



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the fourth periodic report of Tunisia*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the preceding concluding observations

1. In its previous concluding observations,¹ the Committee requested the State party to provide information on the follow-up to the recommendations on allegations of torture and ill-treatment, conditions of detention and transitional justice, particularly on the mandate of the Truth and Dignity Commission (paras. 16, 28 and 38 (a), respectively). In the light of the response received from the State party on 13 May 2017,² and the letter sent to the State party by the Rapporteur for follow-up to concluding observations, dated 20 August 2018, the Committee considers that the recommendations contained in paragraphs 16, 28, and 38 (a) have been only partially implemented.

Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,³ please describe the steps taken to amend article 101 bis of the Criminal Code so as to bring it strictly into line with the definition of torture contained in article 1 of the Convention, including by incorporating “punishment” as a prohibited purpose for inflicting torture and by ensuring that pain or suffering inflicted for any reason based on discrimination is also prohibited. Please also specify the steps taken to amend article 101 quater of the Criminal Code in order to eliminate the clauses on exemption from punishment for public officials or similar persons who report such acts “in good faith” and to ensure that no act committed by a public official or similar person constituting participation in an act of torture goes unpunished. Lastly, please provide information on any measures taken to incorporate the principle of command responsibility or superior responsibility for the offence of torture and other ill-treatment, according to which hierarchical superiors are held criminally responsible for the conduct of their subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.⁴

* Adopted by the Committee at its seventy-fifth session (31 October–25 November 2022).

¹ CAT/C/TUN/CO/3, para. 45.

² CAT/C/TUN/CO/3/Add.1.

³ CAT/C/TUN/CO/3, paras. 7 and 8.

⁴ CCPR/C/TUN/CO/6, paras. 33 and 34; and A/HRC/36/5, paras. 125.71 and 125.75.



Article 2⁵

3. With reference to the Committee's previous concluding observations,⁶ please provide information on the measures taken, and the procedures in place, to ensure that all persons arrested or detained, including those detained for national security and terrorism-related offences, are afforded, in law and in practice, from the very outset of their deprivation of liberty, all fundamental legal safeguards against torture, in particular the right to be informed of the reasons for their arrest; the nature of the charges against them and their rights, in a language that they understand; the right to be registered in places of detention; the right to have access to the services of a lawyer without delay; the right to notify a relative or any other person of their choice of their arrest; the right to undergo a confidential and prompt medical examination by an independent medical doctor, preferably one of their own choosing; the right to have access to their medical records on request; and the right to be brought promptly before a judge and to challenge the lawfulness or necessity of their detention, in accordance with international standards. In this connection, please specify the measures taken to clarify the conditions under which police custody commences and to ensure that, in accordance with Act No. 2016-5 of 16 February 2016, amending and supplementing certain provisions of the Code of Criminal Procedure, the maximum duration of police custody does not exceed 48 hours, renewable once in exceptional circumstances duly justified by tangible evidence. Please also describe the measures taken to ensure that all detainees will be brought before an independent judicial authority within 48 hours of their arrest in order to review the grounds for placement in custody and renewal of custody and to allow the lawfulness of the custody to be challenged. Please describe the steps taken to regularly monitor compliance with fundamental legal safeguards by all public officials. Please provide information on any disciplinary measures taken since the consideration of the State party's previous periodic report against law enforcement officials who did not immediately allow persons deprived of their liberty to benefit from these safeguards.⁷

4. With reference to the Committee's previous concluding observations,⁸ please specify the measures taken to ensure that the State party's laws and practices relating to the state of emergency and the state of exception, in force in the country since 4 July 2015 and 25 July 2021, respectively, and its laws and practices relating to the fight against terrorism, are in full compliance with its obligations under the Convention. More specifically, please provide information on any efforts made to revise Organic Act No. 2019-9 of 23 January 2019, amending and supplementing Organic Act No. 2015-26 of 7 August 2015 on the fight against terrorism and the suppression of money-laundering, in order to: (a) strictly define an act of terrorism and to ensure that counter-terrorism legislation is not used to limit the rights enshrined in the Convention; and (b) reduce the duration of police custody in cases of terrorism, in accordance with international standards. Please describe the measures taken to ensure that persons in police custody are afforded all fundamental legal safeguards, including access to a lawyer from the outset of the preliminary investigation, irrespective of the reason for the custody, specifying in particular whether Act No. 2016-5 has been amended and whether any failure to afford such safeguards is punished. Please provide information on measures taken to implement an effective and independent mechanism for monitoring the registration of persons deprived of liberty, and for handing down appropriate punishment in cases where records are falsified or destroyed, with a view to eliminating all forms of incommunicado detention. Please also describe the measures taken to ensure the rule of law and respect for the non-derogable rights enshrined in the Convention during states of emergency and states of exception, bearing in mind that no exceptional circumstances may

⁵ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

⁶ CAT/C/TUN/CO/3, paras. 9, 10, 13 and 14.

⁷ CCPR/C/TUN/CO/6, paras. 41 and 42.

⁸ CAT/C/TUN/CO/3, paras. 11 and 12.

be invoked to justify torture. Please provide information on the measures taken to prevent and punish excessive use of force, acts of torture or ill-treatment, arbitrary arrest and detention, misuse of house arrest and violations of the right to due process and a fair trial, which are said to be occurring with greater frequency during the state of emergency and the state of exception. Lastly, please indicate whether the State party is intending to end the continuous extension of the state of emergency and the state of exception.⁹

5. In the light of the adoption of Organic Act No. 2018-51 of 29 October 2018 on the Human Rights Commission, which is mandated to replace the High Committee on Human Rights and Fundamental Freedoms, please indicate the steps taken to formally establish the Commission and ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), guaranteeing that the process for selecting and appointing the Commission's members is clear, transparent and participatory and that the Commission is provided with adequate resources and capacity and with full functional and financial autonomy.¹⁰ Please also provide statistical data for the period under review on complaints of torture or ill-treatment received by the High Committee on Human Rights and Fundamental Freedoms, disaggregated by year and the complainants' sex, age, national or ethnic origin and nationality. Please specify where the alleged perpetrators of the acts in question worked. Please indicate whether the complaints were referred to the prosecuting authority and investigated, and if so, what the outcome was. Please also provide information on the measures taken by the State party since 2016 to follow up on the recommendations of the High Committee on Human Rights and Fundamental Freedoms.

6. Having regard to the Committee's previous concluding observations,¹¹ please provide up-to-date information on legislative or other measures taken during the reporting period to counter all forms of violence against women, in particular in cases where the public authorities or other entities are alleged to have committed acts or omissions engaging the State party's international responsibility under the Convention. Please provide up-to-date data, disaggregated by age, national or ethnic origin and nationality of victims, on the number of complaints filed, investigations carried out, prosecutions brought and convictions and sentences handed down in cases of gender-based violence, including sexual and domestic violence, since the consideration of the State party's previous periodic report. Please describe any steps taken to explicitly criminalize marital rape, to make domestic violence, including isolated incidents thereof, a separate offence under Organic Act No. 2017-58 of 11 August 2017 on the elimination of violence against women and to decriminalize adultery by amending article 236 of the Criminal Code. Please clarify whether the implementing legislation for Organic Act No. 2017-58 has been adopted. Please describe the measures taken to strictly enforce Organic Act No. 2017-58 and the relevant provisions of the Criminal Code to ensure that all cases of violence against women are effectively and impartially prosecuted, that the perpetrators are prosecuted and receive punishment commensurate with the seriousness of their acts and that the victims obtain reparation. Please provide information on the allocation of human, technical and financial resources to the implementation of the national strategy to combat violence against women and state whether a national observatory to combat violence against women has been established. Please provide information on the measures taken to ensure that there is a sufficient number of good quality shelters and drop-in centres and that they are equitably distributed throughout the country.¹²

7. Please provide up-to-date data, disaggregated by age, national or ethnic origin and nationality of victims, on the number of complaints filed, investigations carried out, prosecutions brought and convictions handed down in cases of trafficking in persons since the consideration of the State party's previous periodic report. Please also provide information on: (a) the effects of the implementation of Organic Act No. 2016-61 of 3 August 2016 on preventing and combating trafficking in persons, the national strategy to combat trafficking in persons for the period 2018–2023 and any new laws or measures adopted to prevent and combat trafficking in persons; (b) the human and technical resources allocated

⁹ CCPR/C/TUN/CO/6, paras. 29–32.

¹⁰ Ibid. paras. 9 and 10.

¹¹ CAT/C/TUN/CO/3, paras. 39 and 40.

¹² CCPR/C/TUN/CO/6, paras. 23 and 24; and CEDAW/C/TUN/QPR/7, paras. 8 and 9.

to the National Anti-Trafficking Authority; (c) the measures taken to ensure that victims of trafficking have access to effective remedies and reparation; (d) the efforts made to train law enforcement officials, including on standards for the early identification and referral of trafficking victims to appropriate services for their assistance and rehabilitation; (e) the measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate legal, medical and psychosocial support, for potential victims of trafficking while identification processes are being carried out; and (f) the signature of agreements with the countries concerned to prevent and combat trafficking in persons.¹³

Article 3

8. Please provide information on measures taken during the reporting period to ensure that no one is returned to a country where he or she would be at risk of torture, including persons convicted of terrorist offences. Please provide information on the current asylum, return and extradition procedure and, in particular, on the protection afforded to ensure that refugees, asylum-seekers and persons who are extradited or sent back do not face any risk of refoulement. Please outline the measures taken to ensure that effective remedies are available during removal proceedings, in particular, review by an independent judicial body, especially at the appeal stage. Please state whether persons threatened with expulsion, return or extradition are informed of their rights to request asylum and to appeal against a deportation order. If so, please indicate whether such a remedy has a suspensive effect. Please provide information on the measures taken to identify vulnerable persons seeking asylum in Tunisia, including victims of torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner.

9. Please provide up-to-date information on the number of asylum applications received during the reporting period, the number of applications granted and the number of persons whose applications were granted because they had been tortured or would risk being tortured if they were sent back to their country of origin. Please include information, disaggregated by country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's previous periodic report, including a list of countries to which individuals were returned. Please also state how many removals, extraditions and expulsions were carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof, specifying the States that provided the assurances, the minimum assurances or guarantees required and the mechanisms put in place to monitor whether such assurances or guarantees were respected. In this regard, please comment on allegations that migrants from sub-Saharan African countries, including children and pregnant women, have been collectively expelled from Tunisia to Libya and provide information on the safeguards in place to prevent them from being subjected to torture or ill-treatment.¹⁴

Articles 5 to 9

10. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please provide information on any extradition treaty concluded with any other State party and indicate whether the offences to which article 4 of the Convention refers are cause for extradition under this treaty. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please say whether the State party has concluded any mutual legal assistance treaties or agreements and if these treaties or agreements have been used to exchange items of evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

¹³ CCPR/C/TUN/CO/6, paras. 39 and 40; and CEDAW/C/TUN/QPR/7, para. 11.

¹⁴ See communication TUN 8/2021. All communications mentioned in the present document are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also Office of the United Nations High Commissioner for Human Rights, "Tunisia and Libya: UN experts condemn collective expulsion and deplorable living conditions of migrants," press release, 10 November 2021.

Article 10

11. Please provide information on educational programmes developed by the State party to ensure that all public officials, in particular law enforcement officials, military personnel, prison staff and medical personnel employed in prisons, are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on that methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether the programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (revised Istanbul Protocol).

Article 11

12. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the State party's previous periodic report. Please also indicate the frequency with which these are reviewed. In the light of the Committee's previous concluding observations¹⁵ and the information received from the State party under the follow-up procedure,¹⁶ please provide updated information on the measures taken to: (a) improve and expand prison facilities in order to bring up to standard those facilities that do not meet international standards; (b) address concerns regarding conditions of detention, including inadequate sanitation, insufficient ventilation and shortage of bedding and food, in prisons and other places of detention; (c) ensure the availability of medical services, including psychiatric services, in all places of detention; and (d) strengthen reintegration and rehabilitation activities in prisons. Please provide information on the concrete measures taken to reduce prison overcrowding during the period under review, including the use of alternatives to detention before and after trial. Please provide statistical data, disaggregated by sex, age, national or ethnic origin and nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please indicate what measures have been taken to ensure absolute compliance with the maximum length of pretrial detention set out in article 85 of the Code of Criminal Procedure. Please inform the Committee about any measures taken to meet the special needs of minors, women and persons with disabilities in detention, taking into account their specific status; the current legislation and policies in relation to the pretrial detention of members of the above-mentioned groups; and the use of alternative measures to conviction and imprisonment of juveniles. Please provide information on the measures taken to ensure the strict separation of accused persons from convicts, and of adults from minors, in all places of detention.¹⁷

13. Please provide information on the measures taken to ensure that solitary confinement is used only as a last resort and that, in practice, periods of solitary confinement do not exceed the limit of 10 days set by the law. Please include data on the use of solitary confinement during the period under review and an indication of its duration. Please indicate whether this prison regime is subject to any oversight mechanism or external supervision. Please provide information on whether the authorities monitor inter-prisoner violence, on the number of complaints that have been made or registered, and on whether investigations have been

¹⁵ CAT/C/TUN/CO/3, paras. 27 and 28.

¹⁶ CAT/C/TUN/CO/3/Add.1, paras. 16–40. See also the letter to the State party dated 20 August 2018 from the Rapporteur for follow-up on concluding observations, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fFUL%2fTUN%2f32215&Lang=en.

¹⁷ CCPR/C/TUN/CO/6, paras. 37 and 38.

conducted and, if so, what the outcome has been. Please describe any preventive measures that have been taken in this regard.

14. In the light of the Committee's previous concluding observations¹⁸ and the reported cases in which people have died in detention in suspicious circumstances and which have still not been elucidated by the judicial authorities, please provide statistical data regarding deaths in custody, including in police custody, during the period under consideration, disaggregated by place of detention, sex, age, national or ethnic origin and nationality of the victim and cause of death. Please provide detailed information on the investigations opened into the deaths in custody; their outcome; the number of deaths attributed to acts of violence by public officials or by other prisoners, the excessive use of force or negligence; the prosecutions instituted; the convictions secured; and the criminal and disciplinary penalties imposed. Please indicate whether the victims' relatives received compensation in these cases. Please inform the Committee about the measures taken to prevent similar cases from occurring in the future.

15. In the light of the Committee's previous concluding observations,¹⁹ please provide information on the visits to places of detention carried out during the period under review by the various national and international bodies that have a mandate to monitor and oversee places of detention, in particular the Office of the Public Prosecutor, the National Authority for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the High Committee on Human Rights and Fundamental Freedoms, the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights.²⁰ Please indicate the measures that the State party has taken in response to the recommendations made by these bodies. Please inform the Committee about the efforts undertaken to ensure that prosecutors properly monitor the measures taken by the security officers responsible for investigations. Please specify whether video surveillance equipment has been installed in all interrogation centres and places of custody, including the centres in Gorjani, El Aouina and Bouchoucha, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor. Lastly, please indicate whether non-governmental organizations are allowed to visit places of detention to verify and monitor respect for the rights of persons deprived of their liberty and whether the memorandums of understanding on prison visits that were signed in December 2012 with several national human rights organizations have been renewed.²¹

16. With reference to the Committee's previous concluding observations,²² please indicate the steps that have been taken to make the necessary amendments to Organic Act No. 2013-43 of 23 October 2013, on the National Authority for the Prevention of Torture, in order: (a) to ensure that the Authority has unhindered access to all places of detention, including those under the jurisdiction of the Ministry of the Interior and the Ministry of National Defence; (b) to ensure that members of the Authority are appointed through a clear, transparent, participatory procedure on the basis of publicly announced criteria; (c) to ensure the independence of the Authority, including by ensuring that all its members are able to serve on a full-time basis in order to avoid any real or perceived conflict of interest; and (d) not to obstruct the access of members of the Authority to any places of detention by invoking national defence and security interests or the existence of a natural disaster or "serious disorder" at the place of detention in question.²³ Please provide information on the measures taken to allocate adequate human, material and financial resources to the Authority, so as to

¹⁸ CAT/C/TUN/CO/3, paras. 29 and 30.

¹⁹ Ibid., paras. 6, 31 and 32.

²⁰ CAT/OP/TUN/2, para. 31.

²¹ Ibid. paras. 31 and 32.

²² CAT/C/TUN/CO/3, paras. 33 and 34.

²³ Article 13 of Organic Act No. 2013-43; and CAT/OP/TUN/2, paras. 8–10.

ensure its financial and operational independence and enable it to fully discharge its mandate.²⁴

Articles 12 and 13

17. In the light of the Committee's previous concluding observations²⁵ and the information received from the State party under the follow-up procedure,²⁶ please provide updated statistical data on complaints of acts of torture, ill-treatment and excessive use of force recorded during the period under review, including those relating to acts perpetrated by officers of the police and National Guard when holding a person in custody, in particular against terrorism suspects. Please include information on investigations, disciplinary and criminal proceedings and convictions and the disciplinary or criminal sanctions applied. Please indicate whether decrees adopted by the Ministry of the Interior guaranteeing impunity for security service officers suspected of committing acts of torture or ill-treatment have been repealed or amended. Please also provide information on the measures taken to: (a) forward complaints of acts of torture or ill-treatment without delay to an investigating judge so that the victim is able to seek criminal damages and take an active part in the investigation; (b) ensure the impartiality of criminal investigations, including by transferring the judicial police service to the Ministry of Justice and by making sure that persons suspected of torture or ill-treatment are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to take reprisals against the presumed victim or to obstruct the investigation; (c) ensure that prison authorities do not block medical examinations of complainants and that judges question doctors about their findings; and (d) ensure that judges launch investigations on their own initiative whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed.²⁷

18. With reference to the Committee's previous concluding observations,²⁸ please indicate the measures taken to ensure that, in cases of alleged torture or ill-treatment, investigating judges promptly order that a psychological and physical forensic examination of the detainee be performed and immediately and systematically report violations to the State prosecutor, in accordance with articles 13 and 14 of the Code of Criminal Procedure. Please describe the measures taken to ensure that judges and public prosecutors take the necessary measures whenever they have reason to believe that a person appearing before them may have been subjected to torture or duress, including by holding judges and public prosecutors legally responsible if they fail to meet their obligations. Please comment on the claims that the independence of the justice system has been seriously compromised since the President declared a state of exception on 25 July 2021. In particular, please respond to concerns regarding: (a) Decree-Law No. 2022-11 of 12 February 2022 on the establishment of the interim Supreme Council of the Judiciary,²⁹ replacing the previous council, which gives the President broad powers both in the appointment of members of the interim Supreme Council and in the implementation of its mandate, in particular the right to have a say in the career development of judicial officials, including the ability to seek their dismissal; (b) Decree-Law No. 2022-35 of 1 June 2022, complementing Decree-Law No. 2022-11, which grants

²⁴ CAT/OP/TUN/2, paras. 20–24; and Office of the United Nations High Commissioner for Human Rights, "Tunisia: Progress made but concerns remain, says UN torture prevention body," press release, 6 April 2022.

²⁵ CAT/C/TUN/CO/3, paras. 15, 16, 19 and 20.

²⁶ CAT/C/TUN/CO/3/Add.1, paras. 3–15. See also the letter to the State party dated 20 August 2018 from the Rapporteur for follow-up on concluding observations.

²⁷ CCPR/C/TUN/CO/6, paras. 35 and 36.

²⁸ CAT/C/TUN/CO/3, paras. 17 and 18.

²⁹ Following the declaration of a state of exception on 25 July 2021, on the basis of article 80 of the old Tunisian Constitution, the President suspended the Assembly of the Representatives of the People (which was subsequently dissolved). Presidential Decree No. 2021-117 of 22 September 2021, on exceptional measures, provisionally reorganized the branches of Government and set out several consequential measures; it, for example, provides for the suspension of the 2014 Constitution, allows the President to legislate in all areas by means of decree-laws, allows for no legal challenges against those decree-laws, authorizes the President to appoint members of the Government and gives the President oversight over all governmental activity.

the President the power to remove judicial officials who commit acts “likely to compromise the reputation, independence or proper functioning of the judicial branch”; and (c) the removal of 57 judicial officials on 1 June 2022 and the reported smear campaign against several judicial officials who were among those dismissed.³⁰ Please also comment on reports that the new Tunisian Constitution adopted on 25 July 2022 weakens the independence of the judiciary. Describe the measures taken to strengthen the protection of judges and prosecutors against all forms of political pressure, intimidation and harassment in order to guarantee their full autonomy, independence and impartiality. Lastly, please indicate whether the State party plans to finalize the establishment of the Constitutional Court and make the necessary amendments to Organic Act No. 2015-50 of 3 December 2015 on the Constitutional Court so as to guarantee the diversity, independence and impartiality of the members of the Court, as well as its credibility in the eyes of the public; to ensure that the members of the Court have the skills and knowledge necessary to enable them to exercise their functions effectively, individually and collectively; to better define the conditions for their removal; and to allow any individual to have access to the Court to raise issues concerning the constitutionality of the laws in the event of a violation of his or her rights.³¹

19. With reference to the Committee’s previous concluding observations,³² please provide information on the measures taken to put in place an independent, effective, confidential and accessible mechanism to facilitate the submission of complaints by victims of torture and ill-treatment in all places of detention. Please indicate the measures taken to uphold the principle under which communication between lawyers and their clients is secret. Please describe the efforts that have been made to establish a system for the protection of victims of torture, witnesses and other persons supporting victims so that they are protected against all forms of reprisals, and indicate whether criminal and disciplinary measures have been taken against those who carry out reprisals.

20. Please describe the measures taken to prevent the excessive use of force by the internal security forces, including extrajudicial executions. Please provide information on measures taken to amend existing legislation governing the use of force, especially lethal force, to bring it into line with the Convention and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please indicate whether the security forces regularly receive mandatory training to ensure that they apply non-violent measures before any use of force when conducting demonstration control operations and respect the principles of legality, necessity, proportionality and accountability. For the period under review, please provide data, broken down by type of offence and investigating authority, on complaints, investigations, prosecutions, convictions and penalties relating to the excessive use of force or extrajudicial executions and the redress obtained by the victims or their families.³³

21. With reference to the Committee’s previous concluding observations,³⁴ and in the light of reports that the number of civilians, including politicians, a journalist and two lawyers, brought before military courts has risen sharply since the declaration of the state of exception, please specify the nature of the offences for which civilians have been tried by military courts. Please indicate the steps that have been taken to amend article 22 of Act No. 82-70 of 6 August 1982, the Statute of the Internal Security Forces Act, and article 91 of the Code of Military Justice so as to put an end to this practice. Please also describe the measures taken to preclude the possibility that military courts could have jurisdiction over cases involving human rights violations or offences allegedly committed against civilians by military personnel or members of the internal security forces.

³⁰ See communication TUN 5/2022. Office of the United Nations High Commissioner for Human Rights, “Tunisia: Presidential decrees undermine judicial independence and access to justice, says UN expert,” press release, 15 July 2022; and Office of the United Nations High Commissioner for Human Rights, “Dissolution of Tunisia’s High Judicial Council seriously undermines rule of law in Tunisia,” press release, 8 February 2022.

³¹ [CCPR/C/TUN/CO/6](#), paras. 7 and 8.

³² [CAT/C/TUN/CO/3](#), paras. 21 and 22.

³³ [CCPR/C/TUN/CO/6](#), paras. 47 and 48. See also communications TUN 3/2022 and TUN 5/2021.

³⁴ [CAT/C/TUN/CO/3](#), paras. 25 and 26.

Article 14

22. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since the consideration of the State party's previous periodic report. This information should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

23. With reference to the Committee's previous concluding observations³⁵ and the information received from the State party under the follow-up procedure,³⁶ please provide information on the measures taken to ensure that all complaints of serious human rights violations submitted to the Truth and Dignity Commission are referred to an independent investigative authority and are investigated thoroughly and impartially within a reasonable period of time. Please indicate whether the final report of the Truth and Dignity Commission has been published in the Official Gazette and whether an action plan and strategies for implementing the recommendations contained in the report have been adopted.³⁷ Please describe the measures taken to ensure that all perpetrators of serious human rights violations committed during the period covered by Organic Act No. 2013-53 of 24 December 2013 on the establishment and regulation of transitional justice, including military and civilian superiors, are prosecuted and, if found guilty, are sentenced to punishments commensurate with the gravity of their acts.³⁸ Bearing in mind the jus cogens prohibition of torture, please indicate the measures that have been taken to ensure that acts of torture committed before 1999³⁹ are prosecuted as offences punishable by penalties commensurate with the gravity of the crime. Please specify the measures taken to guarantee the right of victims to seek judicial remedies, regardless of the remedies available through the Truth and Dignity Commission and the specialized criminal chambers. Please provide information on the measures taken to ensure that public entities cooperate with the specialized criminal chambers, ensure proper management of judges and counter any attempt to hinder the work of these chambers.⁴⁰ Please describe the measures taken to ensure that victims of serious human rights violations covered by Act No. 2013-53 receive adequate reparation and prompt and fair compensation.⁴¹ Please provide updated information on the measures taken to implement the Committee's decisions under article 22 of the Convention, including in the cases of *M'Barek v. Tunisia* and *Jaïdane v. Tunisia*.⁴²

Article 15

24. In the light of the Committee's previous concluding observations,⁴³ please describe the measures taken to ensure full compliance with article 155 of the Code of Criminal Procedure so as to ensure that any statement that is established to have been made as a result of torture cannot be invoked as evidence against the accused. In particular, please indicate the measures that have been taken to ensure that in cases of alleged torture it is for the prosecuting authority to establish that the evidence has not been obtained under duress and to adopt the necessary legislation to make retrial possible when the decision in the original trial was made on the basis of confessions extracted under torture. Please provide information

³⁵ *Ibid.*, paras. 35–38.

³⁶ [CAT/C/TUN/CO/3/Add.1](#), paras. 41–51. See also the letter to the State party dated 20 August 2018 from the Rapporteur for follow-up on concluding observations.

³⁷ See communication TUN 1/2018.

³⁸ Office of the United Nations High Commissioner for Human Rights, "Zeid applauds first hearing of human rights case by specialized chamber in Tunisia," press release, 30 May 2018.

³⁹ The crime of torture as defined under article 101 bis was introduced into the Criminal Code in 1999.

⁴⁰ See communication TUN 2/2021.

⁴¹ [CCPR/C/TUN/CO/6](#), paras. 11 and 12.

⁴² [CAT/C/23/D/60/1996](#) and [CAT/C/61/D/654/2015](#), respectively. See also the letter to the State party dated 30 May 2022 from the Rapporteur for follow-up on decisions adopted under article 22 of the Convention.

⁴³ [CAT/C/TUN/CO/3](#), paras. 23 and 24.

on the measures taken to ensure that criminal investigations are based on objective elements of evidence, rather than on the confessions of accused persons, in order to reduce the risk that such persons are subjected to acts of torture or ill-treatment. Please also indicate whether judges have refused to admit evidence in any cases during the reporting period on the grounds that it was obtained through torture or ill-treatment.

Article 16

25. Please provide information on legislative measures taken to limit the crimes punishable by the death penalty to the most serious crimes involving intentional killing, in accordance with international legal standards and instruments.⁴⁴ Please describe the efforts undertaken to commute the sentences of prisoners currently on death row to prison sentences and to ensure that their conditions of detention do not constitute cruel, inhuman or degrading treatment or punishment by taking immediate steps to strengthen fundamental legal safeguards and the right to due process at all stages of judicial proceedings, regardless of the offence committed. Please indicate whether the State party is considering reviewing its policy with a view to abolishing the death penalty in law and in practice or of making official the de facto moratorium on the death penalty that is in place. Please provide information on the exact number of death sentences pronounced during the reporting period, the courts involved and the offences for which the sentences were handed down.⁴⁵

26. With reference to the Committee's previous concluding observations,⁴⁶ please indicate the steps that have been taken to repeal article 230 of the Criminal Code, which makes consensual relations between adults of the same sex a crime, and to ensure that article 226 of the Code, which penalizes gross indecency, is not used as a pretext to harass, arrest, detain or prosecute members of sexual minorities. Please describe the measures taken to prohibit intrusive medical examinations that have no medical justification and cannot be performed with the free and informed consent of the persons subjected to them, who will then be prosecuted on that basis.⁴⁷

27. With reference to the Committee's previous concluding observations,⁴⁸ please respond to allegations that human rights defenders, journalists, political opponents, civil society representatives, bloggers and artists critical of action taken by the Government have been subjected to harassment, intimidation, arbitrary detention, and prosecution on the basis of loosely defined offences. Please indicate the measures that have been taken to ensure the effective protection of these groups against the threats and attacks to which they may be subjected by virtue of their activities. Please provide statistical data for the reporting period on the number of complaints relating to such violations, the results of any investigations into those complaints and the penalties imposed.⁴⁹

Other issues

28. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

⁴⁴ See International Covenant on Civil and Political Rights, art. 6 (2) and the Human Rights Committee's general comment No. 36 (2019), para. 35.

⁴⁵ [CCPR/C/TUN/CO/6](#), paras. 27 and 28.

⁴⁶ [CAT/C/TUN/CO/3](#), paras. 41 and 42.

⁴⁷ [CCPR/C/TUN/CO/6](#), paras. 19 and 20.

⁴⁸ [CAT/C/TUN/CO/3](#), paras. 43 and 44.

⁴⁹ [CCPR/C/TUN/CO/6](#), paras. 45 and 46,

29. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as in homes for the elderly, hospitals or institutions for persons with intellectual and psychosocial disabilities.

General information on other measures and developments relating to the implementation of the Convention in the State party

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State party's previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.
