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COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

For immediate release

Tunis, 15 April 2011

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Tunisia: ICJ high-level mission calls for establishing Rule of Law and Human Rights accountability

The International Commission of Jurists (ICJ) today called upon the Tunisian authorities to take immediate steps to pursue accountability for past human rights violations and to reform the country's legal framework. The statement comes as the ICJ concluded a high-level mission to Tunisia aimed at assessing the Rule of Law and human rights situation in the country following the ouster through popular protest of the regime of former President Zine El Abidine Ben Ali on 14 January 2011. The ICJ believes that these historical events, in which Tunisian lawyers and independent judges played a crucial role, will have lasting effects on the Rule of Law and human rights in Tunisia and beyond.

The mission was headed by ICJ President Pedro Nikken, who was accompanied by ICJ Secretary General Wilder Tayler, and ICJ Legal Adviser for the Middle East and North Africa Saïd Benarbia. The delegation met with the Tunisian Prime Minister, Béji Caïd Essebsi; the Secretary of State for Foreign Affairs, Radhouane Nouicer; members of the judiciary, the legal profession and civil society; and a number victims of human rights violations committed under the Ben Ali regime.

The ICJ mission urged the Tunisian authorities to assess the legacy of human rights violations and impunity in Tunisia, including by effectively investigating and prosecuting cases of torture and ill-treatment and other crimes under international law. During the mission, the ICJ delegation heard from victims who had been subjected to torture, ill-treatment and arbitrary detention under the counter-terrorism framework. The rights of these victims to a remedy and reparation, including by holding the officials and law enforcement officers responsible for such violations to account, must be ensured.

"The establishment of a national commission to investigate the executions and other killings committed during the protests is a step forward to ensuring accountability. However, the Tunisian authorities should conduct prompt and thorough investigations into all serious human rights violations committed under the Ben Ali regime," said Pedro Nikken.

Bringing the Tunisian judiciary into conformity with international standards of independence, impartiality and accountability is also a serious challenge to securing a steady transition to democracy in Tunisia. *"Under the effective control of the executive, the Tunisian judiciary failed so far to properly prosecute those responsible for human rights violations,"* said Wilder Tayler. *"The judicial system should be reformed including by ending executive control over the higher Judicial Council and the office of the Public Prosecutor,"* Tayler added.

The ICJ also urged Tunisian authorities to institute major reforms to the Tunisian legal system, including by adopting a new Constitution that safeguards the Rule of Law and human rights; reforming the Penal Code and the code of Penal procedure to bring their provisions in line with international standards, and by repealing anti-terrorism legislation adopted in 2003 that severely restricts the enjoyment and exercise of human rights and fundamental freedoms.

" The Tunisian authorities should continue the process of entrenching the Rule of Law and the effectiveness of democratic institutions in Tunisia. The election of a constitutional assembly on 24 July 2011 is a welcome first step that should be followed by ensuring free, transparent and fair elections that guarantee the rights of the Tunisian people to freely choose their representatives and to take part in the conduct of public affairs," said Saïd Benarbia.

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The ICJ is an international non-governmental organisation comprising fifty-two of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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