministry of Interior, Facebook post: استقبل السيد وزير الداخلية كمال الفكي اليوم 09 أوت 2023 بمقر الوزارة نظيره الليبي اللواء عماد الطرابلسي وذلك بحضور ثلثة من الإطارات السامية من الجانبين [“Today, 9 August 2023, the Minister of Interior, Kamal El-Feki, received at the Ministry's headquarters his Libyan counterpart, Major General Imad Trabelsi, in the presence of a number of high officials from both sides”], 9 August 2023, <https://t.ly/p-QCs> (in Arabic).

Migration (DCIM),<sup>297</sup> which operates detention facilities, including those used to hold refugees and migrants expelled from Tunisia.

Amnesty International has long documented how refugees and migrants in Libya, including those intercepted at sea by the EU-backed Libyan Coast Guard (LCG), militias, and armed groups affiliated with the Libyan Arab Armed Forces (LAAF),<sup>298</sup> have been subjected to widespread and systematic human rights abuses, including indefinite arbitrary detention in cruel and inhuman conditions, enforced disappearance, unlawful killings, torture and other ill-treatment, rape and other forms of sexual violence, extortion and forced labour, with near total impunity.<sup>299</sup> Thousands of foreign nationals have been arbitrarily detained in centres controlled by the DCIM and by other militias and armed groups. They are held in cruel and inhuman conditions, tortured and otherwise ill-treated.

The OHCHR and UNHCR have consistently held that Libya cannot be considered a safe place for the return or disembarkation of refugees and migrants, and that such returns may violate the principle of non-refoulement.<sup>300</sup> In a January 2022 report, the UN Secretary-General confirmed that Libya was not a safe port of disembarkation for refugees and migrants, and called on member states to re-examine policies supporting interceptions and returns to Libya.<sup>301</sup>

In reports submitted in November 2021 and March 2022, the Independent Fact-Finding Mission on Libya (FFM) found that the commission of and impunity for serious human rights violations perpetrated against refugees and migrants provided evidence of “a systematic and widespread attack directed at [the refugee and migrant] population, in furtherance of a State policy.”<sup>302</sup> In its final report of March 2023, the FFM found reasonable grounds to believe that the DCIM, LCG and the Stability Support Authority (SSA) militia, all nominally under GNU control, committed crimes against humanity against migrants detained in Libya, as part of an “abhorrent cycle of violence” being systematically perpetrated against them.<sup>303</sup>

In line with the principle of non-refoulement, states are prohibited from returning an individual to a place where they would be at real risk of serious human rights violations.<sup>304</sup> States are under an absolute and non-derogable obligation not to transfer any person to any territory where there are substantial grounds for believing that that person would be at risk of torture or ill-treatment.<sup>305</sup> States cannot lawfully engage in any activity or conclude any agreement with other states that would undermine the absolute right not to be tortured and ill-treated.<sup>306</sup>

At least 22 refugees and migrants collectively expelled by Tunisian authorities were subsequently transferred to detention facilities in Libya.<sup>307</sup> These included a detention facility in the border region of Nalut which was controlled by the SSA militia as of May 2025,<sup>308</sup> and a detention facility near the city of Zwara, in north-western Libya, where they were held without any due process in cruel and inhuman conditions of detention. Those detained in Nalut were then transferred to the DCIM-controlled Ain Zara detention centre in Tripoli. Other refugees and migrants expelled were transferred to the Al-Assah detention centre, about 15km from the Tunisian border, operated by both the Libyan Border Guard of the Ministry of Interior and the DCIM, and Bir Al-Ghanam centre, 90km south of Tripoli, nominally under the control of the DCIM. Others were taken to Al-

<sup>297</sup> On 13 May 2025, in the aftermath of armed clashes between various militias, the Libyan GNU formally dissolved the DCIM and transferred its responsibilities to a new authority called the General Department for Combating Illegal Migration under the Ministry of Interior.

<sup>298</sup> The Libyan Arab Armed Forces is an armed group in de facto control of large parts of eastern and southern Libya.

<sup>299</sup> Amnesty International, *Libya: 'No One Will Look for You'* (previously cited); Amnesty International, *Libya: 'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse* (Index: MDE 19/3084/2020), 24 September 2020, <https://www.amnesty.org/en/documents/mde19/3084/2020/en/>

<sup>300</sup> OHCHR, *Lethal Disregard: Search and Rescue and the Protection of Migrants in the Central Mediterranean Sea*, May 2021, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf>, p. 3; UNHCR, *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea*, September 2020, <https://www.refworld.org/docid/5f1edee24.html>

<sup>301</sup> UNSG, *Report of the Secretary-General on the United Nations Support Mission in Libya*, 20 May 2022, UN Doc. S/2022/409, para. 106.

<sup>302</sup> UN, *Report of the Independent Fact-Finding Mission on Libya*, 1 October 2021, UN Doc. A/HRC/48/83, para. 61; UN, *Report of the Independent Fact-Finding Mission on Libya*, 23 March 2022, UN Doc. A/HRC/49/4, para. 46.

<sup>303</sup> UN, *Report of the Independent Fact-Finding Mission on Libya*, 27 March 2023, UN Doc. A/HRC/52/83.

<sup>304</sup> UN Refugee Convention, Article 33; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture), Article 3(1); Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 2(3).

<sup>305</sup> UN Special Rapporteur on torture, report, 23 November 2018, UN Docs. A/HRC/37/50, paras 36-37.

<sup>306</sup> UN Special Rapporteur on torture, report, 23 November 2018, UN Doc. A/HRC/37/50, para. 14.

<sup>307</sup> Interviews conducted separately by voice call with 17 refugees and migrants, 13 October 2023-11 June 2025; Interviews conducted separately by voice call with four people who recounted the expulsion of their husband or friends, 19 October 2023-1 April 2024.

<sup>308</sup> On 12 May 2025, armed clashes erupted in Tripoli between rival militias resulting in the killing of the leader of the SSA militia, Abdel Ghani al-Kikili, and in the surrender of many of its members.

Mabani Collection and Return Centre in the Ghout al-Sha'al neighbourhood of Tripoli, also nominally controlled by the DCIM.

A report of the UN Secretary-General on UNSMIL stated in April 2025:

**“Libyan authorities continued to transfer those intercepted [at the Tunisian border] to facilities... including the Assah detention facility operated by the Libyan Border Guard, detention centres operated by the Directorate for Combating Illegal Migration in Tripoli and Bi'r al-Ghanam, an unofficial detention centre.”<sup>309</sup>**

UNHCR and the IOM carried out joint visits to the Al-Assah detention centre.<sup>310</sup> In October 2023, UNHCR wrote that “over 1,000 people were held in Al-Assah, with an estimated 90% of them in need of international protection, including persons registered with UNHCR Tunisia.”<sup>311</sup> According to UNHCR, as of March 2024, “Al-Assah continues to be used as a transit point to hold people intercepted at the Libyan Tunisian border area, before they are brought to detention centres in Tripoli or elsewhere.”<sup>312</sup> According to information available to Amnesty International, no UN agencies or other independent organizations were able to secure access to the other detention facilities used to hold refugees and migrants expelled from Tunisia, including those under the control of the DCIM.

According to interviews with six refugees and migrants and three human rights defenders, those held in the Nalut, Zwara, Al-Assah and Bir Al-Ghanem detention centres faced severe overcrowding; filthy and unsanitary conditions; poor or no access to sanitation; inadequate food and water; and lack of access to healthcare despite the prevalence of infectious diseases due to the poor detention conditions.<sup>313</sup> Amnesty International reviewed 12 videos of migrants and refugees detained in Nalut and Bir Al-Ghanem that corroborate these accounts,<sup>314</sup> specifically showing filthy and unsanitary conditions, poor access to sanitation, inadequate access to food, as well as injuries on backs and legs which victims verbally attributed to Libyan guards. Refugees and migrants unable to pay ransoms to guards in return for their freedom are held indefinitely, unless they manage to escape or are released thanks to the intervention of their embassy or local activists.

Sudanese asylum seekers “Rayan” and his 17-year-old nephew “Faheem” described to Amnesty International their expulsion to Libya.<sup>315</sup> On 29 September 2023, following their interception at sea and disembarkation off the coast of Sfax, the Tunisian National Guard drove those intercepted in 10 buses from the port of Sfax to the Libyan border without informing them of their impending expulsions or giving them the chance to challenge them. “Rayan” and “Faheem” both said they saw several people in the buses who looked like they had been beaten, with bleeding or swollen faces.

In the border town of Dehiba, the Tunisian National Guard asked them to get off the buses and climb into Tunisian border guard vehicles, which crossed into Libyan territory without going through the official border crossing. Tunisian border guards then took them to a desert area in the border region of Nalut, in the early morning of 30 September 2023, and handed them over to the SSA, a Libyan militia with a well-documented history of unlawful killings, torture and other ill-treatment and other serious human rights violations.<sup>316</sup>

“Rayan” described to Amnesty International what happened:

**“[After we crossed the border with Libya] there were cars with logos saying Stability Support Authority waiting for us, with armed men holding rifles. Before we got into the cars, the Libyans counted us all aloud, I heard them count to 800 people. The cars were closed, we were on top of each other, without windows [at the back]. There were too many people, women and small children. We could not breathe, some people fainted. We kept hitting the doors to ask them to stop, we yelled that we could not breathe but they did not stop.**

<sup>309</sup> UN Secretary-General, Report of the UN Secretary-General Antonio Guterres on the United Nations Support Mission to Libya, 11 April 2025, UN Doc. S/2025/223, para. 59.

<sup>310</sup> UNHCR, “UNHCR update Libya (January-February 2024)”, 8 March 2024, <https://reporting.unhcr.org/libya-operational-update-7634>; UNHCR, “UNHCR update Libya (October 2023)”, 29 October 2023, <https://reliefweb.int/report/libya/unhcr-update-libya-october-2023-enar>; UNHCR, “UNHCR update Libya (August 2023)”, 30 August 2023, <https://reliefweb.int/report/libya/unhcr-update-libya-august-2023-enar>

<sup>311</sup> UNHCR, “UNHCR Libya update October 2023” (previously cited).

<sup>312</sup> UNHCR, “UNHCR Libya update October 2023” (previously cited).

<sup>313</sup> Interviews conducted separately by voice call with six refugees and migrants, 13 October 2023-11 June 2025; Interviews conducted separately by voice call with three human rights activists who documented expulsions, 26 February-5 March 2024.

<sup>314</sup> Videos on file with Amnesty International.

<sup>315</sup> Interviews conducted separately by voice call with “Rayan” and “Faheem”, Sudanese asylum seekers, 25 October 2023.

<sup>316</sup> Amnesty International, “Libya: Hold Stability Support Authority militia leaders to account”, 4 May 2022, <https://www.amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account/>

**"I kept asking the Libyan militiamen what they were going to do with us. I said that we did not commit any offence in Libya. The man replied: 'This is how it is now, there is a new agreement between Libya and Tunisia, anyone intercepted in Tunisia is sent to Libya.' Another one later told me: 'It's a new agreement with Tunisia, people are brought in here from Tunisia now.'"**

Amnesty International was not able to ascertain whether the guard was referring to the "consensual solution" announced in August 2023 between Libya and Tunisia.

"Rayan" and "Faheem" were held for five days in Nalut before being transferred to the DCIM-controlled Ain Zara detention centre in Tripoli. They were eventually released after the intervention of the Sudanese embassy in Libya. Both said that SSA militiamen repeatedly beat them before transferring them to Tripoli. They also described overcrowded and unsanitary detention conditions, violating the absolute prohibition of torture and other ill-treatment. "Rayan" sent Amnesty International two videos he filmed inside the Nalut detention facility, which showed the unsanitary detention conditions; extreme overcrowding, with individuals sleeping on floors; poor access to sanitation; inadequate access to food; and a lack of separation between men, women and children.

**"I told one of the Libyans that I felt really sick and could not breathe properly. He said, 'Inshallah (God willing) you die, keep moving'. One man who tried to jump off the bus on the way to Tripoli was shot in the leg [by a Libyan militia member]."**

"Faheem", 17-year-old Sudanese asylum seeker, describing the events that followed his expulsion to Libya

"Ali", a Guinean national, recounted his expulsion to Libya from the city of Sfax, between 28 and 29 September 2023.<sup>317</sup> Tunisian National Guard and military officers drove him and a group of at least 60 migrants across the Libyan border, to Nalut, where they handed them to SSA militiamen. On the evening of 29 September, militiamen brought the group to what "Ali" described as "a prison inside a big camp". "Ali" shared with Amnesty International a screenshot with GPS coordinates that identified the location of the detention facility in the town of Al Khirabh, just south of Nalut. A video provided by "Ali", filmed while he was detained, shows that he was held in the same detention facility as "Rayan" and "Faheem".

"Asim", a Sudanese refugee, was intercepted and then disembarked by the Tunisian coastguard in the port of Sfax on 29 September 2023.<sup>318</sup> He told Amnesty International that he and at least 250 migrants were then driven to the Libyan border at night, in four buses, and spent the night in a military post near the border town of Ras Jdir. He said:

**"The next day, [Tunisian] military cars drove everyone to the desert across the Libyan border. There were Libyan cars with 'police' written on them waiting for us there... These cars left us in the desert. They said, 'This is the way to [the village of] Abu Kammesh, that is the way to [the city of] Zwara,' and told us, 'Leave!'. We walked all night, with small children."**

"Ismael", an Ivorian migrant, shared with Amnesty International his account of his expulsion to Libya on 3 April 2025, along with about 150 people, after an interception at sea:

**"[Tunisian officers] left us in the desert, told us keep walking towards Libya. We walked, not far, until we found a group of men, Libyans, they blinded us with their headlights, and they shot in the air... Three of us tried to run but they caught up with us and hit us on the head with the back of their weapons. They took us to the Al-Assa [detention centre], there were a lot of Sudanese there."**<sup>319</sup>

"Abbas", a Yemeni asylum seeker registered with UNHCR in Libya, spoke to Amnesty International about the interception and subsequent expulsion of two of his friends – Yemeni asylum seekers registered with UNHCR in Tunisia – by the Tunisian National Guard, between 23 and 26 March 2024.<sup>320</sup> He said his two friends

<sup>317</sup> Interview by voice call with "Ali", a Guinean national, 13 October 2023.

<sup>318</sup> Interview by voice call with "Asim", a Sudanese refugee, 25 October 2023.

<sup>319</sup> Interview conducted by voice call with "Ismael", an Ivorian national, 11 June 2025.

<sup>320</sup> Interview by voice call with "Abbas", a Yemeni national, 1 April 2024.

attempted a sea crossing from the region of Sfax on 23 March, with 35 Sudanese and other Black foreign nationals, and that his friends contacted him on 27 March:

**“They told me the Tunisian coastguard intercepted them quickly [on 23 March], then [the Tunisian National Guard] brought them to Libya on 26 March... Now, a Libyan armed group that we have not identified is detaining them in the Nalut region and asking for a ransom of USD 2,000.”**

In February 2024, “Ayman”, a Libyan human rights defender, shared with Amnesty International a list of 83 detained refugees and migrants, including children, who had been expelled from Tunisia on 26 October 2023.<sup>321</sup> He compiled the list based on telephone and online communications with nine of those detained. The group included nationals of Sudan, Syria and Yemen, and at least one asylum seeker registered with UNHCR. The Libyan Border Guard detained them in the Al-Assah and Bir Al-Ghanam centres until their release in January and February 2024, either after they paid a ransom or following pressure from local activists.

## 7.4 TUNISIA’S OFFICIAL RESPONSE

Tunisia’s highest-level officials have repeatedly denied that they are conducting collective expulsions.

In August 2023, Tunisia’s former Minister of Interior Kamel Feki described as baseless UN reporting of Tunisian officials collectively expelling hundreds of migrants and asylum seekers to the borders with Libya and Algeria.<sup>322</sup> He added:

**“There are no collective deportations by us... There are just little groups of 6 to 12 people who are pushed back [to the borders].”<sup>323</sup>**

In August 2023, former Minister of Foreign Affairs Nabil Ammar denounced a disinformation campaign<sup>324</sup> and declared: “Tunisia rejects all accusations of expelling African immigrants.”<sup>325</sup>

In an interview on 30 November 2023, he similarly declared:

**“There is no expulsion policy... There is a very humane treatment, but at the same time we have the obligation and the right to control our borders. This situation has been taken advantage of by NGOs pursuing a political agenda. They are pressuring us to accept illegal immigrants. But we are not a country of transit or destination. And we are not the EU police.”<sup>326</sup>**

In response to a 15 December 2023 media inquiry about collective expulsions to Libya, Houssein Eddine Jebabli, spokesperson for the National Guard, stated:

**“I am shocked by these allegations, these remarks are unacceptable... Nothing is happening along the border with Libya, there are no expulsion operations. We are trying to help the migrants and carry out rescues at sea.”<sup>327</sup>**

However, on 27 November 2023, in response to a media inquiry, an unidentified National Guard official confirmed that authorities were driving sub-Saharan migrants from the town of El Amra, northern Sfax, to the

<sup>321</sup> “Ayman”, Libyan human rights defender, emails to Amnesty International, 27 February–4 March 2024, on file with Amnesty International. Interview by voice call with “Ayman”, Libyan human rights defender, 26 February–5 March 2024.

<sup>322</sup> France 24, “وزير الداخلية التونسي: الادعاءات حول عمليات طرد مهاجرين لا أساس لها من الصحة”, 3 August 2023, <https://tinyurl.com/3bhx8jue> (in Arabic).

<sup>323</sup> Associated Press, “Tunisian minister concedes ‘small groups’ of migrants were pushed back into desert no man’s land”, 3 August 2023, <https://apnews.com/article/tunisia-migrants-desert-interior-minister-pushback-81455ce286edc87d3da4ebd9438a2609>

<sup>324</sup> Ministry of Foreign Affairs, Immigration and Tunisians Abroad, Facebook post: “على إثر التقارير والبيانات الصادرة عن منظمات دولية وعدد من وسائل الإعلام بشأن تعامل السلطات التونسية في مواجهة تزايد التدفقات غير المسبوقة ووضع المهاجرين غير النظاميين، يهيم وزارة الشؤون الخارجية والهجرة والتونسيين بالخارج أن توضح ما يلي” [“Following reports and statements issued by international organizations and a number of media outlets regarding the Tunisian authorities’ response to the unprecedented increase in the flows of irregular migrants and their situation, it is important for the Ministry of Foreign Affairs, Immigration and Tunisians Abroad to clarify the following”], 4 August 2023, <https://t.ly/f2eCS> (in Arabic).

<sup>325</sup> Reuters, “Sudanese woman tells of ‘horrible’ desert journey after expulsion from Tunisia”, 9 August 2023, <https://www.reuters.com/world/africa/sudanese-woman-tells-horrible-desert-journey-after-expulsion-tunisia-2023-08-08/>

<sup>326</sup> El País, “El ministro de asuntos exteriores de Túnez: ‘No somos la policía de la UE’” [“Tunisia’s foreign minister: ‘We are not the EU police’”], 30 November 2023, <https://elpais.com/internacional/2023-11-30/el-ministro-de-asuntos-exteriores-de-tunez-no-somos-la-policia-de-la-ue.html> (in Spanish).

<sup>327</sup> Infomigrants, “Migrants in Tunisia transferred to Libyan prisons”, 15 December 2023, <https://www.infomigrants.net/en/post/53906/migrants-in-tunisia-transferred-to-libyan-prisons>

borders, saying: “These [ones] will be taken to the Libyan or Algerian border... They are going back from where they came in.”<sup>328</sup>

In an address to the National Security Council on 6 May 2024, the Tunisian president also indicated that Tunisian security forces forcibly returned 400 people to the eastern (Libyan) border, in an apparent collective expulsion.<sup>329</sup>

On 15 May 2024, in response to an inquiry from Tunisian media outlet Inkyfada, the Ministry of Foreign Affairs replied:

**“Regarding the biased allegations about the expulsion of migrants of sub-Saharan origin to desert regions, it is crucial to remember that these are the sole responsibility of their authors.”**<sup>330</sup>

Additionally, in an apparent reaction to the publication of a report by a network of researchers on collective expulsions to Libya,<sup>331</sup> the Ministry of Foreign Affairs issued a statement on 7 February 2025, denouncing “the continued spread of malicious allegations and the circulation of false and misleading news that do not reflect the reality.”<sup>332</sup>

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<sup>328</sup> Le Monde, “En Tunisie, un affrontement entre migrants et forces de l'ordre fait craindre une nouvelle vague répressive” [“In Tunisia, a clash between migrants and the police raises fears of a new wave of repression”], 27 November 2023, [https://www.lemonde.fr/afrique/article/2023/11/27/en-tunisie-la-crainte-une-nouvelle-repression-apres-une-un-affrontement-entre-migrants-et-forces-de-l-ordre\\_6202611\\_3212.html](https://www.lemonde.fr/afrique/article/2023/11/27/en-tunisie-la-crainte-une-nouvelle-repression-apres-une-un-affrontement-entre-migrants-et-forces-de-l-ordre_6202611_3212.html) (in French).

<sup>329</sup> Tunisian Presidency, Facebook post: “كلمة رئيس الجمهورية قيس سعيّد في افتتاح اجتماع مجلس الأمن القومي” [“Speech of President Kais Saïed at the opening of the National Security Council meeting”], 6 May 2024, <https://www.facebook.com/watch/?v=3838758239713948> (in Arabic).

<sup>330</sup> Inkyfada, “Expulsions de migrant es aux frontières : un système dissuasif et violent” [“Expulsions of migrants at the borders: a dissuasive and violent system”], 21 May 2024, <https://inkyfada.com/fr/2024/05/21/enquete-expulsions-migration-frontieres-tunisie/> (in French).

<sup>331</sup> RR[X], ASGI, Border Forensics and On Borders, *State Trafficking: Expulsion and Sale of Migrants from Tunisia to Libya*, 29 January 2025, <https://www.borderforensics.org/fr/actualites/statetraffickingreport/>

<sup>332</sup> Tunisian Ministry of Foreign Affairs, Facebook post, 7 February 2025, <https://www.facebook.com/TunisieDiplo/posts/pfbid034pqgEWTrMrZdNaTyRYcC4TK9sxq21uhWuBinr2nN8aLz99NLHsHYKFhZbUMBZTel>

# 8. TORTURE AND OTHER ILL-TREATMENT

**“They use everything they have to beat you, clubs; metal chains; electric cables, like whips... They made us sing ‘Never again Tunisia, no coming back to Tunisia’ over and over as they beat us. It is in the middle of the desert... Nobody hears you when you scream.”**

“Abdoulaye”, a Cameroonian national, recounting the treatment of National Guard officers in a station near the border with Algeria, during a collective expulsion.

Forty-one refugees and migrants interviewed by Amnesty International described various forms of torture and other ill-treatment – including extreme forms of physical violence and being held in cruel, inhuman and degrading conditions – notably following interceptions, during expulsions, or in detention.<sup>333</sup> Among them, 14 people said they were raped or had witnessed rapes, or experienced other forms of sexual assault or harassment, by Tunisian security officers in the context of interceptions, expulsions or under threat of expulsion.<sup>334</sup>

In light of previous findings regarding the public advocacy of racial hatred, including from officials; the racial profiling and targeting of Black migrants and refugees; interceptions and disembarkations reinforcing racial discrimination; collective expulsions; as well as the considerable difficulty for Black migrants and refugees to seek a remedy for violations of their rights, patterns of ill-treatment also disproportionately impact them. Overwhelmingly, those interviewed by Amnesty International described the treatment they faced as discriminatory, based on their racialization as Black people or on explicitly discriminatory conduct by Tunisian authorities.

Groups facing discrimination are at heightened risk of torture or other ill-treatment, as discrimination allows the victim to be seen as less human than others. The Committee against Torture stated that “discrimination of any kind can create a climate in which torture and other ill-treatment of the ‘other’ group subjected to intolerance and discriminatory treatment can more easily be accepted.”<sup>335</sup> Multiple human rights bodies have

<sup>333</sup> Interviews conducted separately by voice call with 40 refugees and migrants, 25 September 2023–16 June 2025; Interview in person with “Fadi”, a Chadian national, Tunis, 27 October 2023.

<sup>334</sup> Interviews conducted separately by voice calls with nine refugees and migrants, 7 October 2023–9 June 2025; Interviews conducted in person with five migrant women, Tunis, 1 March 2024.

<sup>335</sup> World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Contribution of the Committee against Torture to the preparatory process, 26 February 2001, UN Doc. A/CONF.189/PC.2/17, p. 2.

found that people of African descent face heightened risk of experiencing ill-treatment,<sup>336</sup> while the UN Special Rapporteur on Torture has previously identified that migrants and asylum seekers are at greater risk of torture.<sup>337</sup>

## 8.1 RAPE, SEXUAL ASSAULT AND HARASSMENT

“Victoria”, a Cameroonian woman, said she had been travelling from Tunis to Sfax on 15 January 2024 when National Guard officers stopped her shared taxi at the entrance to Sfax, pulled only her and a Black man aside for an identity check, and then raped her in their vehicle.<sup>338</sup> Her racial profiling shows that the rape was racially motivated. She told Amnesty International:

**“They made me enter the vehicle with one of the officers, and he started patting and touching me. He put his hands inside my clothes, under my dress, in my bra, my underwear, he took my clothes off. Then he put his hand inside of me, I started to cry very loudly, asking him to stop. I said, ‘No, it’s wrong, it’s wrong!’ The other officer threatened me. He said, ‘You don’t have a choice, you let him search you or we take you to the desert.’ I panicked when I heard the word ‘desert’, I had to let him continue... I pulled my clothes back on when he finished and went back to the taxi, crying.”**

“Victoria” was one of 12 women and two men who told Amnesty International that male security officers, almost all in the National Guard, raped them, sexually assaulted or harassed them during or under threat of a collective expulsion to Libya or Algeria,<sup>339</sup> including six during an arbitrary and abusive pat or strip-search.<sup>340</sup> For six of them, the rape, assault or harassment took place following an interception at sea or during disembarkation.<sup>341</sup> Three other people told Amnesty International that National Guard officers threatened them with sexual violence or that they witnessed such a threat during a collective expulsion.<sup>342</sup>

Ten women specifically told Amnesty International that male National Guard officers had raped them under threat of expulsion or during an expulsion.<sup>343</sup> One of them recounted how officers raped her during an arbitrary and abusive strip-search conducted ahead of a collective expulsion to the Algerian border, following which she also witnessed them raping nine other women.<sup>344</sup> A further seven women, including a minor, shared similar accounts of rape near the south-western region of Tozeur.<sup>345</sup> One of them also told Amnesty International how male National Guard officers raped her during an arbitrary and abusive strip-search conducted during a disembarkation in the region of Sfax, then raped her again ahead of a collective expulsion to the Algerian border near Tozeur, as recently as May 2025.<sup>346</sup>

A Guardian investigation published in September 2024 that revealed a pattern of physical and sexual violence and harassment, including abusive and violent strip searches, committed by Tunisian security forces against Black migrants, further corroborates these findings.<sup>347</sup> The Tunisian authorities rejected the Guardian’s claims as “false and groundless”.

Amnesty International spoke to seven women who shared similar accounts of being raped between January and February 2024, after an interception at sea or after an arbitrary arrest.<sup>348</sup> Five of them, all Guinean, said

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<sup>336</sup> Committee against Torture (CAT), Concluding Observations on the Combined Third to Fifth Periodic Reports of the United States of America, 19 December 2014, UN Doc. CAT/C/USA/CO/3-5, para. 26; UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation 34: Racial Discrimination against People of African Descent, 3 October 2011, UN Doc. CERD/C/GC/34, para. 39.

<sup>337</sup> UN Special Rapporteur on Torture, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 23 November 2018, UN Doc. A/HRC/37/50, para. 66.

<sup>338</sup> Interview by voice call with “Victoria”, a Cameroonian national, 2 February 2024.

<sup>339</sup> Interviews conducted separately by voice calls with nine refugees and migrants, 7 October 2023-9 June 2025; Interviews conducted in person with five migrant women, Tunis, 1 March 2024.

<sup>340</sup> Interviews conducted separately by voice call with six refugees and migrants, 7 October 2023-9 June 2025.

<sup>341</sup> Interviews conducted in person with two migrant women, 1 March 2024, Tunis; Interviews conducted separately by voice call with four migrant women, 7 October 2023-9 June 2025.

<sup>342</sup> Interviews conducted separately by voice call with three migrants, 10 November 2023-1 February 2024.

<sup>343</sup> Interviews conducted separately by voice call with five migrant women, 2 February-9 June 2025; Interviews conducted in person with five migrant women, Tunis, 1 March 2024.

<sup>344</sup> Interview by voice call with “Imani”, a Cameroonian asylum seeker, 7 March 2024.

<sup>345</sup> Interviews conducted separately by voice call with two migrant women, 10 March 2024; Interviews conducted in person with five migrant women, 1 March 2024, Tunis.

<sup>346</sup> Interview by voice call with “Karine”, a Cameroonian national, 9 June 2025.

<sup>347</sup> The Guardian, “The brutal truth behind Italy’s migrant reduction: beatings and rape by EU-funded forces in Tunisia”, 19 September 2024, <https://www.theguardian.com/global-development/2024/sep/19/italy-migrant-reduction-investigation-rape-killing-tunisia-eu-money-keir-starmer-security-forces-smugglers>

<sup>348</sup> Interviews conducted separately by voice call with two women, 10 March 2024. Interviews conducted in person with five women, Tunis, 1 March 2024.

three male National Guard officers raped them after collectively deporting them to the Algerian border, near the town of Nafta in the region of Tozeur.

"Malia" said that on 29 January 2024, National Guard officers drove her and at least 51 others intercepted with her by Tunisian coastguards to the Algerian border.<sup>349</sup> The group walked for two days before they reached Nafta, where they tried to hide. Four National Guard officers, whose faces were covered, eventually apprehended "Malia", eight other women in her group, a 10-year-old child and two babies. They handcuffed the women and forced them onto a bus, which drove them back to the Algerian border. There, the officers made the women kneel on the ground. One officer stayed with them, while three took five of the women to be raped in the bus, one by one. "Malia" said:

**"They hit us with tasers and sprayed us with tear gas if we tried to resist... They put their hands everywhere in a very aggressive way and if anyone tried to resist, she got slapped or tasered... The babies were crying, we were all crying begging for mercy, but they were very violent... We could hear the women taken on the bus scream at first before their voices were muffled..."**

**"When it was my turn to go on the bus, I was terrified. When I got in, one of them told me to undress, I didn't want to so he slapped me. Then I said I can't do it because of the handcuffs [zip ties]. He cut them off and told me to undress again. I tried to resist at first, but they gassed me very close to my face and one of them put a hand on my mouth. I couldn't resist and there was no use in trying to scream, he just slapped me harder if I did."**

**"The three of them took turns raping me, sometimes two at a time, one would force his penis in my mouth and the other would be between my legs. When one got tired the other one replaced him. It lasted for at least an hour, but maybe less, it felt like at least an hour, it was very violent, and I could not resist, they were much stronger... When they were done with me, I couldn't even stand, I couldn't walk. They pushed me off the bus to get another woman. I thought we were going to die there."**

"Samira" was with her one-year-old baby when the group was intercepted.<sup>350</sup> She described the same assault:

**"When they took me on the bus to rape me, my baby was left on the ground, it was the most difficult part... The three of them took turns raping me... If there was a way to make sure I would not be expelled I would go report this to the police, but it is not an option. Us migrants don't have that option and they know it."**

**"One of the officers was particularly violent and he made a gesture to us that we will die. He gestured with his hand on his throat to us. I thought they were going to kill us but after they had their way with us, they just abandoned us there in an indescribable state."**

The other three – "Oumou", "Senny" and 17-year-old "Hasna" – had been living together in Sfax until their landlords evicted them without notice.<sup>351</sup> They were then homeless for several weeks. On 29 January 2024, they were arrested with other Black migrants without explanation and forced by the National Guard onto a bus, which took them to the Algerian border, along with "Malia", "Samira" and the people intercepted with them. They too walked back from the border until they reached Nafta on 31 January 2024. The National Guard arrested the women, forced them into a bus, which took them again to the Algerian border. "Oumou" explained to Amnesty International what happened next:

**"When we arrived close to the border, [the officers] stopped the bus. They were armed, they had batons, tasers and something like a rifle. Their faces were covered with a balaclava. They brought us out, and then two or three of them brought us back to the bus one by one, and they took us, violently, they raped us in the bus."**

"Hasna" said their wrists had been tied tightly, causing them pain, and showed Amnesty International the marks left on her wrists." "Senny" added: "We all heard what was happening in the bus... It was very violent, my hands were tied, I couldn't escape."

With regards to a separate incident, Amnesty International spoke to "Aminata", an Ivorian national who came to Tunisia in January 2023, and "Astou", a Gambian national who had been living in Tunisia since early 2022.<sup>352</sup> They both said male National Guard officers raped them on 14 February 2024 ahead of a collective expulsion to Algeria, along with five other women, near the Nafta region. "Aminata" said:

<sup>349</sup> Interview in person with "Malia", a Guinean national, Tunis, 1 March 2024.

<sup>350</sup> Interview in person with "Samira", a Guinean national, Tunis, 1 March 2024.

<sup>351</sup> Interview in person with "Oumou", "Senny" and "Hasna", Guinean nationals, Tunis, 1 March 2024.

<sup>352</sup> Interviews conducted separately by voice call with "Aminata", an Ivorian national, and "Astou", a Gambian national, 10 March 2024.

**"When we arrived at the border, they told us to get out and get undressed, from top to bottom, to search us, and they hit us. One officer took me alone in one of the cars and raped me. I didn't see him; he had a balaclava on his face. They took the other women into other cars. He put his gun next to my head and a piece of fabric in my mouth to stop me from shouting."**

"Astou" said she was with a group of about 20 migrants who were walking back towards the town of Nafta, following their first expulsion, when National Guard officers arrested them again and held them in a nearby station. She said that on 14 February:

**"Most of the men ran away [when the National Guard found us]. Us [the women], we couldn't run, we were arrested. We were seven women with five children... [National Guard officers] threatened to kill us, they took our phones. They put us on a bus at night. They brought us to the [Algerian] border, it was like an open field. [There,] they took us [women] in their cars one by one, there were several men, I can't say how many... I was raped in front of my daughter, they hit me while I was holding her."**

"Imani", a Cameroonian asylum seeker, told Amnesty International that in September 2023, she witnessed male National Guard officers raping nine other women before they were all expelled to Algeria:

**"We were 10 women in the group. They raped the other nine women outside, in the field, some of them one by one. Other women were raped by two or three officers at the same time, in front of their husbands, in front of their children. They raped them also from behind and they forced them to put their penises in their mouths. I was bleeding too much, so they didn't take me... Then they took us to a holding place [in a National Guard station]. They put us all in very dirty room, there was piss and excrement... We spent the night there and the next night they took us to the border."**<sup>353</sup>

"Imani" said that she herself was sexually assaulted during a strip-search, ahead of a collective expulsion to the Algerian border. She recounted that on 3 September 2023, at night, she crossed the border into Tunisia from Algeria, near the western region of Haidra, with a group of at least 20 people led by a smuggler. She was with her five children, including a baby. National Guard cars came across them, and officers arrested those who like "Imani" could not run away, without asking to see their identification document. She remembered:

**"[The officers], there were a lot of them, they were armed, with batons and rifles. They threatened us with their weapons, they told us not to move. Then they told us to get undressed and to give them our phones and money. They threatened us with their weapons if we didn't give them money. We all had to get undressed, outside in the open. I hid my money in my baby's clothes, but they even undressed my baby to get it. They beat us with their batons and kicked us, even the children. They searched everyone, touched us everywhere. One of them put a finger in my anus until I was bleeding, it hurt really bad. I was bleeding and hurting, I couldn't move."**

"Katio", an Ivorian woman, said that on 10 November 2023, the National Guard threatened her and four other women with sexual violence ahead of an expulsion to Libya, after she was intercepted at sea and disembarked near the town of El Amra, northern Sfax.<sup>354</sup>

In an incident on 26 May 2025, "Karine", a Cameroonian woman, told Amnesty International that male National Guard officers had raped her twice, during a disembarkation in the region of Sfax, then after a collective expulsion to the Algerian border near the region of Tozeur:

**"On the port, after we left the water, [the officers] hit us... they punched us, kicked us, told us 'Why are you in Tunisia? You have to go home'... They separated the men and women in different sections. For us the women, [the officers] told us, 'Take off your clothes' then 'Sit down,' if you ask why, they tell you, 'Be quiet'... Then [one officer] put his fingers inside of me, in the front and in the back... I told him it hurt, he said 'Be quiet'... After, I asked for water, he just insulted me."**<sup>355</sup>

She then recounted her second rape on that same day:

**"[The National Guard] took us near Tozeur, towards [the Algerian region of] El Oued. We reached the border and we left the bus, then they took the women aside. One Arab [National Guard officer] said to me 'Come here', behind a car, he said 'Take your clothes off.' I was scared, I told him I am dirty, I haven't cleaned myself in three days, I smell, to try to push him away... He said 'Take your clothes off' and he bent me over the car and he took me from**

<sup>353</sup> Interview by voice call with "Imani", a Cameroonian asylum seeker, 7 March 2024.

<sup>354</sup> Interview by voice call with "Katia", an Ivorian national, 10 November 2023.

<sup>355</sup> Interview by voice call with "Karine", a Cameroonian national, 9 June 2025.

**behind... He was very violent... I didn't see what happened to the other women... Then he left me alone at the border."**

Some of the sexual abuses took place in the context of violent and abusive pat or strip-searches and invasive body searches. Searches conducted in a humiliating manner, with fondling or groping, constitute a violation of physical integrity, sexual harassment, and amount to cruel, inhuman and degrading treatment.<sup>356</sup> The way the searches were conducted likely also amount to torture, due to strong indications that the sexual violence was used to humiliate and dehumanize the individuals on both gender and racial grounds,<sup>357</sup> with a marked disregard for women's bodies and their children, due to the overall context in which they took place and the resulting severe psychological and physical harm inflicted. Rape by state officials always constitutes torture under international law.<sup>358</sup>

As procedures that inherently interfere with individuals' personal sphere, dignity and integrity, body searches are thoroughly regulated by human rights law; they should be conducted by competent state authorities, as part of institutional procedures, and by a person of the same gender<sup>359</sup> – standards which Tunisian authorities did not respect. An assessment of the necessity, legality and proportionality of the search must be in place,<sup>360</sup> which Tunisian authorities have not demonstrated. Intrusive searches "may only be undertaken where absolutely necessary."<sup>361</sup> They must not be used "to harass, intimidate or unnecessarily intrude upon [someone's] privacy."<sup>362</sup> The summary nature of these expulsions, carried out outside of any formal institutional procedures communicated to the individuals concerned, thus renders these searches arbitrary and unlawful.

"Edith", a Cameroonian woman, who was expelled to Libya on the night of 1-2 July 2023, said she went through three different military barracks on the way to the border.<sup>363</sup> Male National Guard and military officers pat-searched them and groped her and other women during each of the searches:

**"While searching us, [the officers] groped us [women] everywhere, especially on the chest, under our underwear. [Military officers] also groped us during the searches at the barracks. I saw that one of the women had money in her bra, they took it [from under her bra] at one of the barracks."**

"Aya", an Ivorian national, told Amnesty International that she was strip-searched and groped by a male National Guard officer before her expulsion to Algeria on 15 September 2023.<sup>364</sup> She said: "The officer touched me everywhere; he touched my breasts."

"Abdoulaye", a Cameroonian national, told Amnesty International that on 15 December, National Guard officers strip-searched him and others on the side of a road, by the buses in the town of El Amra in northern Sfax that would take them to the Algerian border:

**"The National Guard rounded up the Black people... They made people strip outside in front of everyone, to search them, including women. Those who complained were beaten... They do what they want with you."**<sup>365</sup>

<sup>356</sup> Amnesty International, *Combating Torture and Other Ill-Treatment – A Manual for Action* (Index: POL 30/4036/2016), 11 November 2016, <https://www.amnesty.org/en/documents/pol30/4036/2016/en/>, footnote 140, citing *Boodoo v Trinidad and Tobago*, HRC, UN Doc. CCPR/C/74/D/721/1996 (2002) paras 6.5, 6.7; CAT, Concluding Observations: Qatar, UN Doc. CAT/C/QAT/CO/1 (2006) para. 21; UN Special Rapporteur on torture, report, 5 January 2016, UN Docs. A/HRC/31/57, para. 23.

<sup>357</sup> UN Special Rapporteur on Torture, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report on Psychological Torture and Ill-treatment*, 20 March 2020, UN Doc. A/HRC/43/49, para. 36.

<sup>358</sup> UN CAT, Views: *C.T. and K.M. v Sweden*, UN Doc. CAT/C/37/D/279/2005, 17 November 2006, para 7.5; African Commission, Views: *Malawi African Association and others v Mauritania*, Comm. 54/91, 61/91, 98/93, 164/97 to 196/97 and 210/98, 11 May 2000, paras 117 and 18; UN CAT, Views: *V. L. v Switzerland*, UN Doc. CAT/C/37/D/262/2005, 22 January 2007, para. 8.10.

<sup>359</sup> UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*, 6 October 2010, A/C.3/65/L.5, [refworld.org/docid/4dcbb0ae2.html](http://refworld.org/docid/4dcbb0ae2.html), Rule 19.

<sup>360</sup> UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules): Note by the Secretariat*, 2015, UN Doc. A/C.3/70/L.3, Rules 50-53.

<sup>361</sup> UN Mandela Rules (previously cited), Rule 52.

<sup>362</sup> UN Mandela Rules (previously cited), Rule 51.

<sup>363</sup> Interview by voice call with "Edith", a Cameroonian national, 7 October 2023.

<sup>364</sup> Interview by voice call with "Aya", an Ivorian national, 11 October 2023.

<sup>365</sup> Interview by voice call with "Abdoulaye", a Cameroonian national, 2 February 2024.

## 8.2 OTHER FORMS OF TORTURE AND OTHER ILL-TREATMENT

Forty-one refugees and migrants interviewed by Amnesty International said they had been tortured or otherwise ill-treated by Tunisian police, military or National Guard officers, notably following interceptions, during expulsions, or while in detention, as recently as May 2025.<sup>366</sup> In most cases, they described unnecessary, severe and cruel physical violence by security officials, and/or being held in conditions that amounted to cruel, inhuman and degrading treatment. Most of those interviewed by Amnesty International identified the treatment they faced as racialized and discriminatory. In six cases, the behaviour or speech of Tunisian authorities explicitly indicated that the violence was racially motivated.<sup>367</sup> Four people also described the conditions of detention they were subjected to as discriminatory.<sup>368</sup>

### 8.2.1 UNNECESSARY PHYSICAL VIOLENCE AFTER AN INTERCEPTION

Twenty-one people told Amnesty International that the National Guard subjected them, after their interception and disembarkation, to unnecessary physical violence constituting cruel, inhumane or degrading treatment, which in several instances likely amounted to torture.<sup>369</sup>

“Abdoulaye”, a Cameroonian national who was expelled to Algeria twice after an interception, in September and December 2023, spoke to Amnesty International about the severe and intentional beating National Guard officers subjected him to, likely to amount to torture:

**“[On 19 September 2023] they took us to a [National Guard] station in Sfax and, there, they started beating us violently, with batons, for about an hour. It was a real beating. They said they were punishing us for not cooperating [during the interception].”<sup>370</sup>**

“Issagha”, a Guinean national, told Amnesty International that following his interception off the coast of Sfax and disembarkation, in January 2024, the National Guard detained him and others in a station close to the city of Médenine for three days:

**“[Officers] forced us to sit outside in the sun for the whole day, and we slept on cold floors at night. They tied our handcuffs very tight, cutting our skin. They said, ‘If you leave, we shoot you’... They told us to dance and say things in Arabic, they were mocking us. Then they hit us and kicked us. They surrounded each one of us and beat us up. One man, they forced him to take off his trousers, and they hit him and kicked him between his legs.”<sup>371</sup>**

“Malick”, a Guinean national, described his treatment following his interception and disembarkation in Sfax on 8 April 2024.<sup>372</sup>

**“At the port, [the National Guard] separated people into two buses. We were all handcuffed [with plastic ties], very tight, it hurt... After several hours waiting in the buses, the people in the first bus started complaining, making noise... Some people managed to break out of their ties, so [the officers] made everyone get off and beat up everyone very violently, for at least 20 minutes, on their bodies, their heads, kicking them with their feet, with their batons, with clubs...”**

**“They focused on one Malian national, because they thought he cut people’s ties. They circled him, at least 10 officers, and they started beating him again even more violently. He ended up unconscious on the floor. I think they killed him, he wasn’t moving or responding... An ambulance came for him later.”**

“Emmanuel”, a Cameroonian national, shared with Amnesty International the physical violence he was subjected to and witnessed during an expulsion to Algeria on 25 November 2023, after his interception by the coastguard near Sfax:

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<sup>366</sup> Interviews conducted separately by voice call with 40 refugees and migrants, 25 September 2023–16 June 2025; Interview in person with “Fadi”, a Chadian national, Tunis, 27 October 2023.

<sup>367</sup> Interviews conducted separately by voice call with six refugees and migrants, 25 September 2023–16 June 2025.

<sup>368</sup> Interviews conducted separately by voice call with four refugees and migrants, 27 October 2023–11 June 2025.

<sup>369</sup> Interviews conducted separately by voice call with 21 refugees and migrants, 25 September 2023–11 June 2025.

<sup>370</sup> Interview by voice call with “Abdoulaye”, a Cameroonian national, 25 September 2023.

<sup>371</sup> Interview by voice call with “Issagha”, a Guinean national, 26 March 2024.

<sup>372</sup> Interview by voice call with “Malick”, a Guinean national, 9 April 2024.

**“[Officers] always hit us in the buses, so many times, with their batons, saying, ‘Go back home, Tunisia is a poor country.’ The last time, [after a disembarkation in Sfax], people tried to make noise and shout to escape. They hit them with a club, over and over on the legs, the body, the head. Then, on the bus, two officers beat up a man who asked for his phone, they hit him on the head and on the ribs with batons and kicked him with their feet.”<sup>373</sup>**

“Kouassi”, an Ivorian migrant, told Amnesty International about the ill-treatment National Guard subjected him to ahead of a collective expulsion to Libya, following a disembarkation off the coast of Sfax on 7 April 2025:

**“[National Guard officers] kept hitting us the whole day from the moment we stepped on their boat to when we reached the port to when we were in the bus going to the [Libyan] border... They hit us with wooden batons and iron clubs, they pushed us into the floor, kicked us and stepped on us. It’s like they were training themselves on us, hit after hit... Two women were unconscious on the floor from the beating. I am sure they were dead, they called an ambulance that took them...”**

**“In the bus they told us to keep our heads down and they kept hitting us on the back with something like a thick rubber rope, it hurt a lot. We weren’t allowed to raise our heads and see where we were going. They shouted, ‘You’re not welcome in Tunisia, Tunisia for Tunisians!’ If someone tried to resist, they sprayed them on their face with a gas that makes you faint... Then they brought us to [a detention site], there they continued to hit us with iron bars to exhaust us so we couldn’t escape.”<sup>374</sup>**

## **8.2.2 BEING HELD OUTSIDE IN CONDITIONS AMOUNTING TO ILL-TREATMENT FOLLOWING AN INTERCEPTION**

Seven individuals said that after their interception at sea and disembarkation, Tunisia’s coastguard held them outside, while cold and wet, for long periods with insufficient access to food and water<sup>375</sup> – conditions amounting to ill-treatment and further endangering the life and health of people already at risk.<sup>376</sup>

One of them, “Youssef”, a Gambian national, was disembarked in the port of Sfax on 20 November 2023 after the National Guard rescued him at sea.<sup>377</sup> He said he was held outside in the port, while cold and wet and without being given food, with about 100 people, for about a day and a night, ahead of their expulsion to Libya. Several people in the port told him that they had been held there for three days in such conditions.

## **8.2.3 UNNECESSARY AND OFTEN SEVERE PHYSICAL VIOLENCE DURING A COLLECTIVE EXPULSION**

Of the 65 people Amnesty International interviewed who were expelled, 37 said that the National Guard or other security officers subjected them to unnecessary and often severe physical violence, or threatened to subject them to it, during the expulsion.<sup>378</sup> In six cases, the behaviour or speech of Tunisian authorities explicitly indicated that the violence was racially motivated.<sup>379</sup>

Following her expulsion to Algeria on 17 September 2023, with seven women and a baby, “Fara”, a Guinean national, told Amnesty International that National Guard officers threatened her with violence when the group tried to re-enter Tunisia three times in about two weeks.<sup>380</sup> During the fourth attempt, they threatened to shoot her.

“Abraham” and “Mahmoud”, two Guinean nationals expelled to Algeria in January 2024 after their release from Thyna prison in Sfax, both told Amnesty International that National Guard officers hit them continuously

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<sup>373</sup> Interview by voice call with “Emmanuel”, a Cameroonian national, 13 December 2023.

<sup>374</sup> Interview conducted by voice call with “Kouassi”, an Ivorian national, 10 June 2025.

<sup>375</sup> Interviews conducted separately by voice call with five refugees and migrants, 23 November 2023-14 March 2024.

<sup>376</sup> UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report*, 23 November 2018, UN Doc. A/HRC/37/50, paras. 17-19.

<sup>377</sup> Interviews by voice call with “Youssef”, a Gambian national, 23-25 November 2023.

<sup>378</sup> Interviews conducted separately by voice call with 36 refugees and migrants, 25 September 2023-16 June 2025; Interview in person with “Fadi”, a Chadian national, Tunis, 27 October 2023.

<sup>379</sup> Interviews conducted separately by voice call with six refugees and migrants, 25 September 2023-16 June 2025.

<sup>380</sup> Interviews by voice call with “Fara”, a Guinean national, 9-10 October 2023.

in the bus taking them to the border.<sup>381</sup> “Abraham” said: “One officer was hitting a woman again and again, the more he hit her, the more she cried, and when she cried, he hit her again to punish her.”

“Abdoulaye”, a Cameroonian national, also described the severe ill-treatment amounting to torture meted out by National Guard officers during his **second** expulsion to Algeria on 15 December:

**“We were beaten over and over again during the drive to the border. If [the officers] don’t like how you are sitting, they beat you, if they don’t like your face, they beat you. Me, they handcuffed me with a second plastic tie, it was very tight and painful...”**

**“Before the expulsion, we stopped at a station of the National Guard, the last one before [the Algerian province of] El Oued. It is a torture centre. I am sure people die there. When you arrive, they tie you up outside, behind a barrier, and they use everything they have to beat you, clubs; metal chains; electric cables, like whips, they beat you everywhere, on the head, the back, the ankles, blow after blow, for maybe two hours, at night... [Officers] made us sing ‘Never again Tunisia, no coming back to Tunisia’ over and over as they beat us. It is in the middle of the desert, so secluded that nobody hears you when you scream.”<sup>382</sup>**

“Hakim”, a Cameroonian national, described the treatment amounting to torture inflicted by National Guard officers after they drove him and others to the Algerian border, near El Oued, and herded them into the court of a National Guard station on 25 January 2024:<sup>383</sup>

**“They took each of us one by one, surrounded us, asked us to lay down, we were handcuffed... They beat us with everything they had: clubs, batons, iron pipes, wooden sticks... They made us chant ‘Tunisia no more, we will never come back’, again and again. They punched us and kicked us, everywhere on our body, but they especially focused on our feet, I think because they don’t want you to be able to walk and come back from the border... They hit you until you can’t move anymore. They broke my foot...”**

**“Then, when they beat up all of us, they pulled our bodies from the court directly to the border [right behind the station], they pushed us under the barbed wires into Algeria. They said: ‘No more Tunisia, don’t come back’.”**

“Ismael”, an Ivorian migrant, also recounted his experience of ill-treatment amounting to torture inflicted by Tunisian security authorities, while detained for three days between 3 and 6 April 2025 in an unidentified detention site near the Libyan border, ahead of a collective expulsion:

**“There was a lot of violence... On the first day we arrived there, they sprayed us all over with some kind of spicy liquid, maybe like harissa, it burned our eyes. They were telling us ‘Are you coming back to Tunisia? Don’t come back, don’t come back’ and spraying us. They kept saying things like this and then they hit us with a wooden baton every day. They also forced us to do push-ups I think when they were bored, or they wanted to tire us out so that we couldn’t escape.**

**“We only had one can of water for 40 to 60 people. No food. There is no bathroom, if you ask to go they hit you... Every night, they also sprayed some gas in the room, it makes you sneeze, it burns and then you’re tired, you can’t move. They do that so we can’t escape.”<sup>384</sup>**

## 8.2.4 ILL-TREATMENT IN DETENTION OR POLICE CUSTODY

Fifteen people described to Amnesty International ill-treatment in detention, in a police or National Guard station, whether during an expulsion, after an arrest or during another interaction with police.<sup>385</sup> All of them shared testimonies of unnecessary physical violence, while seven of them spoke about conditions of detention amounting to cruel, inhuman and degrading treatment.<sup>386</sup> Four of them described the conditions of detention they were subjected to as discriminatory in comparison to the conditions of detention of non-Black Arab migrants or Tunisian nationals.<sup>387</sup>

<sup>381</sup> Interviews conducted separately by voice calls with “Abraham” and “Mahmoud”, Guinean nationals, 1 February 2024.

<sup>382</sup> Interview by voice call with “Abdoulaye”, a Cameroonian national, 2 February 2024.

<sup>383</sup> Interview by voice call with “Hakim”, a Cameroonian national, 14 March 2024.

<sup>384</sup> Interview conducted by voice call with “Ismael”, an Ivorian national, 11 June 2025.

<sup>385</sup> Interviews conducted separately by voice calls with 14 refugees and migrants, 7 October 2023-11 June 2025; Interview in person with “Fadi”, a Chadian national, Tunis, 27 October 2023.

<sup>386</sup> Interviews conducted separately by voice call with seven refugees and migrants, 7 October 2023-11 June 2025.

<sup>387</sup> Interviews conducted separately by voice call with four refugees and migrants, 27 October 2023-11 June 2025.

“Denis”, a Cameroonian national, described his interaction with the police in Sfax, after his landlord evicted him at night in August 2023.<sup>388</sup> He said he went to the police to complain, but they said it was his fault and slapped him and hit him with their batons.

“Khalid”, a Sudanese asylum seeker who was arrested by Tunisian police in Tunis on 23 September 2023 and spent one month in prison, said:

**“At the police station, the police hit me several times, with their batons, on my face and my body, for no reason... My shoulder was really painful, I asked for a doctor, but they ignored me... In prison... We [Black foreign nationals] shared a cell with Tunisians, but they had beds and we slept on the floor. We could not pray, because [Tunisian inmates] told us ‘you are not home’. When we get food, the Tunisians get their share first, then we get whatever is left.”**<sup>389</sup>

“Fadi”, a Chadian national detained by the National Guard in Sbeitla before his expulsion to Algeria, said that officers forced the detained women to cook for everyone, adding:

**“One of the women touched some of the officers’ food, so he slapped her and beat her with his hands and kicked her.”**<sup>390</sup>

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<sup>388</sup> Interview by voice call with “Denis”, a Cameroonian national, 7 October 2023.

<sup>389</sup> Interview by voice call with “Khalid”, a Sudanese asylum seeker, 14 November 2023.

<sup>390</sup> Interview in person with “Fadi”, a Chadian national, Tunis, 27 October 2023.

# 9. SUSPENSION OF PROTECTION AND ASSISTANCE

**“I can’t work legally, I can’t study... The sea is too risky, they send people to the desert... But I can’t return to Cameroon, it’s dangerous for me... So I’m stuck.”**

“Eric”, a Cameroonian asylum seeker speaking to Amnesty International.

## 9.1 TARGETING OF ORGANIZATIONS ASSISTING MIGRANTS

In May 2024, the Tunisian government launched an unprecedented crackdown against civil society organizations providing essential assistance and protection services for refugees and migrants.<sup>391</sup> Over the following year, authorities arrested, detained and investigated the heads, former staff or members of at least 15 organizations.<sup>392</sup> They raided the offices of three NGOs providing critical assistance to refugees and migrants, arresting and detaining at least eight human rights defenders and NGO workers, as well as two former local officials who supported their work. They also opened investigations against at least 40 other individuals in relation to their legitimate NGO work to support refugees and migrants. This crackdown has significantly disrupted the provision of essential services to refugees and migrants and their effective access to asylum procedures.

These arrests took place in the aftermath of xenophobic and racist social media smear campaigns against the organizations targeted and their staff, after the Tunisian Council for Refugees (CTR) – a Tunisian NGO working with the UNHCR to pre-register asylum seekers and provide essential assistance to refugees and asylum seekers – published a tender for hotels, in response to a request for assistance from UNHCR and local authorities to shelter asylum seekers in precarious situations.

<sup>391</sup> Amnesty International, “Tunisia: Repressive crackdown on civil society organizations following months of escalating violence against migrants and refugees”, 16 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/tunisia-repressive-crackdown-on-civil-society-organizations-following-months-of-escalating-violence-against-migrants-and-refugees/>

<sup>392</sup> Amnesty International, “Tunisia: Year-long arbitrary detention of human rights defenders working with refugees and migrants”, 7 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/draft-tunisia-year-long-arbitrary-detention-of-human-rights-defenders-working-with-refugees-and-migrants/>

On 3 and 4 May 2024, Tunisian police arrested Mustapha Djemali and Abderrazak Krimi, respectively director and project manager of the CTR.<sup>393</sup> Since then, judicial authorities have renewed their pretrial detention orders while prosecuting them for “assisting the clandestine entry” of foreign nationals and “providing [them] shelter”, solely based on their work for the CTR. On 25 March 2025, the judge investigating the case proclaimed in court: “You [the defendants] brought *[a racial and derogatory slur used to refer to Black people]* into Tunisia illegally and you feed and shelter them, Tunisian history and laws will make you pay for it.” The use of racist and conspiratorial language further raised concerns about respect for their right to a fair trial.

Between 7 and 13 May 2024, the police arrested Sherifa Riahi, Yadh Bousselmi and Mohamed Joo, respectively former director, director and administrative and financial director of Terre d’asile Tunisie, the Tunisian branch of French NGO France Terre d’asile, which provided basic services to vulnerable refugees and migrants.<sup>394</sup> Judicial authorities have held them in pretrial detention since then and are prosecuting them on charges that include “sheltering individuals illegally entering or leaving the territory” and “facilitating the irregular entry, exit, movement or stay of a foreigner”, solely for providing critical assistance to refugees and migrants. To support the charge, the investigative judge cited a “European-backed civil society plan to promote the social and economic integration of irregular migrants into Tunisia and their permanent settlement”. On 11 May 2024, the police also arrested former deputy mayor of Sousse Imen Ouardani on the same charges, as well as the additional charge of using her position as a public official “to obtain an unjustified advantage or harm the administration,” because of the collaboration between the municipality and Terre d’asile Tunisie.

Other organizations targeted include anti-racism organization Mnemty – nine of their staff and partners have been under investigation since May 2024 for financial crimes for which the authorities have yet to provide evidence – and the children’s rights NGO Children of the Moon of Medenine. Authorities have also detained Salwa Ghrissa, the executive director of the Association for the Promotion of the Right to Difference (ADD), since 12 December 2024, pending investigation into the organization’s funding.

Tunisian authorities have used overly broad provisions criminalizing assistance to irregular migrants within Law 68-7 relating to the Condition of Foreigners in Tunisia and Law 2004-6 relating to Passports and Travel Documents,<sup>395</sup> historically only used to sanction human smugglers, to target the work of civil society.

Defending refugee and migrant rights and providing them shelter or other support, irrespective of their legal status, is not a legitimate offense under international law and should never be equated with human smuggling or trafficking. Tunisia is party to the UN Convention on Transnational Organized Crime and its Smuggling and Trafficking Protocols, which set out precise standards for the definition of human smuggling and trafficking, exempting legitimate human rights and humanitarian work. The authorities are abusing legal provisions to criminalize such work, constituting undue interferences with the rights of human rights defenders and the right to freedom of association, and violating Tunisia’s international obligations towards refugees and migrants by hampering protection and assistance work.

In parallel to the wider smear campaign targeting civil society groups online and in the media for their alleged role in the “settlement” of sub-Saharan migrants in the country, President Saïed shared inflammatory remarks during a National Security Council meeting on 6 May 2024, in which he reiterated xenophobic rhetoric and attacked civil society organizations:

**“How did these [migrants] get in [Tunisia]? How did they pour in in thousands? How were they settled outside any legal framework? ... These flood into Tunisia in the hundreds every day... and, at the same time, billions of money flow in from abroad... Tunisia will not be a land for these [migrants] to settle or for their headquarters and you can count that it will not be a place for them to express themselves...**

**“And there are organizations crying today... They in turn receive a lot of money from abroad. And those who establish these organizations most of them are traitors and [foreign] agents... There is the Tunisian Red Crescent that is doing its part as demanded [by the president]... There is also the distribution of refugee cards... The only**

<sup>393</sup> Amnesty International, “Tunisia: Human rights defenders unjustly held – Mustapha Djemali and Abderrazek Krimi” (Index: MDE 30/9312/2025), 5 May 2025, <https://www.amnesty.org/en/documents/mde30/9312/2025/en/>

<sup>394</sup> Amnesty International, “Tunisia: Human rights defenders arbitrarily detained” (Index: MDE 30/9393/2025), 20 May 2025, <https://www.amnesty.org/en/documents/mde30/9393/2025/en/>

<sup>395</sup> Tunisia, Loi 68-7 relative à la Condition des Etrangers en Tunisie [Law 68-7 relating to the Condition of Foreigners in Tunisia], 1968, Article 25; Tunisia, Loi 75-40 relative aux Passeports et aux Documents de Voyage [Law 75-40 relating to Passports and Travel Documents], 1975, Article 38-44 (as amended by Law 2004-6 on 3 February 2004).

party to be addressed by these organizations – that have delivered absolutely nothing, UNHCR and the IOM, [which] have only provided statements and communications... is the Tunisian state...

**“There is no room to insult the state in the name of freedom of expression, yes to freedom of expression, no to treason against the state and foreign agents, and no to rabid trumpets driven by foreign wages.”<sup>396</sup>**

On at least seven occasions between September 2023 and May 2024, President Saïed publicly accused civil society organizations of meddling in Tunisia’s internal affairs and of financing corruption, specifically referring to their receipt of foreign funding.<sup>397</sup> Similarly, on at least seven occasions between July 2023 and May 2024, the president criticized the work of international, humanitarian and human rights organizations working in the field of migration, linking the work with dishonesty, false information, smear campaigns and collusion with foreign parties.<sup>398</sup>

During a press briefing on 17 May 2024, spokesperson of the UN High Commissioner for Human Rights Ravina Shamdasani declared:

**“We are very concerned by the increased targeting in Tunisia of migrants, mostly from south of the Sahara, and individuals and organizations working to assist them. At the same time, we are witnessing a rise in the use of dehumanizing and racist rhetoric against Black migrants and Black Tunisians.”<sup>399</sup>**

UNHCR further disclosed in May 2024:

**“Pre-registration activities [for asylum seekers] have been temporarily suspended, which has critically disrupted the ability of forcibly displaced populations to access asylum procedures as well as the delivery of basic services, including health assistance, child protection, [gender-based violence] support, shelter management, cash assistance, and education... As several NGO programmes in the country have been suspended in recent weeks, a notable gap has emerged in addressing child protection risks.”<sup>400</sup>**

Tunisian authorities have thus severely disrupted the assistance and protection services and procedures available to refugees and migrants by cracking down on NGOs working on migration, most of which have since had to suspend operations following arrests of their staff members, the freezing of their bank accounts, or as a precautionary measure to protect themselves from legal action. The crackdown has also led to a reduction

<sup>396</sup> Tunisian presidency, Facebook post: “كلمة رئيس الجمهورية قيس سعيد في افتتاح اجتماع مجلس الأمن القومي” [“Speech of President Kais Saïed at the opening of the National Security Council meeting”], 6 May 2024, <https://www.facebook.com/watch/?v=3838758239713948> (in Arabic).

<sup>397</sup> Business News, “Pour Saïed, le concept de société civile doit être revu” [“For Saïed, the concept of civil society must be reviewed”], 8 September 2023, <https://businessnews.com.tn/2023/09/08/article-1200349/1200349/> (in French and Arabic); Tunisian presidency, Facebook post: “لقاء رئيس الجمهورية قيس سعيد مع السيد أحمد الحشاني رئيس الحكومة والسيدة ليلى جفال وزيرة العدل والسيدة سهام البوعديري نصمية، وزيرة المالية” [“Meeting of the President of the Republic, Kais Saïed, with Mr. Ahmed Al-Hachani, prime minister, Ms. Leila Jaffal, minister of justice, and Ms. Siham Al-Boughdiri Namsia, minister of finance”], 24 November 2023, <https://rb.gy/gvvtai> (in Arabic); Tunisian presidency, Facebook post: “لقاء رئيس الجمهورية قيس سعيد مع السيد أحمد الحشاني رئيس الحكومة والسيدة ليلى جفال وزيرة العدل والسيدة سهام البوعديري نصمية، وزيرة المالية” [“Meeting of the President of the Republic, Kais Saïed, with Ms. Leila Jaffal, minister of justice, and Ms. Siham Al-Boughdiri Namsia, minister of finance”], 24 November 2023, <https://rb.gy/gvvtai> (in Arabic); Middle East Online, “قيس سعيد: الحرب على الفساد مستمرة رغم المكائد والمخططات” [“Kais Saïed: The war against corruption continues despite the machinations and plans”], 16 December 2023, <https://rb.gy/zgOvmr> (in Arabic); Tunisian presidency, Facebook post: “أشرف رئيس الجمهورية قيس سعيد عصر يوم الجمعة 8 مارس 2024 بقصر قرطاج، على اجتماع” [“On the afternoon of Friday 8 March 2024, at the Carthage Palace, the President of the Republic, Kais Saïed, supervised a meeting”], 9 March 2024, <https://t.ly/meNHP> (in Arabic); Tunisian presidency, Facebook post: “الإشراف رئيس الجمهورية قيس سعيد على اجتماع مجلس الأمن القومي” [“The Tunisian president supervised a meeting of the National Security Council”], 15 April 2024, <https://shorturl.at/jzG02>, minute 3:30-20:00 (in Arabic); Tunisian presidency, Facebook post: “كلمة رئيس الجمهورية قيس سعيد في افتتاح اجتماع مجلس الأمن القومي” [“Speech of President Kais Saïed at the opening of the National Security Council meeting”], 6 May 2024 (previously cited).

<sup>398</sup> Tunisian Presidency, Facebook post: “استقبل رئيس الجمهورية قيس سعيد، عصر اليوم السبت 8 جويلية 2023 بقصر قرطاج، السيدة نجلاء بouden Romdhane، رئيسة الحكومة” [“The President of the Republic, Kais Saïed, received, on this afternoon, Saturday 8 July 2023, at the Carthage Palace, Mrs. Najla Bouden Romdhane, Head of Government”], 8 July 2023, <https://shorturl.at/hnT56> (in Arabic); Tunisian Presidency, Facebook post: “استقبل رئيس الجمهورية قيس سعيد، صباح اليوم الإثنين 10 جويلية 2023 بقصر قرطاج، السيد روبر أبيل، الوزير الأول المالطي” [“The President of the Republic, Kais Saïed, received, this morning, Monday 10 July 2023, at the Carthage Palace, Mr. Robert Abela, prime minister of Malta”], 10 July 2023, <https://shorturl.at/gwCP3> (in Arabic); Business News, “Saïed après la signature du mémorandum : nous faisons face à notre destin ensemble !” [“Saïed after signing the memorandum : we face our destiny together!”], 16 July 2023, <https://businessnews.com.tn/2023/07/16/article-1199140/1199140/> (in French); Tunisian Presidency, Facebook post: “استقبل رئيس الجمهورية قيس سعيد، ظهر اليوم الجمعة 12 أفريل 2024 بقصر” [“The President of the Republic, Kais Saïed, received, this afternoon, Friday 12 April 2024, at the Carthage Palace, Mr. Nabil Ammar, minister of foreign affairs, migration, and Tunisians abroad”], 12 April 2024, <https://shorturl.at/NOW1> (in Arabic); Tunisian presidency, Facebook post: “الإشراف رئيس الجمهورية قيس سعيد على اجتماع مجلس الأمن القومي” [“The Tunisian president supervised a meeting of the National Security Council”], 15 April 2024, <https://shorturl.at/jzG02>, minute 5:40-10:40 (in Arabic); Tunisian presidency, Facebook post: “كلمة رئيس الجمهورية قيس سعيد في افتتاح اجتماع مجلس الأمن القومي” [“Speech of President Kais Saïed at the opening of the National Security Council meeting”], 6 May 2024 (previously cited).

<sup>399</sup> OHCHR, “Tunisia – Concern at increased targeting of migrants”, 17 May 2024, <https://www.ohchr.org/en/press-briefing-notes/2024/05/tunisia-concern-increased-targeting-migrants>

<sup>400</sup> UNHCR, “UNHCR Tunisia monthly operational update (May 2024)”, 31 May 2024, <https://data.unhcr.org/en/documents/details/109712>

in referrals to organizations providing legal assistance, thus negatively impacting refugees' and migrants' protection from human rights violations and other abuses. It has left potentially thousands of refugees and migrants, including unaccompanied children, in precarious and uncertain situations and at greater risk of facing human rights violations and abuse.

On 14 March 2025, in response to a communication from UN experts about the criminalization of civil society work, Tunisian authorities denied the allegation and stated:

**“Judicial investigations were initiated in accordance with legal procedures. Contrary to what is alleged, government structures work in perfect harmony with UN entities and national organizations working in this [migration] field.”<sup>401</sup>**

## 9.2 NO MORE ACCESS TO ASYLUM PROCEDURES

Tunisia does not have an asylum law or an established national asylum system. The government's suspension in June 2024 of UNHCR's registration and refugee status determination (RSD) activities, combined with an unprecedented crackdown on refugee and migrant rights defenders and organizations, has had severe humanitarian consequences and has created a massive gap in the protection of refugees and asylum seekers in violation of Tunisia's international obligations, leaving thousands of them without essential safeguards.

Despite having ratified the 1951 Refugee Convention and its 1967 Protocol, as well as the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa, Tunisia has yet to adopt an asylum law or establish a formal national system. Article 32 of the 2022 Tunisian Constitution simply states: “The right to political asylum is guaranteed in accordance with what is established by law; it is prohibited to extradite people who benefit from political asylum.”<sup>402</sup>

From 2011, the Tunisian authorities delegated to UNHCR all responsibility for asylum seeker reception, registration and RSD following the signature of a cooperation agreement.<sup>403</sup> From 2011 until 2024, UNHCR provided a range of essential services to vulnerable refugees and asylum seekers, including legal assistance, medical assistance, psychosocial support, financial assistance and shelter – services that were at least partially operational as of May 2025.<sup>404</sup>

Refugees and asylum seekers registered with UNHCR still had inadequate protection as Tunisian authorities did not systematically issue residency permits based on their registration and therefore had limited access to formal employment.<sup>405</sup> As described above, Tunisian officials have also over the past three years often failed to recognize UNHCR documents and the protection they should afford to refugees and asylum seekers during collective expulsions, disembarkations and arrests. However, UNHCR was previously able to register new asylum seekers and provide some interventions when registered asylum seekers or refugees were arbitrarily detained, sometimes securing their release.

On 13 June 2024, Tunisian authorities ordered UNHCR to suspend the registration of asylum seekers and RSD. The right to seek asylum from persecution and serious human rights violations is a foundational component of the international human rights system.<sup>406</sup> By obstructing individuals' right to seek and enjoy asylum, this decision threatens refugees and asylum seekers' protection from refoulement and other serious violations which can threaten their lives, leaving potentially thousands of people needing protection in situations of further uncertainty and at risk of human rights violations and abuses.

As explained by in a document related to the Regional Development and Protection Programme for North Africa, a program managed by the Italian Ministry of Interior:

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<sup>401</sup> Permanent Mission of the Tunisian Republic to the UN in Geneva, Response to UN Special Procedures Communication AL TUN 6/2024, 14 March 2025, p.4 (in French).

<sup>402</sup> Tunisia, Presidential Decree 2022-691 of 17 August 2022, promulgating the Constitution of the Tunisian Republic, 17 August 2022.

<sup>403</sup> UNHCR, *Submission to the Fourth Cycle of the Universal Periodic Review of the State of Tunisia*, February 2022, available at: <https://www.ohchr.org/en/hr-bodies/upr/tu-un-contributions-s41>

<sup>404</sup> UNHCR, “UNHCR Tunisia monthly operational update (May 2025)”, previously cited.

<sup>405</sup> UNHCR, *Submission to the Fourth Cycle of the Universal Periodic Review of the State of Tunisia* (previously cited).

<sup>406</sup> Universal Declaration of Human Rights (UDHR), Article 14; 1951 Convention Relating to the Status of Refugees; 1967 Protocol Relating to the Status of Refugees.

**“Further to the recent developments and the directives communicated by the government of Tunisia starting on 13 June 2024, UNHCR was instructed to suspend the registration of new asylum seekers and RSD procedures across the country, considering the government’s expressed intention to assume responsibilities for asylum management. In the meantime, UNHCR is permitted to continue performing regular registration services for those already registered as well as existing Resettlement and basic assistance programs for registered refugees and asylum seekers... For certain vulnerable groups, in particular unaccompanied minors, registration is the only proof of existence in the country hence a key protection activity.”<sup>407</sup>**

On 14 July 2025, UN High Commissioner for Refugees Filippo Grandi also stated in a media interview:

**“[In] Tunisia... The crackdown is even more severe than in Libya... They no longer let us register asylum seekers... It's difficult to endorse the notion of Tunisia as a ‘safe third country’.”<sup>408</sup>**

Tunisian authorities have not publicly communicated any change to access to asylum in the country. However, on 11 April 2025, while on a visit to Italy, Minister of Interior Khaled Nouri declared:

**“While affirming its commitment to respecting the principles of human rights and human dignity, [Tunisia] categorically rejects being used as a land of settlement or asylum and will not allow its territory to be used as a transit area for people deceived by human traffickers.”<sup>409</sup>**

As of May 2025, 10,683 refugees and asylum seekers were registered with UNHCR in Tunisia<sup>410</sup> – a significant drop from the peak of 18,362 registered individuals in June 2024.<sup>411</sup> Most of them were nationals of Sudan, the Syrian Arab Republic and Somalia and 86% originated from countries affected by armed conflict and widespread violence. In the first quarter of 2024, over 8% of newly registered asylum seekers were unaccompanied and separated children.<sup>412</sup>

Amnesty International spoke to 12 asylum seekers from Afghanistan, Algeria, Cameroon, Central African Republic, Libya, South Sudan, Sudan and Yemen.<sup>413</sup> Four of them, including an unaccompanied child, arrived in Tunisia in 2023 and obtained asylum seeker cards from UNHCR between October 2023 and January 2024. They had not been invited for an RSD interview as of June 2025. When inquiring about the status of their file, UNHCR informed them that RSD activities had been suspended for an indeterminate duration. Eight other asylum seekers who spoke to Amnesty International arrived in Tunisia between May 2024 and February 2025 and were never able to register with UNHCR. UNHCR informed them that registration and RSD for new asylum seekers were suspended until further notice, as recently as June 2025. One of them shared with Amnesty International a screenshot of a text message sent by UNHCR in January 2025 which stated that registration activities for new asylum seekers were suspended until further notice and that UNHCR would inform asylum seekers of any changes to this situation on their official channels.

“Eric”, a Cameroonian asylum seeker who registered with UNHCR in Tunis in October 2023, told Amnesty International in June 2025:

**“[UNHCR] only renews my card every six months. They say that is all they can do for now, that their work was suspended and there is nothing they can do, that it is between them and the Tunisian state... My situation is very unclear, I can’t work legally, I can’t study... The sea is too risky, they send people to the desert... but I can’t return to Cameroon, it’s dangerous for me... so I’m stuck.”<sup>414</sup>**

“Aslan”, from Afghanistan, reached Tunisia in August 2024. He shared with the organization that he went to the UNHCR office in Tunis in that same month:

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<sup>407</sup> Italian Ministry of Interior, “Regional Development and Protection Programme for North Africa (phase VI)”, December 2024, <https://rdppna.interno.gov.it/wp-content/uploads/2024/12/TUNISIA-phase-VI-SEPTEMBER-2024-1.pdf>

<sup>408</sup> Corriere della sera, “Filippo Grandi: ‘Migranti, la situazione è critica. Il piano Mattei diventi europeo’” [“Filippo Grandi: ‘The migration situation is critical. The Mattei plan must become European.’”], 14 July 2025, [https://www.corriere.it/esteri/25\\_luglio\\_14/filippo-grandi-migranti-piano-mattei-5edee1d6-ec0e-4065-b0e8-a2f44972dxxk.shtml?refresh\\_ce](https://www.corriere.it/esteri/25_luglio_14/filippo-grandi-migranti-piano-mattei-5edee1d6-ec0e-4065-b0e8-a2f44972dxxk.shtml?refresh_ce) (in Italian).

<sup>409</sup> Tunisian Ministry of Interior, Facebook post: “وزير الداخلية في زيارة إلى إيطاليا بدعوة من نظيره الإيطالي” [“The minister of interior is visiting Italy at the invitation of his Italian counterpart”], 11 April 2025, <https://www.facebook.com/ministere.interieur.tunisie/posts/pfbid0bJWup6mByQWYzPF4a2XqULWhkcNq8yajc1qiCohhvHUFduTQnH1wqkjPwMD8ptvRI>, (in Arabic).

<sup>410</sup> UNHCR, “UNHCR Tunisia monthly operational update (May 2025)”, <https://data.unhcr.org/en/documents/details/116934>

<sup>411</sup> UNHCR, “UNHCR Tunisia registration factsheet (June 2024)”, <https://data.unhcr.org/en/documents/details/109622>

<sup>412</sup> UNHCR, “UNHCR Tunisia operational update (January-March 2024)”, <https://data.unhcr.org/en/documents/details/108122>

<sup>413</sup> Interviews conducted separately by voice call with 12 asylum seekers, 27 June 2024-9 June 2025.

<sup>414</sup> Interview conducted by voice call with “Eric”, a Cameroonian asylum seeker, 9 June 2025.

**“I went to UNHCR, they said registration is suspended... I don't know what to do, I don't know how to leave this place... I left [Afghanistan] because I was not safe, now I am lost here, I beg for help every day, I have no place to live, no money.”<sup>415</sup>**

“Rami” reached Tunisia from Sudan in May 2024, with his wife and baby. He told Amnesty International:

**“Everywhere is closed, we find no solution. We went to the [Tunisian Council for Refugees] but they closed, we went to UNHCR, they say they don't work either, we can't register. We don't understand, nobody has explained anything, we are just lost with a baby.”<sup>416</sup>**

People seeking asylum are entitled to register their claim for international protection. In line with international law and standards on refugee protection, asylum claims must be processed promptly and effectively. With their claims not registered, asylum seekers are at heightened risk of arbitrary detention and refoulement, especially those with an irregular status who lack formal protection. Their rights to adequate reception, information, legal assistance and basic services are also negatively impacted.

## 9.3 PRELIMINARY DRAFT LAW ON EXPULSIONS

On 20 December 2024, a group of parliamentarians, including Fatma Mseddi, who regularly makes xenophobic and racist statements, proposed a draft law on the organization of the expulsions of irregular migrants.<sup>417</sup> The draft was initiated against the backdrop of an increasing number of protests that have called for expulsions of irregular migrants, notably in the region of Sfax, often using xenophobic and racist language.<sup>418</sup> On 10 April 2025, the preliminary draft was submitted to the relevant parliamentary commissions but had not yet been tabled for examination at the time of writing.

The draft elaborates on broad legal provisions relating to expulsions contained in Law 68-7 and Law 2004-6. However, the text contains several failings with regards to international human rights law.

Under this draft, the Ministry of Interior is tasked with notifying migrants of their expulsion if their status is irregular. Migrants can also face expulsion if they have otherwise violated Tunisian law, which may be discriminatory without providing for a specific individualized assessment. The draft provides for the possibility to appeal the expulsion order within 30 days of notification in front of the administrative court, but appealing does not necessarily suspend the expulsion order. The draft states that authorities shall give migrants the necessary information about their expulsion in a language they understand and inform them about their right to appeal and to raise concerns about risks they would face upon return.

The draft appears to provide for the protection of refugees and asylum seekers and individuals facing a risk of human rights violations upon return by prohibiting their expulsion, but it only refers to the right to “political” asylum and does not clarify how refugees and asylum seekers would be protected without access to asylum procedures in the country. The draft also does not clarify whether an individualized assessment of risks will be carried out and by which authority.

While the draft includes references to respecting human rights and international treaties and states that authorities shall guarantee migrants' fundamental rights, it does not specify how irregular migrants who are criminalized would be able to obtain redress in practice and does not reference specific international conventions or standards.

Lastly, the draft appears to provide for the possibility of migrants being detained in a “reception” facility but is unclear about the basis for the detention or whether it would be automatic and thus, arbitrary.

<sup>415</sup> Interview conducted by voice call with “Aslan”, an Afghani asylum seeker, 5 February 2025.

<sup>416</sup> Interview conducted by voice call with “Rami”, a Sudanese asylum seeker, 27 June 2024.

<sup>417</sup> Tunisian House of People's Representatives, *مقترح قانون أساسي عدد 2024/82 يتعلق بتنظيم ترحيل المهاجرين غير النظاميين* [Draft Basic Law 82/2024 on the Organization of the Expulsion of Irregular Migrants], [https://www.arp.tn/ar\\_SY/loi/project/4132](https://www.arp.tn/ar_SY/loi/project/4132) (accessed on 7 July 2025, in Arabic).

<sup>418</sup> Le Monde, “En Tunisie, une manifestation contre les migrants clandestins” [“In Tunisia, a demonstration against illegal migrants”], 26 June 2023, [https://www.lemonde.fr/afrique/article/2023/06/26/en-tunisie-une-manifestation-contre-les-migrants-clandestins\\_6179242\\_3212.html#:~:text=Des%20centaines%20de%20manifestants%20ont,le%20pays%20vers%20l%27Europe](https://www.lemonde.fr/afrique/article/2023/06/26/en-tunisie-une-manifestation-contre-les-migrants-clandestins_6179242_3212.html#:~:text=Des%20centaines%20de%20manifestants%20ont,le%20pays%20vers%20l%27Europe) (in French); AP News, “Tunisians stage anti-migrant protest as the number of stranded in transit to Europe grows”, 19 May 2024, <https://www.wjbf.com/news/ap-top-headlines/ap-tunisians-stage-anti-migrant-protest-as-the-number-of-stranded-in-transit-to-europe-grows/>

# 10. MIGRATION COOPERATION WITH THE EUROPEAN UNION

For at least two decades, member states and institutions of the European Union (EU) have increasingly invested in policies focusing on the externalization of border control and asylum processing – in other words, their placement outside national borders. These policies aim at deterring irregular border crossings, particularly maritime crossings, through the containment of people in the territory of third countries. Often, EU member states and institutions have pursued this goal through enhanced cooperation with foreign authorities responsible for controlling borders and managing migration, including in countries with an extremely poor human rights record.<sup>419</sup>

The horrific consequences of this approach have been glaring. Since 2016, the EU and its member states have provided technical, logistical and monetary support to Libyan authorities and militias such as the Libyan Coast Guard and the General Administration for Coast Security to intercept thousands of people at sea every year and forcibly and unlawfully take them back to face widespread and systematic violations in detention centres in Libya.<sup>420</sup> Yet, the EU has not only continued this cooperation but has also looked at ways to extend it to other countries, including Tunisia and Egypt.<sup>421</sup>

## 10.1 MEMORANDUM OF UNDERSTANDING ON A STRATEGIC AND GLOBAL PARTNERSHIP BETWEEN THE EUROPEAN UNION AND TUNISIA

For over a decade, the EU and its member states have provided support for Tunisia's management of migration.<sup>422</sup> This includes funding the Tunisian coastguard's search-and-rescue capacities and providing training and equipment for border management, in an effort to reduce irregular crossings to Europe.

From 2015 to 2021, a total of EUR 87 million was committed to support Tunisia on migration under the EU Trust Fund for Africa, and at least EUR 48 million under the Neighbourhood, Development and International Cooperation Instrument–Global Europe (NDICI-DE) in 2021 and 2022.<sup>423</sup> For the period 2021-2024, the

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<sup>419</sup> Amnesty International, *Human Rights Risks of External Migration Policies* (Index: POL 30/6200/2017), 13 June 2017, <https://www.amnesty.org/en/documents/pol30/6200/2017/en/>

<sup>420</sup> Amnesty International, *'No One Will Look for You': Forcibly Returned from Sea to Abusive Detention in Libya* (Index: MDE 19/4439/2021), 15 July 2021, <https://www.amnesty.org/en/documents/mde19/4439/2021/en/>

<sup>421</sup> European Commission, Joint Declaration on the Strategic and Comprehensive Partnership between The Arab Republic Of Egypt and the European Union - European Commission, 17 March 2024.

<sup>422</sup> Tunisian Forum for Economic and Social Rights (FTDES) and Migreurop, *Politiques du Non-Accueil en Tunisie [Policies of Non-Reception in Tunisia]*, June 2020, <https://ftdes.net/rapports/ftdes.migreu.pdf> (in French), pp. 12-15.

<sup>423</sup> European Commission, *EU Migration support in Tunisia*, June 2023, [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/EUTF-Tunisia\\_v9.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/EUTF-Tunisia_v9.pdf). In October 2023, the European Commission refers to EUR 65 million

European Commission communicated that the EU's bilateral assistance to Tunisia under the NDICI-DE amounted to EUR 620 million, without however specifying the amount for migration.<sup>424</sup> According to leaked documents, as much as EUR 175 million was allocated to Tunisia for migration programmes under the NDICI-GE instrument between 2021 and 2023.<sup>425</sup>

In the wake of President Saïed's racist speech and linked events in Tunisia in early 2023, the Italian government of Prime Minister Giorgia Meloni campaigned for increased financial support and cooperation between the EU and Tunisia with a view to limiting the number of people arriving in Italy from Tunisia. In April 2023, the EU and Tunisia announced plans to seek a renewed strategic partnership on migration.<sup>426</sup>

In parallel, Nabil Ammar, former Tunisian ambassador to the EU, and former Tunisian minister of foreign affairs, indicated that Tunisia needed more resources to more effectively combat irregular migration.<sup>427</sup> On 4 April 2023, he stated:

**"We have boats and operational means donated by European countries, including Italy, to intercept these migrants. But they are not enough and are now old... [Neighbouring countries] send us information on the ships that travel and tell us: 'it's you who must intervene'... And that costs us dearly financially."**<sup>428</sup>

However, Tunisian officials, including the president, have also repeatedly stated that Tunisia would not be Europe's border guard from 2023 onwards.<sup>429</sup>

On 11 June and 16 July 2023, European Commission President Ursula von der Leyen, Dutch Prime Minister Mark Rutte and Italian Prime Minister Giorgia Meloni, as well as Olivér Várhelyi, the Commissioner for Neighbourhood and Enlargement, visited Tunisia. Following both visits, the leaders held a press meeting, where journalists were not permitted to ask questions.

On 16 July 2023, a Memorandum of Understanding (MoU) was signed between the European Commission and Tunisia.<sup>430</sup> It outlined a strategic partnership on a range of issues, including migration. Among other things, it envisioned the provision of an additional EUR 105 million of EU funds for migration management measures in Tunisia, set to focus on border management, anti-smuggling efforts and returns. The European Commission committed a further EUR 150 million in direct budgetary support to the Tunisian state under the MoU, which was disbursed in March 2024.<sup>431</sup> The MoU also entailed a EUR 900 million loan from EU funds, should Tunisia

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under the EU's Neighbourhood, Development and International Cooperation Instrument for 2021 and 2022, while flagging that this is a national approximation based on regional programmes: European Commission, Letter to the Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), 20 October 2023, available at: [https://twitter.com/Tineke\\_Strik/status/1717158152750129494](https://twitter.com/Tineke_Strik/status/1717158152750129494)

<sup>424</sup> European Commission, "Tunisia", Cooperation, [https://enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/tunisia\\_en#:~:text=For%20the%20period%202021%2D2024,amounts%20to%20%E2%82%AC620%20million](https://enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/tunisia_en#:~:text=For%20the%20period%202021%2D2024,amounts%20to%20%E2%82%AC620%20million) (accessed on 8 July 2025).

<sup>425</sup> Council of the European Union, "Update on the state of play of external cooperation in the field of migration policy", 21 January 2025, available at: <https://www.statwatch.org/media/4715/eu-council-enwp-external-coop-update-5235-25.pdf>

<sup>426</sup> European Commission, "The European Commission and Tunisia have expressed the willingness to establish a stronger partnership on migration, anti-smuggling and the promotion of legal migration", 27 April 2023, [https://neighbourhood-enlargement.ec.europa.eu/news/european-commission-and-tunisia-have-expressed-willingness-establish-stronger-partnership-migration-2023-04-27\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/european-commission-and-tunisia-have-expressed-willingness-establish-stronger-partnership-migration-2023-04-27_en)

<sup>427</sup> La Presse, "Nabil Ammar, ministre des affaires étrangères, de la migration et des tunisiens à l'étranger, au journal italien La Repubblica: 'Nous sommes en première ligne pour aider l'Italie à gérer les flux de migrants. Mais nous avons besoin de plus de moyens.'" ["Nabil Ammar, minister of foreign affairs, migration and Tunisians abroad, to the Italian newspaper La Repubblica: 'We are on the front line to help Italy manage the flow of migrants. But we need more resources.'"], 6 April 2023, <https://lapresse.tn/2023/04/06/nabil-ammar-ministre-des-affaires-etrangees-de-la-migration-et-des-tunisiens-a-letranger-au-journal-italien-la-repubblica-nous-sommes-en-premiere-ligne-pour-aider-li/> (in French); Tunis Afrique Press Agency (TAP), "Journée de la diplomatie tunisienne: Entretien avec le ministre des Affaires étrangères" ["Tunisian diplomacy day: Interview with the minister of foreign affairs"], 30 April 2023, <https://www.tap.info.tn/fr/Portail-à-la-Une-FR-top/16231974-journée-de-la> (in French).

<sup>428</sup> Nessma, "Nabil Ammar: La Tunisie utilise tous les moyens dont elle dispose pour lutter contre la migration irrégulière" ["Nabil Ammar: Tunisia uses every means at its disposal to fight against irregular migration"], 5 April 2023, <https://www.nessma.tv/fr/nationale/actu/ministre-des-affaires-etrangees-des-enquetes-sont-en-cours-aupres-des-personnes-arretees-dans-l-affaire-de-complot-et-si-les-faits-ne-sont-pas-etablis-elles-seront-acquittees/443275> (in French).

<sup>429</sup> Businessnews, "Walid Hajjem: la Tunisie ne sera jamais un garde-frontière de l'Europe" ["Walid Hajjem: Tunisia will never be Europe's border"], 13 June 2023, <https://businessnews.com.tn/2023/06/13/article-1198374/1198374/> (in French and Arabic); Africanews, "Kais Saïed : 'La Tunisie ne peut être le garde-frontière de l'Europe'" ["Kais Saïed: 'Tunisia cannot be Europe's border guard'"], 20 June 2023, <https://fr.africanews.com/2023/06/19/kais-saied-la-tunisie-ne-peut-etre-le-garde-frontiere-de-leurope/> (in French); Le Figaro, "Immigration: 'La Tunisie ne peut servir de garde-frontière de l'Europe'" ["Immigration: 'Tunisia cannot be used as Europe's border guard'"], 17 July 2023, <https://www.lefigaro.fr/vox/monde/immigration-la-tunisie-ne-peut-servir-de-garde-frontiere-de-l-europe-20230717> (in French); Agenzia Nova, "Le président tunisien Saïed : 'Complot déjoué et migrants rapatriés volontairement'" ["Tunisian President Saïed: 'The plot is foiled and migrants are voluntarily repatriated'"] (previously cited).

<sup>430</sup> European Commission, Memorandum of Understanding on a strategic and global partnership between the European Union and Tunisia, 16 July 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3887](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3887)

<sup>431</sup> European Commission, « L'Union européenne poursuit la mise en œuvre du Mémorandum d'entente avec la Tunisie en déboursant 150 millions d'euros de soutien financier" ["The European Union continues the implementation of the Memorandum of Understanding with

sign a financing deal with the International Monetary Fund (IMF), which the Italian government attempted to facilitate.<sup>432</sup>

In parallel, the European Commission stated wanting to agree on an anti-smuggling operational partnership with Tunisia in 2023 and Tunisian officials were invited to visit the headquarters of Frontex (the European Agency for the Management of Operational Cooperation at the External Borders) in mid-September 2023 for a familiarization session.<sup>433</sup>

## 10.2 HUMAN RIGHTS CONCERNS WITH THE MEMORANDUM OF UNDERSTANDING

The conclusion of this agreement was marred by a lack of transparency, parliamentary and public scrutiny, or consultations with civil society in either Tunisia or EU member states.<sup>434</sup>

Under international human rights law, states should refrain from engaging in cooperation that prevents refugees and migrants from leaving a country where they do not have effective protection and are exposed to human rights violations, as has been the case in Tunisia.<sup>435</sup>

The EU's external action is also required to align with principles of rule of law, human rights, and respect for international law.<sup>436</sup> The promotion of these principles is core to the European Neighbourhood Policy, in which the EU committed to supporting partner countries including Tunisia in implementing reforms to promote human rights, democracy and civil society.

However, despite a mention in the MoU that cooperation would be “based on respect for human rights”, the agreement was reached without necessary or effective safeguards for human rights, as evident by the lack of requirements to conduct human rights impact assessments, clear and transparent benchmarks, or independent monitoring. There is no explicit suspensive clause as part of the agreement that provides for a halt to migration management cooperation in the event of rights abuses, and no publicly available criteria on EU decisions on the suspension of funds. This raised alarm given the backdrop of a sharply and visibly deteriorating human rights situation in the country, as illustrated by the wave of racist violence in February 2023 and the collective expulsions of refugees and migrants in June-July 2023.

Cooperation on the return of people in Tunisia to their countries of origin, stipulated in the MoU, also generates serious concerns, due to the lack of access to asylum in the country. There is therefore no protection system in place to ensure people are not returned to countries where they would be at risk of serious human rights violations or abuses, in breach of human rights and customary international law.

On 17 August 2023, UN human rights experts<sup>437</sup> stated:

**"Given the allegations of systemic gross human rights violations and abuses perpetrated against migrants, refugees and asylum seekers across [Tunisia], including reported violations of the right to life and disappearances, we are concerned that eventual cooperation [with the EU] would contribute to the pervasive and consistent patterns of human rights violations against these groups of persons in Tunisia."**<sup>438</sup>

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Tunisia by disbursing 150 million euros in financial support"], 4 March 2024, [https://neighbourhood-enlargement.ec.europa.eu/news/union-europeenne-poursuit-la-mise-en-oeuvre-du-memorandum-dentente-avec-la-tunisie-en-deboursant-2024-03-04\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/union-europeenne-poursuit-la-mise-en-oeuvre-du-memorandum-dentente-avec-la-tunisie-en-deboursant-2024-03-04_en) (in French).

<sup>432</sup> Euractiv, "Italy works to secure Tunisia IMF funding for stable cooperation", 7 June 2023,

<https://www.euractiv.com/section/politics/news/italy-works-to-secure-tunisia-imf-funding-for-stable-cooperation/>

<sup>433</sup> President of the European Commission, Ursula von der Leyen, Annex to a letter sent to the October 2023 European Council, undated, available at: <https://www.statewatch.org/media/4103/eu-com-von-der-leyen-ec-letter-annex-10-23.pdf>

<sup>434</sup> Amnesty International, "EU/Tunisia: Agreement on migration 'makes EU complicit' in abuses against asylum seekers, refugees and migrants", 17 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/eu-tunisia-agreement-on-migration-makes-eu-complicit-in-abuses-against-asylum-seekers-refugees-and-migrants/>

<sup>435</sup> Amnesty International, *Human Rights Risks of External Migration Policies* (Index: POL 30/6200/2017), 13 June 2017, <https://www.amnesty.org/en/documents/pol30/6200/2017/en/#:~:text=From%20the%20perspective%20of%20international,pse%20signifi cant%20human%20rights%20risks>

<sup>436</sup> Treaty on the European Union, Article 6 and 21; Treaty on the Functioning of the European Union, Article 205.

<sup>437</sup> Mandates of the UN Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences; and the Working Group on discrimination against women and girls.

<sup>438</sup> UN Special Procedures, Communication, Ref. AL OTH 98/2023, 17 August 2023, p. 7.

In September 2023, the European Ombudsman opened an inquiry into the agreement, asking the Commission to clarify how it intended to ensure its human rights compliance and expressing concern over the absence of a prior human rights impact assessment.<sup>439</sup>

In October 2024, the Ombudsman issued its decision, noting that while no impact assessment was conducted, the Commission had carried out a risk management exercise before the MoU was signed, which was however not public.<sup>440</sup> The Ombudsman recommended that the Commission elaborate “concrete criteria” for the possible suspension of EU-funded contracts related to migration management where it finds evidence of human rights violations in the implementation of projects. It also recommended the Commission address transparency shortcomings regarding existing risk management and human rights monitoring, as well as set up complaint mechanisms for individuals to report alleged violations in the implementation of EU-funded projects in Tunisia.

On 1 October 2024, in a communication to the Tunisian authorities, a group of UN experts<sup>441</sup> noted:

**“Despite the responses provided by the European Commission to the Ombudsman's Office regarding due diligence in the use of EU funds under the Memorandum of Understanding concluded, the information shared regarding the use of violence by the Tunisian coastguard during interceptions at sea would cast serious doubt on the reliability of the mechanisms implemented.”<sup>442</sup>**

Amnesty International has repeatedly called for European institutions to take steps towards a more humane, sustainable and rights-compliant approach to migration and asylum across the Mediterranean, an approach that does not put people at further risk or make the EU complicit in violations that may occur.<sup>443</sup>

The MoU, signed without effective human rights safeguards, in a context of well-documented escalating xenophobic and racist rhetoric from public officials and shortly after the first wave of collective expulsions to the borders, has led to more people including refugees and asylum seekers being trapped or contained in a country where they are exposed to widespread human rights violations and abuses, as it foresaw a larger number of people being intercepted or rescued at sea and disembarked in Tunisia.<sup>444</sup>

The ongoing cooperation between the EU and Tunisia on migration control, in relying on the possibility to disembark people rescued or intercepted at sea in Tunisia and supporting security authorities who are committing serious violations, as has been similarly the case with the EU's cooperation with Libya, is thus contributing to and risks normalizing human rights violations against people seeking protection.

Amnesty International has on several occasions since November 2023 shared its preliminary findings on violations of refugee and migrant rights in Tunisia with EU representatives, including during interceptions at sea and disembarkation and breaches of the principle of non-refoulement.

## 10.3 CURRENT STATUS OF THE MEMORANDUM OF UNDERSTANDING

Despite these concerns, the European Commission reaffirmed its commitment to the agreement with Tunisia, presenting it as a “blueprint” and model to follow with other states.<sup>445</sup> Several EU officials since 2024 have

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<sup>439</sup> European Ombudsman, Strategic initiative SI/5/2023/MHZ on how the European Commission intends to guarantee respect for human rights in the context of the EU-Tunisia Memorandum of Understanding, September 2023, <https://www.ombudsman.europa.eu/en/opening-summary/en/175102>

<sup>440</sup> European Ombudsman, Decision on how the European Commission intends to guarantee respect for human rights in the context of the EU-Tunisia Memorandum of Understanding (OI/2/2024/MHZ), 21 October 2024, <https://www.ombudsman.europa.eu/en/decision/en/193851>

<sup>441</sup> Mandates of the Special Rapporteur on Trafficking in Persons, especially Women and Children; the Working Group of Experts on People of African Descent; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on the Human Rights of Migrants; and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.

<sup>442</sup> UN Special Procedures, Communication, 1 October 2024, Ref. AL TUN 6/2024, p.9 (in French).

<sup>443</sup> Amnesty International, European Council on Refugees and Exiles, and Human Rights Watch, *Europe: Plan of Action – Twenty steps to protect people on the move along the central Mediterranean route* (Index: EUR 01/4289/2021), 16 June 2021, <https://www.amnesty.org/en/documents/eur01/4289/2021/en/>

<sup>444</sup> Amnesty International, “In Tunisia, the EU is repeating an old and dangerous mistake”, 21 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/in-tunisia-the-eu-is-repeating-an-old-and-dangerous-mistake/>

<sup>445</sup> European Commission, “Speech by President von der Leyen at the International Conference on Development and Migration”, July 2023, [https://ec.europa.eu/commission/presscorner/detail/en/speech\\_23\\_3981](https://ec.europa.eu/commission/presscorner/detail/en/speech_23_3981)

lauded the implementation of the MoU, attributing it with “a consistent trend of reduction of arrivals from Tunisia”.<sup>446</sup>

In reaction to a media investigation report published in May 2024,<sup>447</sup> according to which the EU was aware of human rights violations against sub-Saharan African migrants, including collective expulsions, European Commissioner for Home Affairs Ylva Johansson stated on 12 June 2024:

**“We hear reports on things that are not related to our cooperation with the third countries, we hear reports that are worrying... We have not seen any shortcomings in this implementation.”<sup>448</sup>**

As of June 2025, the agreement continues to be implemented. Technical meetings between Tunisian authorities and the European Commission have continued, including to discuss the implementation of the MoU.<sup>449</sup> At least half of the EUR 105 million allocated to migration-related funding had been contracted by August 2024.<sup>450</sup> The contracted amounts concerned projects relating to “border management, anti-smuggling and anti-trafficking, protection and return and reintegration”,<sup>451</sup> but a detailed breakdown of the EUR 105 million allocation for migration is not publicly available. The agreement foresaw training and capacity building directly for the Tunisian coastguard and to a new maritime search-and-rescue coordination centre – including the provision and refitting of “search-and-rescue” vessels.<sup>452</sup>

In that regard, in June 2024, Tunisia formalised its maritime SRR, a long-standing priority of the EU.<sup>453</sup> While a formal step towards the fulfilment of Tunisia’s responsibility to protect life at sea, the new SRR is likely to lead to a gradual disengagement of EU actors at sea in favour of Tunisian actors with a poor human rights record.<sup>454</sup>

In 2024, the European Commission committed to setting up an independent monitoring system for migration-related programmes in Tunisia.<sup>455</sup> While “dedicated monitoring mechanisms” had been deployed as of 2025 “to further ensure adherence to human rights standards in EU funded projects related to migration and security”, no other information was publicly available at the time of writing.<sup>456</sup> In January 2025, according to the Guardian, “concrete conditions” were being drawn up by European Commission officials to ensure future EU funding to Tunisia would go ahead only if human rights have not been violated, in line with the European Ombudsman’s recommendations.<sup>457</sup>

In response to a parliamentary question on the EU’s monitoring mechanisms and required evidence of contractual breaches to suspend cooperation with Tunisia, on 24 March 2025, European Commissioner for the Mediterranean Dubravka Šuica declared:

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<sup>446</sup> European Parliament, Answer given by European Commissioner for Neighbourhood and Enlargement Olivér Várhelyi on behalf of the European Commission: Parliamentary question - E-000381/2024(ASW), 3 June 2024, [https://www.europarl.europa.eu/doceo/document/E-9-2024-000381-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2024-000381-ASW_EN.html); European Parliament, Answer given by European Commissioner for Internal Affairs and Migration Magnus Brunner on behalf of the European Commission: Parliamentary question - E-000727/2025(ASW), 16 June 2025, [https://www.europarl.europa.eu/doceo/document/E-10-2025-000727-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2025-000727-ASW_EN.html); Nos, “Frontex ziet succes van maatregelen aan Europese buitengrenzen” [“Frontex sees success of measures at European external borders”], 26 January 2025, <https://nos.nl/artikel/2553342-frontex-ziet-succes-van-maatregelen-aan-europese-buitengrenzen> (in Dutch).

<sup>447</sup> Lighthouse Reports and a coalition of media organizations, *Desert Dumps*, 21 May 2024,

<https://www.lighthousereports.com/investigation/desert-dumps/>

<sup>448</sup> FactRefuge, “EU Funds Exacerbate Abuse of Black Migrants?”, 13 June 2024, <https://www.factrefuge.com/europe/eu-funds-exacerbate-black-migrants-abuse/>

<sup>449</sup> Council of the European Union, *Update on the State of Play of External Cooperation in the Field of Migration Policy*, 21 January 2025, <https://www.statewatch.org/media/4715/eu-council-emwp-external-coop-update-5235-25.pdf>

<sup>450</sup> European Parliament, Answer given by European Commissioner for Neighbourhood and Enlargement (previously cited).

<sup>451</sup> European Commission, Letter to the Chair of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE), 20 October 2023, available at: [https://twitter.com/Tineke\\_Strik/status/1717158152750129494](https://twitter.com/Tineke_Strik/status/1717158152750129494)

<sup>452</sup> European Commission, Letter to the Chair of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE), 20 October 2023 (previously cited).

<sup>453</sup> European Commission, Action Document for EU Support to Border Management Institutions in Libya and Tunisia, December 2021, [https://enlargement.ec.europa.eu/system/files/2021-12/C\\_2021\\_9615\\_F1\\_ANNEX\\_EN\\_V3\\_P1\\_1639231%20Annex%20II%20BM%20LY%20TU.PDF](https://enlargement.ec.europa.eu/system/files/2021-12/C_2021_9615_F1_ANNEX_EN_V3_P1_1639231%20Annex%20II%20BM%20LY%20TU.PDF)

<sup>454</sup> Amnesty International, “Joint statement: Tunisia is not a place of safety for people rescued at sea”, (Index: MDE 30/8593/2024), 4 October 2024, <https://www.amnesty.org/en/documents/mde30/8593/2024/en/>

<sup>455</sup> European Parliament, Answer given by European Commissioner for Neighbourhood and Enlargement Olivér Várhelyi on behalf of the European Commission: Parliamentary question - E-000975/2024(ASW), 1 July 2024, [https://www.europarl.europa.eu/doceo/document/E-9-2024-000975-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2024-000975-ASW_EN.html)

<sup>456</sup> European Parliament, Answer given by European Commissioner for the Mediterranean Dubravka Šuica on behalf of the European Commission: Parliamentary question - E-000062/2025(ASW), 8 April 2025, [https://www.europarl.europa.eu/doceo/document/E-10-2025-000062-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2025-000062-ASW_EN.html)

<sup>457</sup> The Guardian, “Europe overhauls funding to Tunisia after Guardian exposes migrant abuse”, 24 January 2025, <https://www.theguardian.com/global-development/2025/jan/24/eu-human-rights-tunisia-migrant-security-forces-migration>

**“The Commission is working on enhancing internal procedures to ensure stronger implementation of the human rights-based approach in EU-funded migration programmes with partner countries and more effectively following up on allegations of human rights violations.”<sup>458</sup>**

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<sup>458</sup> European Parliament, Answer given by European Commissioner for the Mediterranean Dubravka Šuica on behalf of the European Commission: Parliamentary question - P-000621/2025(ASW), 24 March 2025, [https://www.europarl.europa.eu/doceo/document/P-10-2025-000621-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-10-2025-000621-ASW_EN.html)

# 11. CONCLUSION: TUNISIA NOT A SAFE COUNTRY

Patterns of serious human rights violations and abuses show that Tunisia cannot be regarded as a place of safety for the disembarkation of refugees and migrants rescued or intercepted at sea, nor as a “safe third country” for the transfer of asylum seekers, particularly Black people.

A “place of safety” has been defined by the International Maritime Organization (IMO) as a location where the survivors’ safety or life is no longer threatened – where basic human needs (such as food, shelter and medical needs) can be met, taking into account the particular circumstances of each individual; and transportation arrangements can be made for the survivors’ next or final destination.<sup>459</sup> The IMO further highlights: “The need to avoid disembarkation in territories where the lives and freedoms of those alleging a well-founded fear of persecution would be threatened is a consideration in the case of asylum seekers and refugees recovered at sea.”<sup>460</sup>

In addition, UN entities have explained that the “place of safety” concept should be “interpreted in light of international law, so that when migrants and refugees are rescued at sea, international human rights and refugee law and transnational criminal law norms are to be taken into account in identifying and deciding where they may be disembarked.”<sup>461</sup> In particular, due consideration should be given to the principle of non-refoulement, and it is therefore paramount that no search-and-rescue or interception operation concludes with the transfer of a person to a country where they would be at risk of serious human rights violations.

In a report in April 2024, the UN Special Rapporteur on Trafficking in Persons, especially Women and Children, recalled that:

**“A place of safety must be interpreted as meaning a place that can ensure protection of the rights of those disembarked, including, specifically, the rights of victims and potential victims of trafficking, as well as the prevention of trafficking in persons, ‘since the notion of “safety” extends beyond mere protection from physical danger and must also take into account the fundamental rights dimension of the proposed place of disembarkation’. States are required to ensure respect for human rights principles, including access to relevant procedures, the prohibition of refoulement and avoiding serious harm or other risks.”<sup>462</sup>**

In addition, the concept of “safe third country” has been used by European and other authorities to refer to a country through which asylum seekers have passed on their way to the country of asylum or a country in which

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<sup>459</sup> IMO, Resolution MSC.167(78): Guidelines on the Treatment of Persons Rescued At Sea, adopted on 20 May 2004, Annex 34, paras. 6.12 and 6.15.

<sup>460</sup> IMO, Resolution MSC.167(78), previously cited, Annex 34, para. 6.17.

<sup>461</sup> UNHCR, IOM, OHCHR, UN Office on Drugs and Crime (UNODC), UN Children’s Emergency Fund (UNICEF) and UN Special Rapporteur on the Rights of Migrants, “The concept of place of safety under international law and the respect of the rights of migrants and refugees rescued at sea by all States”, 16 May 2022, <https://www.unhcr.org/news/announcements/unhcr-joins-call-save-lives-sea>, p. 2.

<sup>462</sup> UN Special Rapporteur on Trafficking in Persons, especially Women and Children, *Trafficking in Persons, Mixed Migration and Protection at Sea*, 25 April 2024, UN Doc. A/HRC/56/60, para. 30.

it is deemed that they could have sought protection. Amnesty International strongly opposes any policy that involves the automatic return of asylum seekers to a supposedly “safe third country” as it undermines the individual right to have asylum claims fully and fairly processed and may result in individuals being subsequently expelled to their country of origin in violation of the principle of non-refoulement.<sup>463</sup>

Tunisian officials have taken a highly concerning shift in their policy and practices on migration and asylum, driven by the public advocacy of racial hatred of public officials and parliamentarians and a climate of growing xenophobia and racism. This has had dire and discriminatory consequences especially for Black refugees and migrants in the country, including racist violence from individuals and authorities and arbitrary detention based on racial profiling. The current migration and asylum system in Tunisia is now characterized by widespread human rights violations marked by a disregard for the lives, safety and dignity of refugees and migrants, particularly Black people.

Within this system, collective and summary expulsions of refugees and migrants to Libya and Algeria, following an interception at sea or a racially motivated arrest, have become routine, without any procedural safeguards and in blatant violation of the principle of non-refoulement. Tunisian authorities are dumping foreign nationals – including refugees and asylum seekers, irregular or regular migrants, pregnant women and children – in remote areas in the desert at great risk to their lives.

Interceptions at sea – about which the authorities have stopped sharing data since June 2024 – are often violent and reckless, putting lives at risk, and are almost systematically followed by collective expulsions. Disembarkation procedures do not include any assessment of protection needs. In parallel, the establishment of a Tunisian maritime SRR in June 2024, supported by the EU, is expected to facilitate interceptions over a larger maritime zone and risks becoming a tool to violate people’s rights rather than to fulfil the responsibility to protect safety at sea.

Tunisian authorities are also carrying out collective expulsions following arbitrary arrests and detentions based on racial profiling, of which Black refugees and migrants are at heightened risk. In addition to detaining foreign nationals outside of any judicial control ahead of an expulsion, or detaining them in Tunisian prisons without legitimate grounds, and in most cases without respecting due process, Tunisian authorities have continued to use the Ouardia Reception and Orientation Centre in the outskirts of Tunis as an unlawful place of immigration detention for Black refugees and migrants, thus participating in and reinforcing their discriminatory treatment.

In addition, harrowing testimonies, particularly from women refugees and migrants, indicate an extensive practice of torture and other ill-treatment by Tunisian security authorities, including rape, violent or abusive body searches, severe physical violence, and detention in cruel, inhuman and degrading conditions.

Within the wider context of anti-Black racism, the public advocacy of racial hatred, the racial discrimination and abuse, the racial profiling, the lack of race-disaggregated data and the difficulty for Black refugees and migrants to seek remedy for violations or abuse, these policies and practices, taken together, have disproportionately impacted Black foreign nationals and are therefore discriminatory. While Tunisian migration legislation, policy and official communication might be race-neutral, authorities have implemented them in a discriminatory way. In consequence, the Tunisian migration and asylum system, supported by the EU and its member states, is used as a tool of racialized exclusion. These policy and practices further seriously call into question the implementation of Law 2018-50 penalizing racial discrimination, previously considered landmark legislation.

These patterns of serious violations were compounded by two alarming developments from mid-2024 onwards: the Tunisian authorities ordered UNHCR to suspend asylum seeker registration and RSD and cracked down on NGOs providing assistance and protection to refugees and migrants.

In view of these developments – most notably the real risk of refoulement and ill-treatment, the lack of any protection assessment during disembarkations and the lack of effective protection for refugees and asylum seekers, within a wider context of rollback on human rights and erosion of judicial independence – Tunisia does not fit the criteria for being designated as a place of safety for refugees and migrants for the purpose of disembarkation following rescues or interceptions at sea.

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<sup>463</sup> Amnesty International, *USA: ‘You Don’t Have Any Rights Here’* (Index: AMR 51/9101/2018), 11 October 2018, <https://www.amnesty.org/en/documents/amr51/9101/2018/en/>, p. 26; Amnesty International, *Council of Europe: Briefing to the Working Group on Human Rights Protection in the Context of Accelerated Asylum Procedures* (Index: IOR 61/024/2006), 6 December 2006, <https://www.amnesty.org/en/wp-content/uploads/2021/08/ior610242006en.pdf>; Amnesty International, *Refugees: Human Rights Have No Borders* (Index: ACT 34/003/1997), 19 March 1997, <https://www.amnesty.org/en/documents/act34/003/1997/en/>, p. 45-46.

Furthermore, the lack of access to asylum, the lack of effective protection of refugees and asylum seekers from human rights violations and the real risk of refoulement show that Tunisia should not be regarded as a “safe third country” for the transfer of asylum seekers, most particularly Black people.

The enhanced cooperation of the EU and its member states with Tunisia at a time when the Tunisian government has been most starkly undermining the rule of law and human rights, demonstrates a cynical attempt to entrap refugees and migrants in a situation where their lives and rights are at risk, in violation of international human rights law. The EU’s persisting support of Tunisia’s migration system, without effective human rights safeguards, has contributed to serious human rights violations and risks further normalizing them, at the expense of the lives and dignity of refugees and migrants. Congratulating itself on the steep decrease in arrivals on European shores from Tunisia, the EU is set to expand migration cooperation that undermines human rights in the region, despite the tragic results already documented in Libya and now in Tunisia.

# 12. RECOMMENDATIONS

Amnesty International is calling on the Tunisian authorities to:

- Protect refugees and migrants from torture and other ill-treatment and abuse, unlawful arrest and detention, and racial profiling, without discrimination based on their migration status, gender, race, skin colour or national origin. Open timely, independent and impartial investigations into all allegations of torture and other ill-treatment and abuse, including sexual harassment and violence, and ensure foreign nationals have access to an effective remedy, irrespective of their status. Similarly open investigations into all deaths during interceptions and bodies of foreign nationals uncovered along border regions.
- Immediately end the practice of collective and summary expulsions of refugees and migrants to Algeria and Libya and put in place procedural safeguards, including the right of individualized protection assessment, legal assistance and suspensive appeal.
- At all times respect the principle of non-refoulement that prohibits the transfer of individuals to another country or jurisdiction where they would face a real risk of serious human rights violations or abuse or where there is a risk of onward transfer to a third country where the person will be at risk.
- At all times, especially in situations of vulnerability such as at sea, protect the non-derogable right to life of refugees and migrants and stop the unnecessary or disproportionate use of force or other practices that put migrants' lives at risk during interceptions.
- Ensure that practical and effective mechanisms are established to systematically assess the individual situation and protection needs of all people disembarked following interceptions or rescues at sea, through timely and effective screenings and referrals, in accordance with due process guarantees and international human rights standards.
- Ensure that anyone intercepted or rescued at sea, including within the Tunisian SRR and by the Tunisian coastguard, is disembarked in a place of safety, which cannot be Tunisia.
- Allow UN and humanitarian agencies unrestricted access to all places where refugees and migrants are being held or disembarked.
- Immediately release all people who remain arbitrarily detained in the Ouardia Reception and Orientation Centre or in other locations, in particular refugees and asylum seekers, children, families, pregnant people, people with disabilities and/or serious health conditions, and survivors of human trafficking, and ensure that anyone detained is informed of the length of their detention, the reason for it and how to appeal against it. At all times ensure that asylum seekers have access to a fair and effective asylum procedures, notably by ensuring they can access UNHCR.
- Ensure that foreign nationals are not arbitrarily evicted from their homes, and that state officials do not participate in unlawful evictions.
- Halt the criminalization of individuals and organizations working with refugees and migrants. Drop charges against human rights defenders and all those prosecuted solely for their legitimate support to refugees and migrants and release all those detainees. Ensure human rights defenders, civil society organizations and activists, journalists as well as refugees and migrants themselves can exercise their right to freedom of expression and association unhindered.
- End the reliance on migration-related detention. Amend Law 68-7 of 1968, relating to the Condition of Foreigners in Tunisia, and Law 2004-6 of 2004, relating to Passports and Travel Documents to

decriminalize irregular entry, stay and exit and ensure they are treated as administrative not criminal offences; to provide a presumption against migration-related detention; and to ensure it is limited to the minimum time necessary, based on a detailed individual assessment, only as a measure of last resort according to international law; and develop where necessary alternatives to detention.

- Adopt national asylum legislation implementing the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol to ensure protection of the rights of asylum seekers and refugees in Tunisia. Until then, immediately reverse the suspension of asylum seeker registration and RSD activities by UNHCR and allow the UN agency to work without hindrance.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Take strong measures to combat racism and xenophobia, such as ceasing the use of racist and xenophobic language and retracting previous racist comments by public officials; addressing and condemning the public advocacy of racial hatred through judicial action or other sanctioning; ensuring the effective implementation of Law 2018-50 penalizing racial discrimination; conducting anti-discrimination campaigns; investigating hate crimes and ensuring that individuals who suffer racist abuse are able to safely seek effective remedy regardless of their migration status; establishing adequate resources to assess and combat the discriminatory outcomes of migration policies; and integrating anti-racism programmes in the training of relevant security and judicial officials, including on consistent rules forbidding racial profiling.
- Collect and make public comprehensive data disaggregated by race or ethnic origin, notably in relation to interceptions and expulsions, with strict safeguards and in accordance with international human rights law.
- Ensure that policymaking and data collection on migration follow a consultative and participatory process with effective and meaningful representation of independent civil society, particularly Black refugees and migrants and their organizations, under the monitoring and oversight of independent judicial authorities as well as media, institutions such as the national prevention mechanisms, and civil society organizations, in full respect of fundamental civil and political freedoms.
- Ensure that all agreements and memoranda of understanding relevant to migration are publicly available.

**Amnesty International is calling on the EU and its member states to:**

- Suspend assistance for migration and border control aimed at facilitating the containment of people in Tunisia, pending the adoption of concrete and verifiable measures by Tunisian authorities to protect the rights of refugees and migrants. No EU funding should be disbursed to Tunisian security forces or any other governmental entities that are responsible for human rights violations against refugees and migrants in the country – neither directly nor via member states or other international organizations serving as intermediaries.
- Ensure that any cooperation with Tunisia on migration is geared towards strengthening protection measures and the asylum system in the country. Any engagement should place human rights at the centre, ensure that Tunisian authorities meet clear human rights benchmarks and include effective independent monitoring, including through the following measures:
  - Exercise due diligence, through the publication of a prior human rights impact assessment, based on robust benchmarks, before continuing cooperation with Tunisian authorities on border protection and migration management. Independent, third-party monitoring mechanisms should be in place to assess the human rights impact of relevant activities. Any agreement or disbursement of funds should include suspensive clauses, to halt cooperation and suspend activities found to be negatively impacting human rights.
- Put in place measures to ensure the safety of third country nationals within Tunisia and the protection of their rights, including access to humanitarian assistance, adequate opportunities to have protection needs recognized, and access to information, including on the legal pathways available to them. Any agreement on migration should also incorporate an expansion of safe and regular avenues for people to reach protection in Europe, including through resettlement and humanitarian visas, or labour and student mobility schemes that are truly accessible and meaningful in scope. These should be available for asylum seekers, refugees and migrants in Tunisia, as well as Tunisian nationals.

- Ensure the presence of an independent judiciary, respect for freedom of expression, and an enabling environment for civil society in Tunisia as prerequisites for cooperation on border management. Authorities should cease their targeting of organizations and individuals assisting refugee and migrants and release the individuals detained.
- Ensure overall transparency on the use of EU funding, steps taken to exercise due diligence and other safeguards to prevent complicity with human rights violations in the implementation of the migration aspects of the EU-Tunisia Memorandum of Understanding, including through scrutiny by the European Parliament and in line with the recommendations of the European Ombudsman.
- Ensure that search and rescue organizations and commercial ships are not instructed to disembark people they rescue at sea in Tunisia, which is not a place of safety.
- Take steps towards a more humane, sustainable and rights-compliant approach to migration and asylum across the Mediterranean. This includes:
  - Ensuring proactive search and rescue operations in the Mediterranean. EU institutions and member states should deploy an adequate number of vessels along routes taken by refugees and migrants, and allow NGOs to carry out their life-saving search-and-rescue activities in a safe and enabling environment without being penalized, hindered or criminalized.
  - Protecting rights in migration-related cooperation with partner countries. Cooperation on migration and border management should be reset and refocused on protecting human rights, including the human rights of refugees and migrants, and integrate strong due diligence components to assess and address the human rights risks of cooperation initiatives.
  - Establishing a mechanism for predictable disembarkation and equitable relocation in the EU. Any vessels engaging in rescuing refugees and migrants in distress in the Mediterranean should be promptly granted a place of safety where survivors can disembark, receive adequate assistance, and be able to apply for international protection. Disembarkation should take place without undue delays.
  - Committing to global responsibility-sharing and to facilitating safe and regular migration pathways. States should implement and increase resettlement pledges and expand alternative pathways for people in need of international protection – including humanitarian visas, refugee labour and student mobility schemes, and community sponsorship initiatives. They should also expand and diversify the availability of regular pathways for those who wish to migrate, including for employment, study, and family reunification.
  - Ensuring accountability for human rights violations wherever they have taken place. This includes EU institutions and member states' actions and omissions at sea, on land upon disembarkation, through the European Border and Coast Guard Agency (Frontex), or through cooperation with partner countries' authorities. Robust monitoring of partner countries' coastguards' conduct and operations at sea, including accountability processes in case of breaches of international law, should be in place.

**Amnesty International is also calling on the Libyan authorities to:**

- Sign and ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and formalize the presence of UNHCR.
- Close all migration detention facilities, decriminalize irregular migration, and stop detaining refugees and migrants solely on the basis of their legal status.
- Pending the release of all arbitrarily detained refugees and migrants and the closure of detention centres, ensure that those detained are protected from torture and other ill-treatment and held in safe and dignified conditions in line with international standards.
- Implement a system enabling the tracing of refugees and migrants transferred to detention or otherwise deprived of liberty, while keeping their privacy and data secure.
- Allow humanitarian agencies and independent monitors unrestricted and unconditioned access to all places where refugees and migrants are detained or disembarked.

- Put in place measures to ensure that funding of militias and armed groups does not facilitate crimes under international law and other serious human rights violations and abuses.
- Initiate effective, independent and impartial investigations into all allegations of unlawful killings, torture and other ill-treatment, including rape and sexual violence, and forced labour, and ensure that those reasonably suspected of ordering, committing or acquiescing to such acts are removed from positions where they can repeat these violations pending proceedings meeting international standards of fair trial.
- Cooperate fully with the International Criminal Court (ICC) to comply with arrest warrants and support the application for additional ones in several lines of inquiry, including in the crimes against migrants, and ensure that they have unfettered access and the necessary support to conduct investigations.
- Respond favourably, with no further delay, to pending visit requests from UN Special Procedures to conduct a country visit including to migrant detention centres.

# 13. ANNEXES

## 13.1 LETTER TO THE TUNISIAN AUTHORITIES

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EU Transparency Register N°: 11063928073-34

Reference No: **TIGO IOR 10/2025.7140**

*To the attn. of:*

**His Excellency Sahbi Khalfallah**

Ambassador of Tunisia to the Kingdom of Belgium and to the European Union  
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### TUNISIA: UPCOMING REPORT ON REFUGEE AND MIGRANT RIGHTS

Your Excellency,

I am writing to you as a representative of Amnesty International's International Secretariat based in Brussels.

Amnesty International is a global independent human rights organization of more than 10 million people in more than 64 countries working to end human rights violations. The International Secretariat headquarters is based in London, which is where most of our legal and policy experts are based, while our European Regional Office is in Brussels. We regularly seek to engage with the authorities to share our findings and recommendations.

I am writing today to share below summary findings of Amnesty International's research on the situation of refugees and migrants in Tunisia in order to invite the official response of the government of Tunisia, in follow-up to our last correspondence of 26 May 2023 with the Ministry of Interior about the Ouardia Reception and Orientation Centre in Tunis. We plan to publish a report on these findings in November and would welcome the government's response which we would publish in full.

The report investigates the experiences of refugees and migrants mainly in and around the capital Tunis and the cities of Sfax and Zarzis since February 2023.

The report makes findings relating to the public advocacy of racial hatred; racial discrimination and abuse; arbitrary detention; human rights violations during interceptions at sea and disembarkations; collective expulsions; torture and other ill-treatment; protection and assistance; and cooperation with the European Union on migration control.

A summary of the report and our recommendations are included below. We welcome any comments and additional information from your government in response to our findings to ensure that we can fully reflect the Tunisian authorities' position. We commit to publishing your full response in this report, if received by 3 November, or in another future publication.

We look forward to your response. If you have any questions, please contact us by email at:  
[tunisiatteam@amnesty.org](mailto:tunisiatteam@amnesty.org).

Please accept the assurance of our highest considerations,

Eve Geddie  
Director  
Amnesty International – European Institutions Office

A handwritten signature in blue ink, appearing to read "Eve Geddie".

# 13.2 LETTER TO THE LIBYAN AUTHORITIES

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**Reference: TG MDE 19/2025.7144**

His Excellency Prime Minister of the Government of National Unity (GNU), Abdelhamid Dbeiba

His Excellency Major General Emad al-Trabulsi, Acting Minister of Interior

## **LIBYA: REPORT ON COLLECTIVE EXPULSIONS OF REFUGEES AND MIGRANTS FROM TUNISIA**

Your Excellency,

We are writing today to share below summary findings and recommendations from Amnesty International's research on the situation of refugees and migrants in Tunisia in order to invite the official response of the government of Libya. We plan to publish a report on these findings in November and would welcome your response which we would publish in full.

The report investigates violations of international human rights law committed against refugees and migrants in Tunisia since February 2023. Among other violations, the report makes findings with regards to operations of collective expulsions during which the Tunisian authorities have directly handed refugees and migrants to Libyan militias and agencies nominally under the control of the Government of National Unity (GNU) and the Ministry of Interior, such as the Libyan Border Guard (LBG) and the Stability Support Authority (SSA). These entities either left them stranded in the desert at the risk of their lives or indefinitely detained in cruel and inhuman conditions and asked them to pay ransoms for their freedom, including in detention centres controlled by the Directorate for Combatting Illegal Migration (DCIM).

In that regard, the report provides recommendations to the Tunisian authorities, as well as to the Libyan and European authorities.

We welcome any comments and additional information in response to our findings to ensure that we can fully reflect the Libyan authorities' position. We commit to publishing your full response in this report or, if not received by 2 November 2025, to do so in a future publication.

We look forward to your response. If you have any questions, please contact us at: [hussein.baoumi@amnesty.org](mailto:hussein.baoumi@amnesty.org) or +32 486 04 20 50.

Please accept the assurance of our highest considerations,

Hussein Baoumi, Deputy Regional Director for the Middle East and North Africa  
Amnesty International  
International Secretariat  
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## 13.3 LETTER TO THE EUROPEAN AUTHORITIES

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EU Transparency Register N°: 11063928073-34

Reference No: **TIGO IOR 10/2025.7140**

*To the attn. of:*

**Ms Kaja Kallas**

EU High Representative for Foreign Affairs and Security Policy / Vice-President European Commission

Dear High Representative Kallas,

### **AMNESTY INTERNATIONAL REPORT – RISK OF COMPLICITY IN REFUGEE AND MIGRANT RIGHTS VIOLATIONS IN TUNISIA**

We are writing to share the key findings of Amnesty International's report *"'Nobody Hears You When You Scream': Migration Policy Has Taken Dangerous Turn in Tunisia"* which investigates violations of international human rights law against refugees, asylum seekers and migrants in Tunisia since 2023. The report also examines the European Union (EU)'s continued cooperation with the country, notably its support for migration and border control in the framework of the Memorandum of Understanding (MoU) on a strategic and global partnership signed in July 2023. A preliminary version of these findings was shared with the European Commission in 2024, including in a meeting with DG NEAR and EEAS officials on 19 April 2024.

Our research shows that Tunisian authorities have adopted an increasingly repressive policy towards migration and asylum. This approach has had severe and discriminatory consequences, particularly for Black refugees and migrants, who have faced racist violence and arbitrary arrests and detention often rooted in racial profiling.

Tunisian authorities have been conducting collective and summary expulsions of refugees and migrants to Libya and Algeria, following interceptions at sea or racially motivated arrests, routinely, without procedural safeguards and in violation of the principle of non-refoulement. Sea interceptions carried out by the Tunisian coastguard have often been violent and reckless, putting lives at risk, and almost systematically followed by collective expulsions. Harrowing testimonies revealed the prevalent use of torture and other ill-treatment by security forces, including rape and sexual and gender-based violence, physical violence, and detention in cruel, inhuman or degrading conditions. The unprecedented clampdown launched in May 2024 against organizations who provided critical assistance to refugees and migrants, shortly followed by the suspension of access to asylum procedures in the country, signaled another deeply harmful setback.

As a result, Tunisia cannot be regarded as either a place of safety for the disembarkation of refugees and migrants rescued or intercepted at sea, nor as a 'safe third country' for the transfer of asylum seekers, particularly Black people.

Against this background, Amnesty International is deeply concerned by the continued implementation of the EU-Tunisia MoU signed in July 2023 without effective human rights safeguards. This ongoing cooperation, which includes direct EU support to Tunisian security authorities through training for the Tunisian coastguard and the provision of vessels and equipment, has had the objective and outcome of more people, including refugees and asylum seekers, being forcibly intercepted by the Tunisian coastguard and contained in a country where they are exposed to widespread human rights violations and abuses.

As the European Court of Auditors<sup>1</sup> and the European Ombudsman<sup>2</sup> noted in reports in 2024, important transparency shortcomings remain regarding risk management, human rights monitoring, the absence of complaint mechanisms for individuals to report alleged violations in the implementation of EU-funded projects, and mechanisms to suspend or terminate cooperation as a result of violations, including in Tunisia. Amnesty International's report further highlights the urgency of these measures to prevent EU complicity in human rights abuses.

Amnesty International therefore calls on the European Commission to urgently rethink the principles of its migration cooperation with Tunisia to prevent complicity in human rights violations, including by perpetuating anti-Black racism. The European Commission should suspend assistance for migration and border control aimed at facilitating the containment of people in Tunisia, pending the adoption of concrete and verifiable measures by Tunisian authorities to protect the rights of refugees and migrants. No EU funding in relation to border and migration control should be disbursed to authorities that are responsible for human rights violations against refugees and migrants in the country. The EU should exercise due diligence before continuing any cooperation with Tunisian authorities on migration management, which includes the publication of a prior human rights impact assessment based on robust benchmarks, the establishment of effective independent human rights monitoring mechanisms, and suspensive clauses to halt or suspend cooperation found to be negatively impacting human rights. Such cooperation should be geared towards strengthening protection measures and the asylum system in the country and ensuring respect for human rights, including by pushing back against the crackdown on organizations assisting refugee and migrants and against anti-Black racism.

Further details of the report's findings and recommendations are provided in the annex below. We welcome your comments and any additional information you wish to provide by **31 October** and will aim to reflect your input as an annex in the upcoming report. Any information received after that date will be reflected in future publications.

We would, in addition, welcome the opportunity to meet with you to discuss our concerns and the state of play in this cooperation.

Sincerely,



Eve Geddie  
Director  
Amnesty International – European Institutions Office

<sup>1</sup> European Court of Auditors, *Special report 17/2024: The EU trust fund for Africa – Despite new approaches, support remained unfocused*, 25 September 2024, <https://www.eca.europa.eu/en/publications?ref=SR-2024-17>.

<sup>2</sup> European Ombudsman, *Decision on how the European Commission intends to guarantee respect for human rights in the context of the EU-Tunisia Memorandum of Understanding (OI/2/2024/MHZ)*, 12 April 2024, <https://www.ombudsman.europa.eu/en/decision/en/193851>.

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IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
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TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# **“NOBODY HEARS YOU WHEN YOU SCREAM”**

## **DANGEROUS SHIFT IN TUNISIA’S MIGRATION POLICY**

Over the past three years, Tunisian authorities have adopted migration and asylum policies that utterly disregard the lives, safety and dignity of refugees and migrants and are used as a tool of racialized exclusion. Officials carry out life-threatening collective expulsions in violation of the principle of non-refoulement, following often reckless sea interceptions or racially targeted arrests, frequently accompanied by torture and other ill-treatment, including dehumanizing sexual violence. Access to asylum has been suspended, while organisations providing protection to refugees and migrants have faced severe repression. Tunisia is therefore neither a place of safety for disembarkation nor a “safe third country” for the transfer of asylum seekers.

Since 2024, the European Union and its member states have celebrated a steep drop in sea arrivals from Tunisia while reinforcing migration cooperation with the government without effective human rights safeguards, entrapping refugees and migrants in situations where their lives and rights are at risk.

Tunisian authorities must end advocacy of racism and xenophobia and protect refugees and migrants from unlawful arrest and detention, racial profiling, torture and other ill-treatment and collective expulsions. The European Union must overhaul its migration cooperation with Tunisia to ensure it upholds refugee protection and prevents complicity in human rights violations and anti-Black racism.