

THE CASE FOR LEGAL AID
for
REFUGEES IN TUNISIA

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SUMMARY

While Tunisia has little in the way of domestic law on refugees or asylum, the country was one of the first to ratify the 1951 UN Convention on Refugees, as well as the 1967 Protocol and other international instruments. Article 26 in the new Constitution prohibits *refoulement*.

The distance between these principles and the reality of refugees' and asylum-seekers' lives in Tunisia is gigantic. Somewhere in the middle sits the *United Nations High Commissioner for Refugees* – UNHCR – hidden away in its anonymous offices, inaccessible to those in need of its services. Its influence is immense; its decisions can mean life or death, yet it is above the law: you can't take UNHCR to Court.

Legal aid for asylum-seekers to go through the process of refugee status determination (RSD) has been shown in other countries to be of benefit to both the seekers and the determiners. Providing such aid would also bring UNHCR into harmony with its own guidelines.



Inside the perimeter of UNHCR's offices in Tunis

Tunisia is frequently in breach of its

treaty obligations – it automatically imprisons asylum-seekers, for example, when they enter the country irregularly. Refugees and asylum-seekers have no effective legal status in Tunisia – they are vulnerable to arbitrary arrest, detention and even deportation. When in trouble, they are often presumed guilty; if they get to Court, they are lucky to get any legal representation. Without legal status, they cannot rent property, engage in business, or work officially, nor do they have access to health care, or education for their children – they even have difficulty registering their children's births...

Establishing legal aid for refugees – the very weakest members of Tunisian society – would start to bring them into the ambit of the law. Functionaries would discover that their decisions could be challenged. Discrimination could be brought into the light. Unscrupulous employers who don't pay their workers could be taken to Court. The detention and deportation regime, which currently functions without any legal oversight, could be brought under the rule of law. Strategic litigation – based on the international instruments to which Tunisia is party – could begin to set the foundations for developing an effective and humane law on asylum.

Legal Aid for Refugees would need to have a number of adjuncts to be fully effective – programmes for lobbying and advocacy, training and capacity building, awareness raising and networking. From the refugees' point of view, legal aid functions more effectively when it is part of a wider strategy, including programmes for child protection, sexual and gender-based violence, psycho-social counselling, and durable solutions.

The benefits of such a programme would far outweigh the costs.

INTRODUCTION

We may all be equal in the eyes of God – or Allah, if you prefer – but we are definitely not all equal in society. The rich and powerful have more opportunities and privileges than the poor, in almost all areas. A Court of Law is one of the few places, in which, ideally, there can be equality among men and women: whether one is rich or poor, one should be equal before the law. Of course, there is no chance of obtaining this equal treatment, if you can't get into Court, nor if, once you're there, you don't know the law. Hence the need for legal aid: it should help you to prepare your case for Court, to actually get you a hearing, and to help you argue your case before judge and jury.

There is a very little legal aid for those at the bottom of the social ladder in Tunisia. If you are a victim of torture for example, there is an organization that does its best to help you. However, neither asylum-seekers, refugees nor those who have been refused refugee status have any legal status in Tunisia: they are all in danger of arbitrary arrest and detention as described in this report (those under UNHCR's protection somewhat less than the others). There are some heroic activists who rise beyond the call of duty – Messaoud Romdhani of FTDES, in particular, should be mentioned – but unless, by some miracle, a refugee in detention manages to make contact with someone like Messaoud on the outside, they are powerless.

Dr. Barbara Harrell-Bond set up *Africa and Middle East Refugee Assistance (AMERA)* when she was working in Egypt in the early years of the century and it provided legal aid to refugees along with much else. In 2013, she was instrumental in getting the legal charity *Droit et Justice* to set up a slightly different *pro bono* system in Morocco, with a salaried French jurist training and accompanying Moroccan lawyers. She thought that the Moroccan model might be applicable in Tunisia, so in the Spring of 2015, *Droit et Justice's* French jurist, Mlle. Maud Depresle, Maître Reda Oulamane (the organization's founder) and the author undertook an Exploratory Mission to explore possible synergies.

The Mission started on 27 February in Tunis. Reda stayed just three days, while Maud and the author explored together until 12 March. All interviews during the Exploratory Mission were conducted jointly by the author and Maud Depresle, other than that with Tim Baster (referred to on p35), which was conducted by the author alone.

At no point did *Droit et Justice* consider setting up a programme of legal aid for refugees in Tunisia: they had more than enough with which to occupy themselves in Morocco. Indeed, *Droit et Justice's* programme of Legal Aid for Refugees in Morocco came to an end in March 2016, due to a lack of funding.

The author wrote some *Reflections* on the Exploratory Mission, shortly after returning to England from Tunisia in March 2015. Maud Depresle wrote a *Summary of Findings* in April 2015, which was circulated to all those with whom we had had contact on the Exploratory Mission.

UNHCR and several other authorities would prefer that the term, 'refugee' was reserved for those to whom it – or a state institution – has given asylum, and/or refugee status – those who are *officially* refugees. Individuals applying for asylum (or for refugee mandate status in countries such as Tunisia) may be called 'asylum-seekers.' Everyone else is a 'migrant.' Those 'migrants' who have been refused refugee status, but still refuse to return to their countries of origin, UNHCR would have us call 'stranded migrants.'

My perspective on the status of refugees in Tunisia has been conditioned by my engagement with the refugees at Choucha (from April 2011 onwards). Since the camp's inhabitants had all been fleeing the fighting in Libya, it seemed natural to call them all refugees: they were all seeking refuge. However, they were refugees from a war that in many cases wasn't in their country of origin – and indeed, the vast majority of them sooner or later returned to their countries of origin (including to Libya) without problem – whereupon, they ceased to be refugees.

Those who could not or would not return, remained at Choucha and went through UNHCR's Refugee Status Determination (RSD) procedure. Having discussed the deficiencies of this procedure at considerable length, with those subjected to it – and also written about these deficiencies¹ – I find myself resistant to UNHCR's efforts to take possession of the word, 'refugee.'

The big problem with using 'migrants' in the current context is the recent rapid growth of the word's pejorative connotations. While 'immigrants' used to be officially welcomed by their countries of destination (America in the C19, for example), much of popular, contemporary Anglophone media – and even the British Prime Minister! – now refer to 'swarms of migrants' at Calais, for example. (You may remember that the Pied Piper was called in to deal with swarms of rats.)

The current idea seems to be that while refugees might deserve some sympathy – and even a little help – since they have a justification for abandoning their homes (the well-founded fear of persecution), migrants don't: they're just seeking a better life – which is what we're all doing. So why should they get sympathy and help, if we don't?

I therefore decided to try to eschew use of the word 'migrant' in this report – although I note that I've still managed to use it several times, below. Where it is relevant, I have specified if the people I'm writing about are seeking asylum ('asylum-seekers'), have been granted refugee status ('refugees with status') or have been refused refugee status ('refused refugees'). Otherwise, I do not judge whether they are justified in seeking refuge or not.

I should like to thank Fiona McKinnon for her eagle-eyed help and support.



Reda Oulamane (centre) and Maud Depresle (right), outside UNHCR's offices in Tunis

1 See, for example: <http://rightsinoxile.tumblr.com/post/46837656415/surviving-choucha>, accessed 19 May 2016.

NUMBERS: MIGRANTS, ASYLUM-SEEKERS AND REFUGEES

Tunisia had a population of around 11 million in 2014. In March 2015, according to the United Nations High Commissioner for Refugees (UNHCR), there were around **1,100 refugees** in Tunisia, including both those who had been accorded refugee status, and those still seeking asylum – one for every 10,000 inhabitants.

Although very few **Libyans** have sought refugee status in Tunisia, they are by far the most numerous group of foreign ‘migrants’ in the country. Estimates of their numbers range from under a million to over 2 million – equivalent to between 10% and 20% of the Tunisian population. The *Association Tunisienne des Femmes Démocrates (ATFD* – see p28) and the *Cairo Institute for Human Rights Studies (CIHRS* – see p30) have both worked with individual Libyan asylum-seekers, a handful of whom have received refugee status. Many people are concerned about the possibility of a new flood of refugees arriving from Libya, as the situation there worsens.

Riadh ben Khalifa² fears that the Tunisian population would be less welcoming to a new influx of refugees, than they were to the hundreds of thousands who streamed across the border in the Spring of 2011. Several people (including Riadh) pointed out that UNHCR plans to accommodate any new refugee arrivals in towns and cities, rather than in camps such as Choucha (situated near the border with Libya at Ras Jdir), as in 2011.

According to UNHCR again, **Syrian** requests for asylum in Tunisia were the most numerous of those of all nationalities in 2014-15. Syrian asylum-seekers are not required to go through the process of Refugee Status Determination (RSD) – they are automatically provided with refugee status. Again, no-one knows how many Syrians there are in the country. Tunisians generally consider them to be more mobile than other groups – moving around the country, of no fixed abode. Despite their automatic refugee status, Syrians are subject to arbitrary arrest and deportation – usually to the country from which they have last arrived (Algeria, Turkey, Egypt...). *Terre d’Asile, Tunisie* (‘Tunisia, Land of Asylum’ – see p24) dealt with such a group in 2014, who had been detained in Tunis and threatened with deportation.

The next most numerous group of asylum-seekers, again according to UNHCR, are those from **Côte d’Ivoire**: they constituted 80% of those going through Refugee Status Determination in 2014-15.³

Riadh ben Khalifa suggests that **Palestinian** refugees are among the most vulnerable in Tunisia: they were even threatened by their own ambassador.⁴ (Incidentally, Nigerian refugees and asylum-seekers at Choucha were also threatened by their ambassador in 2011.)

UNHCR officially closed the refugee camp at Choucha on 30 June 2013. A fortnight later, on 16 July 2013, all the refugees still at Choucha (both with and without status) were offered *cartes de séjour* (temporary but renewable resident permits), accommodation, and access to services (principally health and education) by the Tunisian Prime Minister; they could also apply for employment via UNHCR.⁵ All the refugees had to do, in return, was to register themselves at Police or National Guard stations and submit to having their fingerprints taken. Many of the refugees did as required, but the Tunisian Government has never honoured its undertaking.

There are still a number of **refugees with mandate status** in Tunisia, from the **Choucha** camp, but who have no prospect of resettlement in another country. They are in contravention of UNHCR’s undertaking to resettle *all* those who entered Tunisia from Libya in Spring 2011, when the border was open. These refugees received financial support (~€90 pcm) from UNHCR, until the end of

2 Riadh ben Khalifa, Assistant Lecturer in Contemporary History at the *Université de Tunis*, 9 Avril, interviewed at his office in Tunis on 2 March, 2015.

3 According to Nabil Benbekhti, interviewed at UNHCR’s Tunis office, 27 February 2015.

4 Riadh was presumably referring to the incident in May 2014, when a group of Palestinian refugees were detained at Carthage airport. Various NGOs persuaded the Tunisian authorities to welcome the group, but the Palestinian Ambassador demanded that they be deported. (See, for example: <https://www.oximity.com/article/Tunisia-allows-the-30-Palestinian-Syri-1> – accessed 19 August 2015.)

5 See, for example: <http://www.kapitalis.com/societe/17210-les-refugies-de-choucha-obtiennent-une-carte-de-sejour-en-tunisie.html>; accessed 7 May 2016.

December 2015, when their assistance was withdrawn. This has contributed to their resentment at not having benefitted from the *Global Resettlement Solidarity Initiative*,⁶ unlike almost all the other refugees with mandate status at Choucha.

In addition, there are still an estimated 200 **refused refugees from Choucha** – asylum-seekers whose applications have been refused by UNHCR on appeal – who also entered Tunisia in 2011 and who are therefore similarly in contravention of UNHCR’s undertaking on resettlement. Perhaps half of them are still living in the camp, where they subsist through occasional employment in the nearby town of Ben Gardène, begging by the side of the road and possibly more nefarious activities. The other half are spread out, around the country. As far as we know, just one of them has legal status – having received a work contract (*contrat de travail*) and consequently a residence permit (*carte de séjour*). The others have no legal status and, while their presence has been tolerated by the Tunisian authorities up to now, their situation is becoming increasingly precarious: they are in danger of arbitrary arrest, detention and deportation (see p12).

Although the ‘Rights of Refugees’ were one of the four themes (the other three are: ‘Justice,’ ‘Women,’ and ‘Economics and Society’) of the discussion between the European Union, the Tunisian Government and Tunisian civil society organized by the *Euro-Mediterranean Human Rights Network* (EMHRN or REMDH in its French form) in the guise of its ‘Mobilisation of Civil Society’ project, little or no progress appears to have been made.

Right: Refused refugees from Choucha, selling their craft-work at the World Social Forum, Tunis, March 2015



6 See, for example: <http://www.fmreview.org/north-africa/ambroso.html>. Accessed 16 May 2016.

LAW ON ASYLUM

Tunisia has little domestic law on human rights, refugees or asylum, although it has signed and ratified a number of international conventions in these areas, including the 1951 *United Nations Convention Relating to the Status of Refugees* and its 1967 *Protocol*. There is one article in the new Tunisian Constitution relating to asylum:

*The right to political asylum shall be guaranteed as prescribed by law. It is prohibited to surrender persons who have been granted political asylum.*⁷

While the country may have received a few hundred refugees in the years following independence,⁸ many of those interviewed pointed out that the mass arrival of refugees in Tunisia is a new – post-Revolutionary – phenomenon.

After the Revolution in January 2011, the Tunisian Government set up a Parliamentary Commission to develop a new law on asylum. Its progress has been slow. In 2015, after working for four years, Professor **Amor Boubakri**, a member of the Commission, suggested that, in the absence of external pressure, it would take a further three to five years to complete its task.⁹

Refugee matters have low priority from the Government's point of view. Professor Boubakri considered that the time was ripe (in early 2015) for CSOs to put pressure on the Government to prioritize the development of a law on asylum.

Lawyers at a **meeting**¹⁰ in March 2015 in **Medène** (in the south of Tunisia) felt the need to respond to the recommendations of the Parliamentary Commission and to address the shortcomings of its proposals in the light of their practical experience. They wanted to develop an improved proposal at the cutting edge of asylum law to present to the Tunisian Parliament.

UNHCR representatives state that they would welcome a new law on asylum in Tunisia: it would be one of the prerequisites for handing over Refugee Status Determination (RSD) to the Tunisian Government.

The European Union, as well as a number of NGOs – EMHRN / REMDH, for example – would also welcome a new law on asylum.

Many people – from Professor Boubakri to UNHCR – agree that it is up to Tunisian 'Civil Society' to put pressure on the Government to expedite the development of these new laws.

Towards the end of 2014, EMHRN / REMDH set up a 'Migration Working Group' with selected individuals and organizations from Tunisian civil society. At the Working Group's third meeting,¹¹ members of the *Centre Tunisien de Migration et Asile (CETUMA)* presented a proposal for a new law to the Working Group, which EMHRN / REMDH has published in Arabic and French.

Tunisia does not provide Residence Permits (*cartes de séjour*) to refugees, with or without mandate status. Refugees with status are given a card from UNHCR, indicating their status; but most importantly, when refugees with refugee status are detained, the Police or National Guard telephone UNHCR who will advise the authorities on what action to take.

There is a vocal minority of the refugees without status at Choucha, who have argued against any steps towards what they see as their 'local integration.' This includes the provisions of the

7 Article 26 of the *Constitution of the Republic of Tunisia*, promulgated on 27 January 2014, 'Unofficial translation by UNDP Tunisia ANC project,' printed 20 May 2014.

8 There were just 92 refugees in Tunisia in January 2010, for example. See UNHCR's 'Country Operations Profile: Tunisia,' quoted on p2 of *The North African Asylum Systems and the Geneva Convention*, by Amor Boubakri, Tunis, November 2010.

9 Skype interview conducted by Maud Depresle, on 23 February 2015. Amor Boubakri is Professor in the Faculty of Law at Sousse. He was formerly Professor at the University of Sfax. He is also a member of CETUMA.

10 Meeting set up by the author, on 7 March 2015, with the help of the *batonnier*, (president of the local Bar Association), Maître Fatima Hamdani. It was attended by more than two dozen lawyers, two refugees, two representatives from the *Croissant Rouge Tunisien* and Mme. Houda Mestiri of *Islamic Relief*.

11 In Hammamet on 28 February 2015.

abovementioned offer of July 2013. Supported by various European NGOs, they are holding out for resettlement in a third country with a 'functioning asylum system.' For over a year, members of this group camped outside UNHCR's offices in Tunis. While those who remain in Tunisia continue to press their case, the demonstration itself has fizzled out.

Possibly in response to this group and their NGO advocates, the then Minister for Social Affairs, Khalil Zaouia made some remarks in December 2013 suggesting that the refugees at Choucha had rejected the Government's abovementioned offer of July 2013. In response, over a hundred refugees without status from Choucha signed a petition demanding Residence Permits to allow them to stay in Tunisia. The petition was presented to the Minister.

While many of those left at Choucha, when the camp officially closed, have returned to Libya and thence taken boats across the Mediterranean to Europe, others remain in Tunisia. Yet even those who continue to press for resettlement would benefit from having legal status. Without it, they are constantly in danger of arbitrary arrest and detention. In at least one case, this has even led to deportation (see the case of Isaac Bahraddin Nahar below, p14). Other refugees feel the lack of legal status more keenly – that they are nobodies, permanently vulnerable, their lives increasingly precarious.¹² Without residence permits, they are unable to travel freely, to work legally, to rent officially, to get medical treatment, to obtain civil papers (including marriage and birth certificates)... to participate in society.

The lack of any progress since their arrival in Tunisia in 2011 – the feeling that they are waiting in limbo –also weighs heavily on them: they say they feel discouraged, tired and destitute.



Choucha, Christmas Eve 2014. Note the refugees' re-use of the original UNHCR tents

¹² From a meeting with five refugees, some with refugee status, some asylum-seekers and some refused refugees, in the *Maison du Droit et des Migrations*, Tunis, on Sunday, 1 March 2015.

ADMINISTRATION OF THE LAW

(i) Arrival

Irregular entry into, and egress from Tunisia is illegal. Those who are caught leaving or arriving in this way, are automatically imprisoned for at least 15 days, and often a month.

Those apprehended entering the country irregularly by the Tunisian Police or National Guard have no opportunity to claim asylum before being imprisoned. The imprisonment of asylum-seekers is in breach of the *1951 United Nations Convention Relating to the Status of Refugees*, which convention has had legal force in Tunisia, since 22 April 1954. The *1967 Protocol of New York* relating to the Status of Refugees has also been ratified by Tunisia.

Arrivals by land receive no legal aid when they are apprehended, nor are interpreters available. Minors are imprisoned in the same way as adults. There is no psychological counselling, nor any explanation of asylum.

Once released from prison, refugees are provided with a document confirming their release, and sent to the hostel run by the *Tunisian Red Crescent* – the *Croissant Rouge Tunisien (CRT)* – in Medène. On one occasion, a group of 30 Syrians – who should have been automatically eligible for refugee status – were imprisoned. They subsequently arrived at the CRT hostel in Medène.

Survivors of shipwrecks who land in Tunisia are apparently not subject to automatic imprisonment in the same way. They are usually landed in the port at Zarzis (in the *gouvernorat* of Medène) and transferred to the Medène CRT, directly.

CRT claims that shipwreck arrivals are placed either in a hostel financed by UNHCR, or in another financed by CRT in an empty warehouse belonging to the *Monoprix* supermarket. Which hostel depends on whether the individual comes from a country where they would be considered ‘at risk’ – in which case, they go to the UNHCR hostel. If they come from other countries, they go to the *Monoprix* hostel. Both hostels are in Medène and both are managed by the Medène CRT.

In practice, the hostels can be easily overwhelmed by the numbers arriving from shipwrecks. At such times, CRT uses building sites (half-finished houses) on the outskirts of Zarzis to accommodate the excess.

CRT says its staff encourage refugees from ‘at risk’ countries to seek asylum and help them fill in the asylum-seeker registration forms in the CRT office; it says that refugees from other countries may also seek asylum. Once completed, CRT staff pass on the forms to the UNHCR office in Zarzis, which invites those deemed eligible to apply for refugee status, for interview.

Refugees accepted for RSD write up their testimonies on their own. They receive no legal aid nor assistance with organizing their testimonies.

CRT further claims that asylum-seekers in either hostel may stay until UNHCR reaches a definitive decision. While this may be true in principle, the arrangements in the *Monoprix* hostel are extremely basic, with no cooking facilities other than a brazier on the roof, and no glass in the windows. So cold was the desert wind, in the winter of 2014-15, that refugees accommodated there chose to use their single blanket to stop the wind coming through the gap, rather than wrapping themselves up.

In practice, in 2015, the arrangements appear to have been as follows:

- **Egyptians** who arrive in Tunisia are automatically and immediately returned to Egypt. Their return is funded by IOM and the Egyptian Government. They have no opportunity to claim asylum.
- **Senegalese** are also swiftly returned to Senegal, without an opportunity to apply for asylum.
- Arrivals from **Ghana, Côte d’Ivoire** and **Djibouti** are automatically refused permission by CRT to apply for asylum, although they are not automatically repatriated.

- Ethiopians, Somalis and Eritreans may apply for RSD.
- For arrivals from **Mali** and **Chad**, the CRT will ring UNHCR and a decision will be made by a single UNHCR officer, on the 'phone, as to whether or not the individual concerned may apply for asylum. There is no right of appeal against these decisions.
- **Syrians** automatically receive refugee status.

While CRT's claim that it simply registers the asylum-seekers – that it is UNHCR which decides who may or may not get refugee status – may be technically correct, the fact that CRT decides who may or may not even claim asylum suggests that the claim is disingenuous. CRT staff have certainly asserted on occasion, that they were making these decisions.

It is clear that the primary purpose of these arrangements is to reduce UNHCR's RSD case workload.

As did UNHCR at Choucha, CRT uses refugees as interpreters. They are untrained and usually translate into English or Arabic, which is often not their mother tongue. The usual problems arise of using such interpreters: lack of confidentiality, since refugees seldom want other refugees to know their stories; and particularly the lack of trust, due to interpreters coming from different or opposing ethnic or tribal groups in conflicts in their countries of origin.

The Swiss Embassy (which has an office in Medène) financed a programme for supporting vulnerable refugees – single women, unaccompanied minors, those with physical or mental health issues – but this programme came to an end in 2015.

Refugees are not forced to leave Tunisia, according to the CRT, at least in the South: they are not in danger of being deported.¹³ However, the organization claims that few asylum-seekers want to stay in the country.

CRT Medène claims that those without status or documents – the majority of whom are shipwreck survivors – do not feel anxious, as 'the authorities close their eyes.' They can find work without difficulty in construction, agriculture or in loading and unloading merchandise from lorries. Working like this, the CRT considers that they can soon earn enough money to return to Libya and re-attempt the crossing to Europe. The CRT does not provide transport to the border with Libya.

Travelling northwards from the South of Tunisia is risky for refugees, as they can easily be arrested *en route* – if they try to travel to Tunis, for example. Their situation certainly appears to be different to that of refugees in the North of the country, where they are in greater danger of arrest and deportation (see next section, below).

The CRT notes that for those who do apply for asylum, once their requests are rejected, there are strong feelings of resentment. CRT argues that better information on asylum, and specialized legal aid would contribute to improving the situation.



Building site outside Zarzis being used to shelter shipwreck survivors, April 2015

(ii) Arrest / Detention / Deportation

The law is mainly administered by the Police and National Guard. The latter runs a Detention Centre at Ouardeya, (also spelt: Ouardiya, Wardeya, etc.) in a suburb of Tunis, where foreigners are detained. There is another Detention Centre in Ben Gardène, and rumours of a handful of others.

Foreigners of colour – generally referred to as ‘Africans’ by the Tunisians, notwithstanding the latter’s geographical position – are increasingly subject to arrest. When this is done by the Police, they are usually, although not invariably, released on the same day, after being transported to a Police Station and briefly interrogated.

When they are arrested by the National Guard, they may be detained for far longer. The National Guards usually ring up UNHCR. If, from UNHCR’s files, the refugee concerned is found to have refugee status, then UNHCR will advise that they be released. If the refugee has been refused status, UNHCR has become increasingly negative in recent years, on occasion apparently suggesting that the National Guard deport individuals (see below p14).

For any refugees who hypothetically managed to get to Court, there would be no Court-appointed defence lawyers. They have to defend themselves, unless they can find a lawyer by some other means (see Bamba’s case, below).

Among the hundreds of foreigners arrested in 2014 – 15, in Tunisia, there were two refugees from Choucha: Bamba Oumar and Isaac Bahraddin Nassar.

Bamba Oumar

Bamba Oumar is in his mid-30s, originally from Côte d’Ivoire. He escaped from Libya to Tunisia in the Spring of 2011, and was one of the Ivoirians whom UNHCR refused refugee status. He had lived in a tent at Choucha since he came to Tunisia.

Early in the morning of 25 September, 2014, Bamba caught a *louage* (shared taxi) from Ben Gardène, the nearest town to Choucha. He was going to visit his Ivoirian ‘brothers’ who had moved to Tunis and were trying to carve out a life there. He was carrying several hundred Tunisian dinars from his community at Choucha, with some of which he planned to buy provisions, but the rest he planned to give to his compatriots in need.

The National Guard stopped Bamba’s *louage* at a road block outside Kairouan. There, they arrested him, despite his UNHCR asylum-seeker identity card – the only form of identity for all those at Choucha. After being taken from the *louage* (shared taxi), which continued on its way to Tunis without him, despite having paid his full fare, he was taken to the National Guard station in Kairouan. There, the Guards telephoned UNHCR in Tunis.

When the refugees from Libya first arrived at Choucha, UNHCR took charge of any passports and identity documents that the refugees had managed to hide from the Libyan militias. Since then however, UNHCR has somehow managed to ‘lose’ these documents between their offices in Zarzis and Tunis.

Bamba was initially detained in Kairouan for three weeks. He was finally brought before a judge there, on 16 October 2014. Thanks to the efforts of Messaoud Romdhani, Management Committee member of the *Forum Tunisien des Droits Economiques et Sociaux (FTDES)* in Tunis (see below p27), the lawyer Maître Aïda Guizani argued his case (although she hadn’t met him before the trial) and the judge ordered that Bamba be released immediately.

The National Guard thought otherwise however, and continued to detain Bamba – which fact they divulged neither to the Court nor to his lawyer, who imagined that Bamba had somehow disappeared (like so many other refugees), presumably of his own accord. Such a lack of respect, from the Police and National Guard, for decisions of the Court is not unusual in Tunisia, and several cases have been reported in recent years.

Bamba was finally ‘released’ from prison in Kairouan in the middle of the night, minus most of the money he’d been carrying. A National Guard officer then took him from the prison in Kairouan,

ostensibly to UNHCR's offices in Tunis. In fact, the officer took Bamba to the Ouardeya Detention Centre.

Bamba was detained at Ouardeya for a further six weeks, while Messaoud Romdhani and the author tried to get him released. We finally achieved this on 3 December 2014, after the author had submitted an *attestation* (statement) guaranteeing Bamba's good behaviour and expressing a desire that he would soon join the project for refused refugees in Tataouine, run by the *Association Planète Positive*. The author also agreed to accompany Bamba back to Choucha. At no point was Bamba's case brought before a Tribunal or Court to authorize his continued detention in Ouardeya.



Bamba Oumar

Isaac Bahraddin Nahar

A few months later, at the beginning of March 2015, Isaac Bahraddin Nahar was arrested by the National Guard as he was attempting to make his way through the desert to Libya. Due to the lack of travel documents mentioned above, irregular border crossing is the only option open to those still at Choucha who want to leave the country.

Isaac was another long-term resident of Choucha. He had escaped across the border from Chad to Libya, fearing that he would be executed if he stayed. When fighting erupted in Libya in March 2011, he made his way across the border to Tunisia.

After his arrest, the Tunisian National Guard first took Isaac to the prison (for ordinary criminals) at Mornaghia, just outside Tunis. Like many foreigners, he was then transferred to the Detention Centre at Ouardeya.

On Monday, 13 April 2015, the author went to the Centre and thence to the Border Police Office in Tunis in an attempt to negotiate Isaac's release in a similar way to that of Bamba's. The Border Police officer who had been co-operative in Bamba's case was off sick however; consequently, nothing was achieved.

When Dr. Barbara Harrell-Bond and the author met UNHCR staff in Tunis in October 2013, they stated that, although those asylum-seekers at Choucha who had been refused refugee status – 'stranded migrants' in 'UNHCR-speak' – were outside UNHCR's mandate, they were still 'persons of concern.' This stance has clearly changed since then, as on this occasion, the National Guard officer told the author that a Senior UNHCR Protection Officer had advised him that Isaac should be deported. The National Guard officer suggested that if anyone wanted to help Isaac, the best thing they could do would be to have a 'whip round' and buy him a ticket back to Chad.

When asked if Isaac's deportation was due to a judicial or an administrative decision, the National Guard officer declined to reply. It appears to have been a decision, made on the telephone, by a single person (albeit senior) at UNHCR and then carried out, without question, by the Tunisian National Guard. Needless to say, UNHCR does not have the legal authority to do this, and clearly, using its power and influence in this way serves to undermine the rule of law.

The following day (14 April 2015), *Terre d'Asile, Tunisie* (see below, p24) agreed to take on Isaac's case, using its platform of legal aid for refugees and others in the geographical area of Greater Tunis.

However, on Thursday or Friday, 23 or 24 April, Isaac was taken from Ouardeya and transported to the Algerian border (between the towns of Feriana on the Tunisian side, and Bou Chebka on the Algerian side), where he was 'deported' – forced to walk across the border at gunpoint as is 'normal' National Guard practice. (This practice has been confirmed by the testimony of another survivor of the Ouardeya deportation routine, mentioned below, p18.) On this occasion, Isaac was told that if he did not do as he was told, he would be arrested and treated as a 'terrorist.'

The National Guard officers refused to return his asylum-seeker certificate. Had Isaac not had a hidden copy, he would have found life still more difficult in Algeria. Regrettably, this confiscation of documents by the Tunisian authorities appears to be common practice – perhaps following the UNHCR example.

Isaac walked across the border into Algeria. He was arrested when he arrived in the town of Tebessa. The Algerian authorities threatened him with deportation to Chad, where he believes he will be killed if he returns. However, on seeing his asylum-seeker document, the Algerian authorities advised him to get in touch with UNHCR in Algiers. They released him on Sunday, 3 May, with a permit to stay in Algeria for 15 days. Isaac decided to go to the capital.

He arrived in Algiers at the end of that week, on Friday, 8 May 2015, but could not get into the UNHCR office for at least four days. Worried that his 15-day 'licence' to remain in Algeria would expire and the Algerians would return him to Chad, he decided to return to Tunisia.

Isaac travelled back down to Bou Chebka, then tried to cross over to Feriana on the Tunisian side of the border on Monday, 11 May 2015. With only a UNHCR asylum-seeker document, the border guards would not let him in, so he walked off and crossed in the wilderness.

Back in Tunisia, Isaac went to the National Guard post near the border crossing and asked for help to get back to Choucha (the National Guard has helped other refugees return to the camp – see p18). Instead of helping him, the National Guard detained him for two days, then took him to the Police station in Feriana.

The Police took Isaac to Court, where he was offered a lawyer. Isaac replied that he didn't need a lawyer, as he didn't have a case to answer. The judge sentenced him to six months in prison.

The Tunisian officials then asked Isaac if he would like to appeal against this sentence, and he said that he would. He recounted his whole story, beginning with his departure from Choucha. As a result of, Isaac's prison sentence was reduced to one month.

Three days later (14 May), he was transferred to the prison in Kasserine, where he stayed almost a month. On 10 June 2015, using the phone of an Ethiopian inmate, Isaac rang Ali, another refugee at Choucha, to say that he was back in the Ouardeya Detention Centre, where he was *again* under threat of deportation to Algeria. Isaac had requested that he be deported to Libya, where at least, he would have a hope of taking a boat to Europe and getting back to his family. The National Guard did not respond positively to this suggestion.

On Sunday, 14 June, Isaac was put in touch with a Tunisian working in UNHCR Tunis, who was said to be able to help him.

The following day, Monday, 15 June, Isaac rang Ali at Choucha again, to say that the National Guards had told his Ethiopian friend with the phone that he, the Ethiopian, would be deported in the next two days. Isaac was worried that the Guards would deport him too, with the Ethiopian.

At 7:48 a.m. on Tuesday, 16 June 2015, Isaac telephoned Ali, but the latter was asleep and failed to answer the call. Isaac and his Ethiopian friend were apparently about to leave Ouardeya, to be taken in a car to the Algerian border for deportation. Before leaving the Detention Centre, Isaac had been beaten again, as he had refused to get in the car, knowing now what awaited him.

When Ali finally awoke in his tent, later that day, he tried to phone Isaac back. At 11:54 a.m. there was no answer.

The following afternoon, Wednesday, 17 June, Isaac got in touch to say that both he and the Ethiopian were alive and in Algeria. Isaac complained of his bruising from the beating.

John Okoye Okinwa

We have testimony from another refugee, John Okoye Okinwa, a Nigerian shipwreck survivor of August 2014, who was arrested and detained in Ouardeya, and whose treatment confirms the National Guard's pattern of behaviour. Of his family, only John's little brother was still alive, and he was therefore unable to raise the money to buy John the plane ticket back to Nigeria demanded by the authorities at Ouardeya.

With nine others, who were also unable to raise the necessary funds, John was taken out of the cells early one morning at the beginning of December, 2014. They were told – like Isaac – that they would be transported to UNHCR's offices. In fact, they were bundled into the back of a van without windows (these vans do not have Police or National Guard number plates) and driven for several hours, probably to the Cha'ambi Mountains. Let out of the van, the National Guards told them to walk into the wilderness 'to Algeria:' if they turned back, they would be shot. The prisoners had received no food or water on their journey, and they received none now. Nevertheless, John and a friend claimed to have survived for seven days in the mountains. As their strength was finally fading, they decided to give themselves up – on what, they discovered, was the Tunisian side of the border. Of the eight people deported together with John and his friend, we know of just two others who survived.

The National Guard tells refugees detained in Ouardeya that they must buy a plane ticket back to their countries of origin. If they cannot do this, they are deported by land, although they receive no written decision of this, and are indeed given no warning. Refugees who are deported in this way, enter Algeria irregularly. They are in danger of arrest, detention and – for those with mandate status – *refoulement* by the Algerian authorities.

Decisions on deportation in Tunisia, appear to be made solely by the National Guard and UNHCR. A lawyer presented a report of this deportation regime (written by the author of this report) to the Minister of the Interior in January 2015. The Minister claimed to be ignorant of the practice at Ouardeya, and said he would instigate an investigation. As far as anyone knows, the practice continues unchanged to this day (May 2016).

Terre d'Asile, Tunisie attempted to take the case of some Syrians under threat of deportation at Ouardeya, to the Administrative Court, but found there to be a very long delay before the case could be heard (see p7).

(iii) Access to Detention Centres; Access to Individuals' Files

At no point are detainees in the Ouardeya Detention Centre informed of their rights. Visits to the Centre are at the sole discretion of the National Guard: inmates therefore receive few visitors and, unless they are very lucky, no assistance at all.

Bamba Oumar, who was detained in Ouardeya for six weeks (see p14), strongly emphasized the acute need for help of those locked up in the Centre.¹⁴ Bamba was particularly concerned about the plight of some Syrian refugees in the Detention Centre. Ouardeya's inmates include women and children.

In the author's experience (when negotiating the release of those detained at Ouardeya), detainees are usually brought to the Border Police Station in Central Tunis, where any discussion is closely monitored by the Border Guards. This practice also means that the conditions at Ouardeya are not available for inspection by the rare visitors.

There are just three people in Tunisia who have the right to unrestricted access to any place of detention in Tunisia (Ouardeya, included), without notice. Reportedly, only one of these people

14 Interview with Bamba Oumar in Ben Gardène, 5 March 2015.

actually exercises this right, to any extent – Maître Mondher Cherni, General-Secretary of the *Organisation Contre la Torture en Tunisie (OCTT)*.

Other organizations – such as *Caritas* – have the right to visit places of detention and imprisonment, and indeed do so, but their visits are subject to arrangement, and are restricted.

As Maud Depresle of *Droit et Justice* has written (in an e-mail, in April 2015):

Mr. Bamba Oumar's statement demonstrates the importance of having access to [the Ouardeya] Centre and to the case files of those who are locked up there, and then to legal aid from lawyers with adequate training to submit these cases to the Administrative Court. [Translation, OT.]

(iv) Penalty Fees

Penalty fees are imposed by the Tunisian authorities for foreigners who stay in the country longer than three months without obtaining a *carte de séjour* (residence permit). These penalties increase on a daily basis and amount to perhaps 1,000DT (€450) pa.

As *cartes de séjour* are very difficult to obtain – even for the foreign staff of established NGOs – overstaying prevents refugees, students and others from leaving the country and returning to their countries of origin. Indeed, imprisonment or detention is often the only way that people can leave Tunisia once they have overstayed for any significant period. As **Professor Monia ben Jamia**,¹⁵ Professor of Law at the University of Carthage, puts it: the penalty fees are a 'legal racket.' Many organizations have noted the destructive effect of penalty fees on foreigners in Tunisia, including *Afrique Intelligence*¹⁶ and *Terre d'Asile, Tunisie*. In the case of Isaac Bahraddin Nahar mentioned above (p14), the National Guards were demanding that Isaac pay penalty fees for the *four years* he had been a refugee at Choucha.

(v) Trafficking

Trafficking of Ivoirian housemaids – and to a lesser extent, houseboys – became a significant problem in Tunis, starting in 2014. Their passports are usually confiscated by their employers and they are often effectively imprisoned. *Terre d'Asile, Tunisie*, the *Association Tunisien des Femmes Démocrates (ATFD)* and *Afrique Intelligence* in Sfax have all had contact with members of this group. *Terre d'Asile, Tunisie* says that although they have done an exploratory study on the topic, it's difficult to properly confront the problem, due to the degree of secrecy involved. They all agreed that such trafficking is of great concern.

There is a wider group of trafficked women, according to ATFD, which includes sub-Saharan Africans, Syrians, Iraqis, Moroccans, Bulgarians and Russians. Again, ATFD argues that the Tunisian system of penalty fees contributes to the women's *de facto* imprisonment.

All trafficked people have an urgent need for legal aid if they are to escape the networks exploiting them.

(vi) Need for Monitoring

Several people we interviewed mentioned that State functionaries are actually ignorant of the laws they are meant to be implementing. AESAT (p20), for example, remarked on this phenomenon, in relation to the treatment of its member students and work-placements.

In view of this and the factors above, many people have suggested the need for a system of monitoring of administration practice. This might extend to something akin to the Moroccan system run by *Droit et Justice*, where questionable or scandalous judicial and administrative decisions are publicized on the *Droit et Justice* website.

15 Interviewed in Carthage on 11 March 2015. Professor ben Jamia is also a member of ATFD (p22) and CETUMA (p9).

16 Meeting on 4 March 2015 in Sfax with Mr. Jonathan Wyok Bahago, Vice-President of *Afrique Intelligence*.

UNHCR PRACTICE

UNHCR has two offices in Tunisia: its Tunis headquarters in the new urban area of *Lac*, and a 'field office' in Zarzis in the South. While refugees in the North tend to stay for extended periods, UNHCR – like CRT (p12) – sees the South of Tunisia as a 'Transit Zone' for refugees. To some extent, *Afrique Intelligence* (see footnote on p17) confirms this view: Father Jonathan, founder of this organization, argues that refugees in the South constitute an unstable, moveable population, organizing help for whom presents a complex problem. (Father Jonathan has worked with refugees, including those at Choucha, for many years.)

UNHCR apparently considers that there has been 'good co-operation on a practical level' with the Tunisian authorities, since the co-operation agreement of 18 June 2011 was signed.¹⁷

UNHCR continues to be responsible for RSD in Tunisia. Although it accords mandate status to recognized refugees, this does not give such refugees the right to remain in Tunisia.

UNHCR's rate of granting status at the first instance, has dropped to 20-30% – from around 90% when the camp at Choucha was functioning – although this current figure does not include Syrian requests for asylum. As the latter form currently the largest population of refugees (mostly entering via Algeria), they would have a significant impact on these figures, were they to be included.

Working closely with the Tunisian Government and its institutions, UNHCR plainly has enormous influence on the way individual asylum-seekers and refugees are treated by the Tunisian institutions.

On the other hand, UNHCR is also involved with a number of foreign NGOs in Tunisia, as well as with Tunisian CSOs. UNHCR provides training and financial support, as well as other assistance. The *World Conference of Asylum Law Judges* in October 2014 was supported by UNHCR financially and logistically, for example; UNHCR also helped to provide training for a large group of judges, before the conference proper. However, UNHCR does not appear to have a very high opinion of Tunisian civil society, considering that it 'doesn't know how to get involved in matters of asylum.'¹⁸



10th World Conference of the *International Association of Refugee Law Judges*, (IARLJ), Tunis, October 2014

17 Interview with Nabil Benbekhti, UNHCR offices, Tunis, 27 February 2015.

18 *Ibid.*

In contrast to the organization's presence in most other countries, UNHCR keeps a low profile in Tunisia: there is no sign outside its offices for example, advertising its presence in Tunis Lac.

Although refugees and others used to be able to approach UNHCR directly, all contact with UNHCR now has to go through one of the offices of the CRT.

Those seeking asylum have to fill in a form at one of the CRT offices.

The CRT provides the form, which has questions including the asylum-seeker's

reasons for leaving their country of origin. In the Tunis CRT office, no help – and certainly no legal aid – is provided with filling in this form, which now has to be completed in the office itself (asylum-seekers used to be able to take the form away, to somewhere more conducive to fill it in). The CRT in Medenine claims that its staff help asylum-seekers fill in the forms.

Refugees and asylum-seekers all say that independent legal aid and advice would be extremely valuable when applying for refugee status.

Similarly, when asylum-seeker certificates need to be renewed, these have to be renewed through CRT – although it is UNHCR that actually provides the certificates.

To contact UNHCR, refugees with status now also have to go through CRT. The refugees complain that they cannot meet or speak to those who are making the decisions that affect their lives. CRT staff, who are the only ones to whom refugees may speak, say that decisions are not made by them, but by UNHCR. This Kafka-esque management arrangement means that it is extremely difficult to get a response to requests and problems. UNHCR does not provide refugees or asylum-seekers with access to their files. There is effectively no accountability for UNHCR's decisions.

In April 2015, UNHCR delivered letters to all the refugees with status, advising them that it was withdrawing financial support for refugees with status in Tunisia from 31 December, 2015 on the basis that...

'UNHCR has proposed projects allowing refugees to develop income generating activities. You have benefitted, or you have declined these opportunities, which leads us to think that you already have the means of subsistence adequate for you to meet your needs yourself.'
(From a letter sent out in April 2015 to refugees with status.)

Needless to say, the refugees involved do not see things in the same light. They complain that although UNHCR indeed promised projects that would enable them to make a living (and as a result, they moved away from Choucha), no such work or proper training has been forthcoming. As described above, it is impossible for the refugees to confront UNHCR. Taking UNHCR to Court is out of the question, if only because the organization has diplomatic status.



The place in Medenine where the refugees often congregate; in the background, the pharmacy belonging to the President of the local branch of the *Croissant Rouge Tunisien*.

EXISTING PROVIDERS OF LEGAL AID

(i) *Maison du Droit et des Migrations: Terre d'Asile, Tunisie / AESAT*

Together with the *Association des Étudiants et Stagiaires Africains en Tunisie* (AESAT – the ‘Association of African Students and Work-Placements in Tunisia’) and the *Conseil Tunisien pour les Réfugiés et les Migrants* (the ‘Tunisian Council for Refugees and Migrants’), *Terre d'Asile, Tunisie* (‘Tunisia, Land of Asylum’) set up the *Maison du Droit et des Migrations* (the ‘House of Law and Migration’) in Tunis, in 2012. The *Conseil Tunisien pour les Réfugiés et les Migrants* has since effectively ceased to exist, while AESAT continues as a junior partner. AESAT shares its main office in Tunis with *Terre d'Asile, Tunisie*, but it also has sections in Sfax, Gafsa and Gabès; AESAT hopes to set up another in Sousse.

Many of the problems faced by African students and work placements are similar to those faced by sub-Saharan refugees: racism, discrimination, the lack of residence permits, religious intolerance, difficulties finding work, penalties on departure... Racism and discrimination clearly also affects black Tunisians.¹⁹

There are only a few students who have become *de facto* refugees, *sur place*. Although none have claimed asylum in Tunisia, students from the Central African Republic have had increasing difficulty with the Tunisian authorities, due to the situation in the CAR.

AESAT's 8,500 members of 25 different nationalities in Tunisia have the potential of providing a significant pool of interpreters for African languages. Such a pool would clearly be of immense value for interviews between NGOs and Tunisian institutions, with refugees and asylum-seekers from African countries. Such a pool has yet to be formally developed, however.

The *Maison du Droit et des Migrations* was initially conceived around three spaces (one for resources, another for training and a third for discussion). Since June 2014, it has seen itself as forming ‘a platform of information, advice and mediation for migrants in the area of Greater Tunis.’ The organization offers ‘a listening ear, points of reference, social and medical assistance, mediation and legal aid.’ The *Terre d'Asile* team is composed of six staff members with a varying number of work-experience volunteers (interns). Finance is provided by the Swiss Embassy, among others.

In March 2015, around 100 people were registered with *Terre d'Asile, Tunisie* to get legal, medical and social assistance, although it was of interest that there was not a single asylum-seeker among them. *Terre d'Asile, Tunisie's* assistance is free to those receiving it; staff and the lawyers employed, receive ‘normal’ fees.

Terre d'Asile, Tunisie appears to co-operate well with other organizations. It has worked with the *Association Beity de Soutien aux Femmes Victimes de Violence* (the ‘Beity Association of Support for Women Victims of Violence’), which runs a hostel in Sidi Ali Azouz in Zaghouan, as well as with the *Ligue Tunisien des Droits de l'Homme* (the ‘Tunisian League for Human Rights’ – LTDH), universities in Greater Tunis, and the Ministry of Training.

Terre d'Asile, Tunisie sees refugees’ needs for legal aid in the South of Tunisia as different to their needs in the Greater Tunis area (perhaps following UNHCR’s lead – see p18). However, the association says it would be happy to share its experience and material (including procedures, lists of FAQs and legal monitoring) with any organization that eventually sets up a programme of Legal Aid for Refugees in the South of the country.

In early 2015, *Terre d'Asile, Tunisie* was planning a series of workshops on setting up legal clinics, with *Pilnet* (the *Global Network for Public Interest Law* – see <http://www.pilnet.org>), which they said would have been of interest to CSOs and universities thinking of setting up legal clinics for refugees.²⁰

In addition to being geographically limited to the area of ‘Greater Tunis,’ in practice, *Terre d'Asile, Tunisie's* sphere of action is frequently limited by its status as a branch of the French NGO, *France, Terre d'Asile.*

19 See: <http://www.aljazeera.com/programmes/peopleandpower/2016/03/tunisia-dirty-secret-160316153815980.html> (accessed 5 May 2016).

20 Interview with Anaïs Elbassil, Director of *Terre d'Asile, Tunisie*, in her office in Tunis, on 3 March 2015.

The single experience of *Terre d'Asile, Tunisie's* legal aid in practice was not very impressive. As mentioned above (p14), Isaac Bahraaddin Nahar made contact, through an intermediary, with lawyers at *Terre d'Asile, Tunisie*, when first detained at the Ouardeya Detention Centre. Although the lawyers did speak to Isaac on the 'phone, they apparently made no attempt to visit him while he was in detention – and he was deported from Ouardeya, without the *Terre d'Asile, Tunisie* lawyers even knowing he had gone! They were eventually advised of Isaac's deportation by one of his friends – another refugee from Choucha.

(ii) Organisation Contre la Torture en Tunisie – OCTT²¹

OCTT (the 'Organization Against Torture in Tunisia') focuses on aid for victims of torture in Tunisia. It works with a network of lawyers throughout the country (2 – 3 lawyers per 'gouvernorat' or province) who together deal with 15 – 20 new cases each month. OCTT co-operates with several other organizations, including:

- **Dignity** (the Danish Institute Against Torture), providing legal aid for torture victims;
- **Avocats Sans Frontières** (the Belgian version – see p30) on a project documenting torture in Tunisia;
- **Nebras – l'Institut Tunisien de Réhabilitation des Survivants de la Torture** (the 'Tunisian Institute for the Rehabilitation of Survivors of Torture') for the treatment of Post-Traumatic Stress Disorder.

OCTT's legal aid is free for torture victims, while the lawyers receive set fees from the organization, of around €150 per case. While this is not *pro bono*, such fees are significantly less than lawyers' standard fees.

Lawyers working with OCTT have all been trained in the appropriate international human rights instruments (including the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*) as well as in domestic legislation. They have also been trained to recognize and respect the fragility and vulnerability of many of their clients.

The organization works with victims to record and edit their testimonies as a basis for their cases. OCTT recognizes that this process can be traumatic, hence the importance the organization attaches to psychological support for its clients.

OCTT is also involved in raising awareness of torture in Tunisia among the general public: the organization regularly sets up an impressive stand on the Avenue Habib Bourguiba in the centre of Tunis. OCTT clearly has good connections with the media: they had a network television crew for example, filming them on 26 June 2015, the *International Day in Support of the Victims of Torture*.

The organization also claims to have good connections with parliamentarians for lobbying and advocacy. Since Radhia Nasraoui, one of OCTT's founders, is married to the head of one of Tunisia's political parties, this claim is unlikely to be imaginary.

As mentioned above, Maître Mondher Cherni (see p16), OCTT General-Secretary, has the right to unfettered access without notice, to any institution of detention in the country. This means that he can visit refugees and asylum-seekers detained in the Ouardeya Detention Centre without prior notice – and indeed the author visited Ouardeya with him.

Mondher said that OCTT would be interested in helping develop Legal Aid for Refugees in Tunisia. However, the pressure of the increasing numbers of emerging torture cases meant that OCTT's engagement with Refugee Legal Aid would necessarily be strictly limited: they would be happy to share their network of lawyers, for example, but could not consider hosting such a programme.

21 Based on a meeting on 26 February 2015, at the offices of *Organisation Contre la Torture en Tunisie (OCTT)*, in Tunis, with Maître Mondher Cherni (OCTT General Secretary), Mr. Moemen Jlassi and others, together with an interview with Moemen Jlassi on 11 March 2015.

(iii) Forum Tunisien des Droits Économiques et Sociaux – FTDES

FTDES (the 'Tunisian Forum for Economic and Social Rights') has been one of the most active Tunisian CSOs helping the refugees of Choucha. It has hosted many press conferences, seminars and workshops on asylum and refugees since 2011.

FTDES has also come to the aid of refugee groups and individuals: at the beginning of 2014, for example, a large group of refugees from Choucha was arrested while demonstrating outside the offices of the European Union in Tunis. They were taken to the Ouardeya Detention Centre, where the National Guard agreed to release them, if they could be transported directly back to Choucha. Without hesitation, Messaoud Romdhani offered to provide a coach for this purpose from FTDES.

Similarly, Messaoud organized the FTDES lawyer for Bamba Oumar, when he was arrested in Kaïrouan in September 2014 (p15) and subsequently helped arrange his release (p15).

Like OCTT, FTDES has a network of lawyers with whom it works throughout the country. In addition, FTDES has two regional offices: one in Monastir, the other in Kaïrouan, and is planning to set up others.

FTDES is active and effective in questions of advocacy and lobbying the Government: its press conferences and workshops are well-attended and its briefing papers are professionally produced.

FTDES works with EMHRN / REMDH in Tunis and sent Alaa Talbi, FTDES Executive Director, to the Migration Working Group (p9), for example.²² FTDES works with *Boats 4 People*, and hosted the latter's Tunisian staff member in the FTDES offices. According to its website, FTDES' other principal partners are the *Friedrich Ebert Stiftung* and *ARCI* (the *Associazione Recreativa Culturale Italiana* – the 'Italian Recreational and Cultural Association').

When it came down to taking on the development of a programme of legal aid for refugees in Tunisia, FTDES declined to get involved. The Executive Committee saw such an activity as outside the Forum's terms of reference.

(iv) International Organization for Migration – IOM

IOM claims to have a 'network' of *Centres Ressources pour Migrants (CRM)* – 'Resource Centres for Migrants.' In fact, in 2015, there were just two such centres – one in Tunis, the other in El Kef. A third centre was planned for Sfax. These Centres were established by *ANETI* (*Agence pour l'Emploi et le Travail Independent* – the Tunisian 'Agency for Employment and Independent Work') and the *Office des Tunisiens à l'Étranger* ('Office for Tunisians Abroad') – the Centres are based in the offices of the latter organization. IOM provided technical support, while financial backing came from the *Fond de l'IOM pour le Développement* (the 'IOM Fund for Development').

These Centres provide information, consultation and advice for future emigrants, immigrants and foreigners returning to Tunisia. The aim is to enable their clients 'to make considered decisions that minimize the risks and maximize the benefits of their experience of migration.' The centres have a website at: www.centresmigrants.tn. IOM says that they run campaigns in the media as well as holding local meetings.

According to *Terre d'Asile, Tunisie*, IOM has done a study of disabled refugees in Tunisia.

(v) Association Tunisienne des Femmes Démocrates – ATFD

ATFD (the 'Tunisian Association of Democratic Women') was established in 1989 to provide a place of refuge for women (of any nationality), particularly women victims of violence. In 1993, it set up the first *Centre d'Écoute et d'Orientation des Femmes Victimes de Violences (CEOFVV* – 'Centre of Listening and Advice for Women Victims of Violence') in Tunis. The association now runs

22 Alaa Talbi was interviewed in the FTDES office in Tunis on 26 February 2015, together with Tarek Ben Hiba, president of the *Fédération des Tunisiens pour une Citoyenneté des deux Rives* – the 'Tunisian Federation for Citizenship of the two Riverbanks' (FTCR)

similar Centres in six Tunisian cities (Tunis, Ben Arous, Sfax, Sousse, Kairouan and Bizerte), providing accommodation and shelter for women and their children in times of need. The problem of violence against women in Tunisian society is widespread. In 2015, according to Professor Monia ben Jamia (see footnote on p17), the CEOFVVs have found that increasing numbers of foreign women are coming to them for assistance: Syrian women with children, Moroccans, sub-Saharan Africans, even European women without documents.

ATFD takes an inclusive view of what constitutes violence, and includes the threat of violence, as well as exile, as examples of violence. ATFD recognizes the need for active listening as well as psychological counselling – the CEOFVV teams all have psychologists. They see ‘*solidarity in listening*’ as the correct stance to adopt in their work. ATFD does not offer mediation, however – and husbands and boyfriends are not allowed in the association.

ATFD works with a network of partners to whom it directs women victims for further assistance, including:

- LTDH – the *Ligue Tunisien de Droit de l’Homme* (‘Tunisian League of Human Rights’),
- EMHRN / REMDH (‘Euro-Mediterranean Network of Human Rights Defenders’),
- IADH – the *Institut Arabe de Droit de l’Homme* (Arab Institute of Human Rights),
- FIDH – the *Fédération Internationale de Droit de l’Homme* (‘International Federation of Human Rights’).

ATFD also has a group of ‘friends of the association’ on whom it can call in case of need, for example, for legal aid.

ATFD sees itself as a pressure group and is active in advocacy: *it’s in our nature*, they said.²³ ATFD has been consulted by the Ministry of Justice on the new law on migrants and their families.

In 2014, ATFD provided support to a lawyer (Maître Hayet Jazzar) to take on the case of a young Libyan woman. She was referred to ATFD by *Amnesty International* in Tunisia, and was seeking resettlement on the basis that she was in danger (from other Libyans) in Tunisia.

Maître Hayet prepared the young woman’s file for her RSD interview with UNHCR. Although Maître Hayet was allowed to sit in on the interview, she was not allowed to speak, other than to answer occasional questions about the contents of her client’s file.

The young woman was successful in getting refugee status from UNHCR, and she was eventually resettled (at the fourth attempt) in a European country – which is where she wanted to go. UNHCR was apparently so pleased with this experience, that it made a financial award to ATFD in recognition of the association’s work. ATFD and Maître Hayet were keen to build on this experience and to help develop Legal Aid for Refugees in Tunisia.

Few lawyers are prepared to work on a *pro bono* basis, however. ATFD member, Professor Monia ben Jamia (p20) has identified this difficulty as producing a crisis, as there is little or no money around with which to pay lawyers.

Following on from their experience with the Women’s Refuges (CEOFVVs), ATFD members considered it essential that the capacity to offer accommodation to those in need should be included in any programme of Legal Aid for Refugees.

While ATFD could clearly support legal aid efforts, and share the benefits of their experience (they were keen to do this internationally, as well as more locally), the restrictions of their mandate (to half the human race) meant that they would not be well-equipped to host a programme of legal aid for refugees in general. Furthermore, ATFD is also much more focussed on violence against women than it is on refugee and asylum issues.

23 At a meeting in the ATFD building in Tunis on 2 March 2015 with Mme. Saïda Rached, President of the Association, Mme Moufida Missaoui, Director of the *Centres d’Écoute et d’Orientation des Femmes Victimes de Violences*, Maître Najet Yacoubi and Maître Hayet Jazzar, among others.

(vi) **Cairo Institute for Human Rights Studies – CIHRS**

CIHRS co-ordinates the activities of various organizations involved in the defence of Human Rights in Libya. Due to the security situation in Libya, in late 2014, CIHRS moved its Tripoli office to Tunis, where it mainly deals with Libyans living in Tunisia.

CIHRS is concerned for the safety of Libyan activists who have had to escape Libya. They have no legal status in Tunisia, and if they stay more than three months, they are subject to Penalty Fees for leaving the country like any other foreigners. While it might not appear too difficult to return to Libya briefly every three months, many expatriates in Tunisia are too frightened to do this.

Although there is little advantage for Libyans in claiming refugee status in Tunisia, increasing numbers have been doing so since July 2014 because of their fears of returning to Libya. However, any processing of their files appears to have been blocked by UNHCR. In any case, CIHRS is only in contact with UNHCR Libya (which has also moved its office to Tunis), rather than with UNHCR Tunis which deals with mandate status in Tunisia.

CIHRS has been helping Libyan refugees seek asylum in third countries, and had a successful outcome for one cartoonist who was granted asylum in France. This is likely to become increasingly necessary as tribal conflicts are imported from Libya to Tunisia.

While the CIHRS reckons that it does not have the capacity to organize legal aid even for the Libyan refugees in Tunisia, its representatives stated that the organization would be happy to take on an intern to work on developing Legal Aid for all Refugees in Tunisia.

(vii) **Avocats sans Frontières – ASF**

ASF ('Lawyers without Borders') is an international organization, which originated in Belgium. It should not be confused with other organizations having similar names (e.g. *Lawyers without Borders*), some of which also have offices in Tunis. ASF is running a number of projects in Tunisia:

1. An EU financed project called *Accès à la Justice* ('Access to Justice') which should have started between June and September 2015. *Accès à la Justice* involves setting up a freephone number, which is manned by generalist staff lawyers in different Tunisian provinces. Services are free, while the lawyers are paid by the project at pay scales agreed with the Tunisian Bar Association;
2. **Observation of legal proceedings** (judicial trials) in six of the Tunisian provinces;
3. **Training** Tunisian lawyers and journalists in **Freedom of Expression**: while such training had only been in French, ASF recognized the potential value of training in Arabic;
4. Together with OCTT, **documenting** the cases of victims of torture and **raising awareness** of torture in Tunisia
5. ASF also works with the Institute for Restorative Justice.

ASF would like to involve university students in *Accès à la Justice*, but the Bar Association will not allow this – even with supervision and mentoring from a senior lawyer. ASF appealed to the *Institut Supérieur de la Profession d'Avocat (ISPA)*, but without success.

According to Professor ben Jamia (p20), ASF asked some lawyers to take on some refugee cases *pro bono*, but the Bar Association refused. Even if the lawyers are prepared to work for free, the Bar Association will not allow it.

ASF is organizing groups of lawyers on the basis of their experience and motivation. It has little difficulty finding lawyers who want to join these groups. The lawyers receive training (in French) on international human rights instruments, as well as on techniques of active listening. ASF recognizes the added value of international training, and the increased motivation that this can provide.

ASF is interested in opening Centres for Migrants and in providing legal aid to refugees, asylum-seekers and other migrants.

LEGAL AID FOR REFUGEES

Refugees, asylum-seekers and other migrants, lawyers and jurists, judges and magistrates, CSOs and NGOs, even UNHCR's partner the *Croissant Rouge Tunisien* in Medène, all feel that there is a need for Legal Aid for Refugees in Tunisia. These groups also recognize that there is an urgent need for training in this area of the law. There seem to be four principal areas in which legal aid is needed:

(i) UNHCR (Refugee Status Determination)

Although UNHCR Tunis says it is keen to involve CSOs in advocating for new laws on asylum, it appears to have little appetite for any external involvement in the process of RSD. Indeed, Senior Protection Officer **Nabil Benbekhti** (footnote, p6) doubted that asylum-seekers 'needed help' at all, when dealing with UNHCR. This stance is despite UNHCR's own guidelines, which state that legal aid and advice should be available for asylum-seekers at all stages of the procedure, and despite ATFD's successful involvement in providing legal aid (p23).

In Morocco, *Droit et Justice* had an informal agreement with UNHCR to accompany asylum-seekers to their RSD interviews – although *Droit et Justice's* lawyers did not officially represent the asylum-seekers in the determination process. The arrangement appears to have been of great benefit to all parties. Similar arrangements have been established in Egypt.

Not surprisingly, **refugees and asylum-seekers** – those who have been through the RSD process – all feel that legal aid would be extremely helpful prior to, and during RSD (footnote, p11).

(ii) Administrative Tribunal (Detention and Deportation)

Any refugee arrested by any of the authorities (usually the Police or National Guard) requires legal aid almost immediately. Such arrests happen mainly through...

- Attempts to cross the border irregularly;
- At road blocks, when travelling between towns;
- Raids or round-ups in towns and cities by the Police or National Guard.

Anaïs Elbassil, Director of *Terre D'Asile Tunisie*, considers that the 'migrant' victims of trafficking (p17), the penalty fees for overstaying (p17), and the detention of 'migrants' in irregular circumstances (section beginning p11) are the principal problems requiring legal aid in Tunisia.

Riadh ben Khalifa (p7) suggested that developing a programme of legal aid could contribute to a more general improvement in the relations between the Tunisian Administration and refugees: currently, there is little incentive for officials to make a decision in refugee cases, and their files hang around in offices for a long time. Legal aid could ensure that cases were counted and documented, and this could have a positive effect on the Tunisian authorities.

Terre d'Asile, Tunisie attempted to take a case to the Administrative Tribunal, but found there to be very long delays before it could be heard (p16).

UNHCR has claimed it is proposing to defend refugees' rights by taking cases to the Administrative Tribunal. Currently, there is only one Administrative Tribunal – in Tunis. There are however, plans to set up others throughout the country.

The issue of access to National Guard and Border Police files, including those at the Ouardeya Detention Centre, also needs to be addressed, if decisions are to be challenged: at present, there is access neither to those incarcerated nor to their files or decisions of any description. There is therefore no opportunity to challenge National Guard actions.

The question of the lack of respect by the Police and National Guard for Tribunal decisions (as in Bamba's case – see p13) is also of great concern, as it has a direct impact on the rule of law.

Since deportation happens on an ‘unofficial’ or secret basis, a robust legal challenge will need to be mounted.

(iii) **Judicial Courts (Crime)**

When refugees or asylum-seekers are accused of a crime, they have an immediate need for legal aid. Tunisia’s endemic racism means that members of these groups are usually assumed to be guilty, simply by being accused. The fact that they have no recognized identity documents further exacerbates their difficulties.

(iv) **Civil Courts (Divorce, Disputes over Rent, Employment, etc.)**

While most civil disputes are settled out of court, the lack of residence permits or other identity papers puts refugees at a significant disadvantage. Again, their need for legal aid in this area is obvious.

The Tataouine lawyer Maître Mabrouk Eljmil²⁴ pointed out the difficulties that anyone lacking a residence permit, identity card or passport, will have when registering children’s births, getting married or divorced, or fulfilling numerous other civil provisions.

Frightened and under the pressure of continuous uncertainty, it is extremely difficult for refugees or asylum-seekers to challenge administrative or judicial decisions. The lack of any legal status or judicial framework, let alone the absence of legal aid, means that there is nothing and no-one for refugees to trust.

In these circumstances, they tend to trust other refugees, whose lack of legal training often only makes matters worse. While we have no evidence of unscrupulous, opportunistic lawyers in Tunisia, taking advantage of asylum-seekers (as they do in Western countries), their appearance would seem to be only a question of time.

Limits to Volunteering: Taking Cases in Practice

The Moroccan model of Legal Aid for Refugees as practised by *Droit et Justice* depended on lawyers taking on cases and working *pro bono* – similar to USA custom, and as practiced in some other Western countries.

Many people have warned that this model would not be workable in Tunisia: there are expenses that would need to be covered, and while there would be no problem with lawyers *taking on* cases without remuneration, they would be unlikely to follow them up.

Maître Mohamed Chalghoum²⁵ commented that activist lawyers may occasionally intervene and defend refugees on a voluntary basis against cases brought by the Tunisian administration, although nobody to his knowledge does this on a systematic basis. Once a case comes to the stage of representing an individual in Court however, this necessarily presupposes some payment if only to cover costs and taxes.

Professor Monia ben Jamia (p20) has also noted the lack of available lawyers for providing legal aid in relation to ATRD (p29) of which she is a member. She too, uses the phrase: *volunteering has its limits*.

Maître Essia Abouda is a lawyer with a practice in Gabès who helps and advises the CRT in Medènine, and occasionally defends refugees and asylum-seekers *pro bono*, when they are being prosecuted, according to Mongi Slim (see footnote, p14). It seems possible that Maître Essia’s expenses are covered by the Medènine CRT.

Maître Reda Oulamine, founder of *Droit et Justice* suggested that one of the reasons, they have managed to follow the *pro bono* route in Morocco may be due to his international connections and the opportunities for foreign engagement. As noted by ASF for example (see p24), participation in international conferences can certainly be an additional benefit for lawyers, helping them to

24 In an interview in Tataouine on 5 March 2015.

25 At a meeting on 9 March 2015 in his practice, *Zitouna Avocat Conseil*, in Tunis.

raise their profiles and giving opportunities to meet a wide range of others in their field. It seems that any host organization would have to demonstrate the potential for significant benefits in this area, for lawyers to consider working entirely *pro bono*.

Noomen Rekik, Dean of the Sfax Law Faculty similarly suggested the importance of establishing contacts and enhancing reputations as motivation for *pro bono* to any extent (see p44).

Tim Baster²⁶ (founder of *Bail for Immigration Detainees* in England) suggested that one of the motivations for lawyers working *pro bono*, is the chance to *win* high profile cases: such successes are good for morale, as well as being good for business. Indeed, he thought it very important, when setting up a programme of Legal Aid for Refugees in Tunisia, that those taking the first cases had a good chance of winning them. If they were to lose many cases, they would soon become demoralized and would stop taking on new ones.

Plainly, from the point of view of litigating strategically, establishing case law on the basis of the strongest, most compelling cases is crucial: trying to establish case law on borderline claims would be ill-advised.

Tim also thought it important that asylum-seekers not disappear *during* cases – that they didn't suddenly jump on a boat to Europe. He considered that 'absconding' could be a significant problem when working with such clients.

Riadh ben Khalifa (p6) considers that in any case, a 'symbolic remuneration' would be needed. He, like others, used the expression: '*volunteering has its limits.*'

It may well be that a set rate for 'worthy cases' would be acceptable – something akin to OCTT's current practice.



Exterior of the CRT hostel in Medenine

RAISING AWARENESS

There was general agreement that public awareness of the issues of refugees and asylum needed to be raised.

Immediately after the Tunisian Revolution, there was an extraordinary awakening and sympathetic response to the refugees pouring over the border from Libya. Since then however, the problem has been mainly considered over – finished. The Tunisian media was complicit in UNHCR's efforts to claim that the refugee phenomenon evaporated with the official closure of Choucha on 30 June 2013. This was notwithstanding the ongoing protests by refugees outside UNHCR's offices, and the several hundred people living in the camp – whose numbers have however, gradually reduced.

On the other hand, since the Revolution in 2011, there has been a marked increase in the numbers of black African students studying in Tunisia. While it is arguable that this has exacerbated Tunisian tendencies towards racism, it has certainly increased discussion of the subject. Clearly, the idea of increasing 'freedom' in society has also meant that some people are more overt in their racism (following a primitive conception of 'freedom'). The problem appears to affect African students as much as it does refugees.

Professor Hassène Kassar, Associate Professor in Sociology at the University of Tunis, Scientific Director of the *Centre d'Etudes et de Recherches Prospectives (CERP)* and consultant for ASPOMIS (see below, p46) argued²⁷ that Tunisians have little consciousness of their own racism: they need to be educated to accept others in dignity. There is no anti-racist education in schools or universities. The country needs a proper awareness-raising programme to combat the relics of the erstwhile mentality of slavery. Tunisians need a combination of awareness-raising (combatting xenophobia and racism), and education for tolerance. Tunisians are in many ways, a tolerant people, so that this should not be impossible.

Maître Essia Abouda (see p26) emphasized the need to raise awareness in civil society, as well as among the legal profession, of the refugees' plight. She saw such awareness as essential for the development of Legal Aid for Refugees.

Two magistrates from the **Administrative Tribunal**²⁸ considered that refugees in Tunisia need information on their situation as well as awareness raised of their rights. The asylum-seekers at least needed information on Tunisian asylum procedures, once they had crossed the border, if only in the form of an information leaflet. Confronted with people who knew their rights, the authorities would have a somewhat smaller margin of manoeuvre. In order for this information to be distributed effectively, several actions would need to be taken in relation to Tunisian institutions, including establishing the right to information.

OCTT (p21) raises public awareness of torture by running stalls in the centre of Tunis with petitions to sign, badges to buy, flyers, publicity, information, etc. It also participates in relevant events.

FTDES (p22), like many of the other organizations in this report, also puts on stands at events. Furthermore, FTDES took on the gigantic task of organizing the World Social Forum in Tunis in 2015.

UNHCR says that it is publicizing the 'Rights of Migrants,' and is proposing the production of a *Code for Refugees, Asylum-Seekers and Migrants*, which could then be widely distributed.

27 In an interview on 10 March 2015 in Tunis.

28 Mme Chouikha Boussoukaya, Magistrate at the Administrative Tribunal and Mme. Hasna Ben Slimane, Magistrate, Commissioner-in-Council at the Administrative Tribunal, interviewed on 9 March 2015 in Tunis. Both women are members of the *Association Tunisienne des Femmes Juristes (ATFJ – 'Tunisian Association of Women Jurists')*.

CO-OPERATION AND NETWORKING

Different organizations co-operate to different extents. There is an argument to suggest that the more an organization co-operates with others, generally the more robust that organization is. OCTT is an impressive example of this, in that it works with a number of organizations (see p21) and does not try to do everything itself. ATRD functions similarly (see p23), as does *Terre d'Asile, Tunisie* (p20).

In the Medène meeting (p9), **Maître Essia Abouda** (p34) emphasized the precarious nature of refugees' lives in Tunisia and how this exposes them to trafficking and exploitation by Mafia-like gangs. She believes that lawyers need to organize themselves to defend refugees.

As did individual lawyers and others in the South of Tunisia, those who participated in the **Medène meeting** (p9) agreed on the need to create a network of jurists interested in the questions of refugees and asylum. Such a network was seen as facilitating training, and sharing experience and good practice. The lawyers were also keen to explore other countries' experience in the area of asylum, and how foreign models might be adapted to Tunisian circumstances.

The Cairo Institute for Human Rights Studies (CIHRS) (p24) envisaged developing a network of co-operation with 'specialized associations' in the destination countries of reception (in Europe and North America), for Libyan asylum cases who could not be protected in Tunisia. They particularly felt the need for assistance in obtaining visas from the Foreign Ministries of these countries.

Riadh ben Khalifa (p6) suggested that co-operation between the different organizations involved with refugees, should be encouraged. In his view, REMDH/EMHRN (EUROMED) is well placed to co-ordinate such co-operation. As an example, he proposed that...

- a) **IADH** (*Institut Arabe de Droit de l'Homme* – the 'Arab Institute of Human Rights') should provide training;
- b) **FTDES** (the *Forum Tunisien des Droits Economiques et Sociaux* – the 'Tunisian Forum for Economic and Social Rights') could focus effectively on advocacy;
- c) **ASPOMIS** (the *Association de la Population, Migration et la Santé* – the 'Association for Population, Migration and Health') could attend to research (see p46).

Professor Hassène Kassar (p28) warned of the difficulty in ensuring continuity of activity among community groups, university staff and students working on questions of migration. In general, he noted that each organization, after a meeting or conference, returned to its own activities.

Although many organizations work together productively as a sort of network, there is clearly, also a contrary territorial tendency. This is partly connected to the competition for limited funding among these groups; it is surely also an innate, primitive disposition.

In this situation, the funding organisations have considerable scope for encouraging or discouraging co-operation among their clients.

This subject was not part of our Exploratory Mission: indeed, as an organization being funded, we were ourselves seen as part of the competition. At the EMHRN / REMDH Migrations Working Group meeting we attended (p10), we were the subject of a furious attack by **Professor Hassan Boubakri** of CETUMA. (Professor Boubakri argued that Tunisians had no need of foreigners to tell them how to develop Legal Aid; he also felt that there should have been a Tunisian among the Exploratory Mission team.)

CETUMA has run several one-day conferences, including one (run in conjunction with the author), in October 2013, called *Après la fermeture du camp de Choucha: la Tunisie face au défi de l'asile* ('After the closure of the refugee camp at Choucha: Tunisia confronts the Challenges of Asylum'). This was attended by a wide range of individuals, from Tunisian judges, UNHCR representatives, and the heads of the CRT and IOM in Tunisia, to refugees from Choucha,

both with and without status. CETUMA appears to be well-supported by EMHRN / REMDH, although it is not so well-regarded by its peers.

It is clear that EMHRN / REMDH has a significant part to play, through its roles co-ordinating activities, providing spaces for meetings and bringing organizations together, as well as through the funding provided by the EUROMED Foundation (EMHRF / FEMDH) with whom it works closely (their offices are in the same building, they have the same e-mail addresses, etc). One example may illustrate the current situation: in late 2014, *Terre d'Asile, Tunisie* produced an A5 brochure for foreign students in Tunisia, including details of how to take taxis, rent houses, obtain a Residence Permit. In 2015, both *Terre d'Asile, Tunisie* and *FTDES / Boats 4 People* planned to produce similar informative brochures for refugees, asylum-seekers and migrants in Tunisia; both said that they were being funded by the EUROMED Foundation.

It could be argued that such competition between organizations leads to better results: and the organization that produces the 'better' brochure is likely to get more funding in future. Yet how is this 'better' to be judged? And is this really the best use of scarce resources – running an unofficial competition? What about other organizations that might want to compete?

CSOs and NGOs all emphasize the importance of networking – of working together, co-operating, learning from each other's mistakes and good practice. While EMHRN / REMDH Tunis might pay lip service to this, many of those we interviewed felt that it could do much more, in practice.



From left to right at the table: Lorena Lando, Bureau Chief of the IOM, the author, and Houda Chalchoul, UNHCR Legal Officer, at the October 2013 Conference in Tunis: *After the closure of the camp at Choucha: Tunisia confronts the challenge of asylum* (Photo by Karim Traore)

TRAINING AND CAPACITY BUILDING.

As with Raising Awareness and Co-operation, there was a similar consensus on the need for Training and Capacity Building. Although there are obviously historical antecedents, **Professor Amor Boubakri** (p9) considers that even the concept of asylum is not well-established in Tunisia. Magistrates, Judges, Lawyers, Jurists, Government Officials and individuals in civil society therefore need to discuss and work through their ideas, preconceptions and prejudices. Fundamental to training and capacity building is an educational foundation. Lawyers such as Maître Wajdi Aïdi in Sfax (p48) and Riadh ben Khalifa (p6) agree with this analysis.

Apart from the lack of specific training on refugees and asylum, Professor Amor Boubakri was also concerned about the absence of people to lead such a programme, as well as the deficiency of materials and the financial resources to enable it to develop.

He thought it important that any programme of legal aid should seek to work with the most active and committed lawyers in the country. The political context in Tunisia meant that Law Faculties were often more open to new ideas than lawyers or CSOs. He considered that a legal aid programme should involve the law faculties from the outset.

Professor Hassène Kassar (p36) saw the fusion of activism with academic research, in relation to questions of immigration and asylum, as not only necessary, but a valuable opportunity for reinvigorating academic research. **Riadh ben Khalifa** (p6) was similarly encouraging about such ideas.

Afrique Intelligence (p21) recognized the need for training in the law of asylum, but also in practical matters such as fund-raising.

The **Cairo Institute for Human Rights Studies (CIHRS)** also recognized the need for capacity building in the area of refugees and asylum law.

The two **Administrative Tribunal Magistrates** (p36) gave a cogent argument for developing a programme of legal aid for refugees, since the Tunisian administration frequently gambles on the likely lack of an appeal, in order to enforce administrative decisions that are essentially illegal. In such a context, the magistrates saw training and capacity building on asylum law for lawyers and judges as indispensable for justice.

Professor ben Jamia (p20) confirmed that State institutions often have little awareness of the laws they are meant to be enforcing.

(i) *Institut Arabe des Droits de l'Homme – IADH*

IADH, the 'Arab Institute for Human Rights' was set up in Tunisia in 1949. Its main aim is to build capacity in CSOs, principally through training. Before the Tunisian Revolution, the Institute had difficulty operating; since 2011, it has found it easier to function and has opened local offices in Bizerte and Medène. Mme Grar, the Executive Director,²⁹ considered there was a need to ensure that CSOs in Tunisia maintain and develop their self-confidence: they need to find a means to show who they are and what they have done and can do in the future.

Immediately after the Revolution, IADH focussed on influencing the political situation, as the political parties at the time, didn't have the experience needed to confront the tasks that the country faced. The expectations of the people were unrealistic: they thought that higher education would become free, for example. IADH sought to bring some reality to the situation.

More recently, IADH has worked on media reform, mainly through training, particularly in putting forward the refugee perspective. Initially, the media were not prepared to confront the questions raised by the refugees' presence. Working with UNHCR, IADH trained journalists on alternative points of view:

“We trained them to see the refugees' reality, although we lost a lot of time working with _____ journalists who didn't want to learn.”³⁰

29 Interview with Mme Lamia Grar, IADH Executive Director in her office in Tunis, on 10 March 2015.

30 *Ibid.*

IADH considers that it has now developed a network of sympathetic journalists, who are prepared to raise awareness among Tunisian citizens. IADH is hoping to create a model in Tunisia, which can be used in other countries.

Many people in the South of Tunisia helped the refugees in Spring 2011, voluntarily, without any organization or structure. They not only provided the refugees with food and accommodation, but there was a great impetus to help them, which wasn't channelled effectively, according to Mme Grar: the organizations in the South sought to respond to the refugees' needs, rather than considering refugee rights. IADH set up its office in Medèneine to provide a nucleus for human rights based organizations. It has two members of staff.

IADH brought experts from Europe and Latin America to share their experiences of working for refugee rights, but found considerable resistance in the South to embracing such expertise. The local Tunisians had suspicions of plots and intrigue. Fortunately, IADH has managed to survive these problems.

IADH's Medèneine centre provides a space where civil society groups can operate. It has been a challenge for IADH to keep it open, but the Institute believes it to be worth the difficulty and expense. The centre has a big training room, enabling IADH to work directly with local group and organizations. IADH seeks to work in partnership with these local groups.

The other objective for the Médenine office was to create a link between Libyan associations and the Tunisian groups working with refugees. IADH has worked hard with Libyans, running a training programme in Libya with Tunisian and Libyan experts.

Working with the Tunisian National Observatory, IADH has provided observers for general elections in Tunisia – for the October 2011 election, and again in 2014.

Finally, IADH has taken over an old hotel in Essaida, outside Tunis, which it is using to hold meetings with local associations and other organizations.

(ii) Association des Droits des Immigrés et des Réfugiés en Tunisie – ADIRT

ADIRT, the 'Association for the Rights of Immigrants and Refugees in Tunisia,' was set up in early 2015 by Maher Abdmouleh, Professor of International Law, and three post-graduate students in the Faculty of Law at Sfax University:

1. Mlle. Samira Gharsallaoui – writing a thesis on the jurisdictional guarantees of human rights in Tunisia;
2. Mlle. Khadija ben Omar – working on the status of the immigrant in the Maghreb;
3. Mlle. Alia Ben Saad – working on the residence of foreigners in Tunisia.

The association's aims are to:

- Contribute to respect for, and protection of, the rights of immigrants and refugees in Tunisia;
- Find durable solutions for immigrants and refugees;
- Help immigrants and refugees in relation to the Tunisian Administration and regularisation of the former *vis-à-vis* the latter;
- Organize workshops of awareness raising on the situation of immigrants and refugees in Tunisia;
- Raise awareness of the risks of illegal immigration;
- Provide humanitarian aid for immigrants and refugees in Tunisia;

- Work with civil society, UNHCR and EU representatives in Tunisia in the framework of putting into practice the association's agreement, signed in 1995.

They envisage the following programme:

- Organize seminars to raise awareness on questions of immigration and asylum, in civil society and among lawyers and jurists;
- Lobby Parliamentarians;
- Organize a programme of legal aid for refugees, asylum-seekers and migrants – possibly in the form of a legal aid clinic in the Law Faculty in Sfax.

Professor Abdmouleh sees a course on Refugee Law as indispensable. He also thought that it would be interesting to 'work in concert' with refugees to develop the course.

(iii) Law Faculty, Sfax

Noomen Rekik, Dean of the Law Faculty in Sfax, would be happy for the Faculty to host ADIRT's initiatives. He sees several alternatives for courses, but everything would depend on the employability of those who finished the course: it needs a Tunisian organization to ensure that most of them can get jobs afterwards. Dean Rekik envisaged several non-mutually exclusive options,

- The creation of a three-year **Masters' Degree** co-developed with partners (international organizations, for example), limited to 10-15 students and based on the rights of refugees.
- Introduction of a **Refugee Law option** in the Law Faculty curriculum, although the margin for manoeuvre here is small, as the competition is harsh: students may choose only two degree topics, and each Professor wants to introduce his own topic.
- Organization of **Summer Courses**, guaranteed by and hosted in the Law Faculty, with a national, regional or even international impact.
- **Opening the doors** of the Faculty to an association to train students in a less formal framework.

In the opinion of Dean Rekik, a bilingual French-Arabic training would enhance the graduates' employability. (ASF, similarly, thought that bilingual training would be worthwhile – see p24)

Like several others (Maître Mabrouk Eljmil, for example – p26), Dean Rekik advises training a pool of people who are really motivated and who will sustain the pool.

Lawyers, although often taken up by their own cases, could be involved in such a training, according to Dean Rekik, on condition that their involvement received some recognition. The voluntary involvement of lawyers in a worthwhile project is possible, if it is subsequently recognized in a national, regional or even international framework, thereby establishing useful contacts and enhancing the lawyers' reputations. Volunteering for the sake of volunteering has its limits, if it is not recognized in some such way.

Lawyers in particular, feel the need to explore other countries' experience in the area of asylum, adapting their models to Tunisian circumstances.

Professor Monia Ben Jamia (p20) noted that Refugee Law has been introduced into several university courses. There are some research groups springing up and post-graduate students writing theses in this area. Generally, she considers the students' studies to be too abstract and theoretical, so that they would do well to become involved with actual cases. Professor ben Jamia suggested that at least some Tunisian universities would be open to the creation of legal clinics for asylum-seekers and refugees. She would certainly support such an initiative in Carthage University, where she works.

MONITORING AND RESEARCH

There was also general agreement on the need to maintain research on the reality of the situation: how many refugees and migrants are there in Tunisia? Where are they? How are they surviving?

Afrique Intelligence (p21) identified the need for research on the ground, making an inventory of needs and documenting refugees' encounters with the law.

Professor Mohieddine Lagha, Professor of Mediaeval History in the Faculty of Literature and Human Sciences at Sousse University made the same point,³¹ adding that UNHCR statistics only refer to those refugees who have been given refugee status or who have at least registered with UNHCR. There are many others.

The Cairo Institute for Human Rights Studies (CIHRS) emphasized the acute need for research on the numbers and conditions of Libyan refugees in Tunisia. No record is kept of their numbers, and few of them have applied for asylum.

The Association de la Population, Migration et la Santé (ASPOMIS) – the 'Association for Population, Migration and Health' – was set up by Riadh ben Khalifa (p6) and others to produce documentary evidence in its declared fields of population, migration and health. It has a group of students interested in the rights of refugees.

Like *Afrique Intelligence*, **Professor Kassar** (p36) thought it important to be 'on the ground' for doing research; he also thought it important to bear in mind the parameters of an eventual Legal Aid programme for Refugees. Professor Kassar proposed using either ASPOMIS or the *Centre d'Etudes et de Recherches Prospectives (CERP* – of which he is Scientific Director) – or both – to build on their experience of researching in the areas of migration and health. CERP brings together sociologists, demographers, historians and biologists, while ASPOMIS has a group of biologists looking at the illnesses, refugees get on returning to their countries of origin. Professor Kassar thought it important to use a multi-disciplinary team (including refugees, as well as academics) to construct a robust methodological framework (based on sound theoretical principles) as a necessary condition for the success of a study on the needs of refugees.



Father Jonathan of *Afrique Intelligence* (right with peaked cap) visiting Choucha, 2011

31 In an interview on 3 March 2015 in Sousse. Professor Lagha is General Secretary of the Sousse section of the LTDH.

ADVOCACY

Several people talked about the importance of CSOs putting pressure on the Government to expedite development of a law on asylum. **Professor Amor Boubakri**, as well as **Mr. Alaa Talbi** (FTDES Executive Director) and **Mr. Tarek Ben Hiba** (FTCR President) (p22) all considered that this was the only way to get the Government to adopt such a law within a reasonable timeframe. The latter two also recognized that even once the law was enacted, there would be the problem of its concrete application. They considered that Tunisian civil society will need to be vigilant to ensure that the law is not solely a series of beautiful principles, but that it is actually well applied.

Even UNHCR was enthusiastic about civil society lobbying the Tunisian Government to develop asylum law – perhaps because of UNHCR’s own lack of success in this area?

Several of the organizations interviewed during the Exploratory Mission see advocacy as important to their work and therefore lobby the relevant Ministries, Parliament and the Government on various issues. These organizations include ATFD (p23), OCTT (p21) and FTDES (p11).

Professor Hassène Kassar (p36) saw interventions with ‘political decision makers’ advocating for legislation on questions of immigration and asylum that respects the rights of migrants, as essential.

The Cairo Institute for Human Rights Studies (CIHRS) identified a pressing need for advocacy initiatives in relation to UNHCR, the Tunisian Government and Western Embassies on questions relating to the protection of Libyan activists who have fled Libya and who cannot find protection in Tunisia.

In February 2015, as mentioned above (p9), CETUMA published a proposal for the reform of the Tunisian law relating to refugees and asylum, with the support of EMHRN / REMDH. This document rested on a legal analysis of the existing Tunisian texts, conducted by **Professor Monia ben Jamia** (p20) and Professor ben Achour, both of whom are law professors in Tunis. The work was co-ordinated and followed up by **Professor Hassan Boubakri** (see above, p29).

Participants at the **Medèneine Lawyers’ Meeting** (p9) were keen to address the recommendations of the Parliamentary Commission in charge of developing a new law on asylum. They felt unanimously that lawyers should contribute to the development of a new Tunisian law on asylum, if only to ensure that it was not defective. They emphasized the importance of comparing Tunisian law with the laws of other countries (to ensure that the former was at least as good as the best), while at the same time taking care to avoid pitfalls, such as an over-centralisation of procedures in Tunis, when most of the refugees present themselves in the South of Tunisia.

The most forward-thinking views on advocacy came perhaps from the **Administrative Tribunal Magistrates** (p36). While they currently see the law relating to refugees and asylum as a grey area falling between the Administrative and Judicial Courts, they proposed that everyone involved – lawyers, university staff and students, magistrates, associations, refugees, etc. – should work together to produce proposals to fill in the gaps of the Ministry of Justice’s draft law on asylum. They were keen to examine the experiences of other countries, as far afield as South Africa, for example.

Moreover, they were keen for legal aid for refugees to enable lawyers to present cases argued on the international conventions to which Tunisia is a party. Clearly, this would also require training for such lawyers. By basing their legal arguments on the international conventions, however, they could argue cases, even before a new law on asylum was promulgated. Moreover, such cases could contribute to a jurisprudence in this area that would be based on international norms. They saw it as: *‘elaborating law together through jurisprudence.’*

The Sfaxian lawyer Maître Wajdi Aïdi³² and Riadh ben Khalifa (p6), among others, have similarly suggested that cases in the Administrative Court could be used in refugees’ and asylum-seekers’ favour through developing a jurisprudence based on international instruments and norms.

³² Maître Wajdi Aïdi is also a member of the *Association pour la Justice et la Réhabilitation* (‘Association for Justice and Rehabilitation’ – AJR); he was interviewed on 28 February 2015, in Hammamet.

SUBSEQUENT EFFORTS

The author returned to Tunisia and met up with the two organizations who seemed most suited to hosting a programme of Legal Aid for Refugees in Tunisia along the lines of *Droit et Justice* in Morocco: OCTT and FTDES. As mentioned above, neither OCTT (see p21) nor FTDES (see p22) were prepared to take on such a programme.

Without an organization prepared to act as host, there seemed to be little point in exploring CIHRS' generous offer to host an intern (see p24).

The author's next step was to discuss the idea with the *Association Planète Positive* in Tataouine, in particular the President of the Association, Mr. Tahar Elhajji. Since March 2014, this small, cultural association had been running a livelihood project – *Peace in the Desert* – for rejected refugees in Tataouine with the authorization of the Ministry of Social Affairs and financial backing from an Italian NGO, *le Terre di Artijanè*.

With the co-operation of Maître Mabrouk Eljmil, as well as other lawyers in the area – and particularly the backing of the *Batonnier* in Medènine – Mr. Elhajji considered the proposal to set up a programme of legal aid for refugees to be feasible. In particular, the house that had been rented for the refugee project had space to host offices for the legal aid programme. Furthermore, the *Association Planète Positive* had experience of working closely with refugees since the first influx from Libya in 2011. The Association had had refused refugees running workshop programmes during four sessions of the annual *Festival de la Fraternité et de la Créativité* – since 2012, in fact.

With input from Dr. Barbara Harrell-Bond, Mr. Elhajji and the author made a funding application to FEMDH / EMHRF on behalf of the *Association Planète Positive* for a project hosting an expert lawyer to develop a programme of Legal Aid for Refugees in Tunisia. The proposal included awareness-raising, networking and advocacy as well as the core of legal training and the accompaniment of cases. FEMDH did not respond to the application.

It now looks as if the idea put forward at the Medenine meeting (p29) – of creating a new network, and even a new organization, to develop a programme of Legal Aid for Refugees in Tunisia – needs to be the next step.



Peace in the Desert Street event for neighbourhood children and teenagers – Tataouine, October 2015

CONCLUSION

Tunisian procedure in relation to refugees is in conflict with its obligations to the international conventions that it has ratified. It practices a detention and deportation regime that imprisons asylum-seekers (including unaccompanied minors) on arrival after crossing the border. Those who are arrested once they are already within the country are likely to be detained without trial. If they cannot find the wherewithal to buy a plane ticket back to their country of origin, they will be deported at gunpoint, on foot, into the Algerian desert. There is no legal oversight of this procedure, and detainees deported in this way, are in danger of dying in the desert from thirst and exhaustion. They are also in danger of being shot as potential 'terrorists' and of other mistreatment by the Algerian authorities. UNHCR and IOM are not only aware of this practice, but apparently actively collude in it. Setting up a programme of legal aid for refugees would help to bring Tunisia's detention and deportation practice within the ambit of the law. Taking cases of detention to Court would save refugees' lives.

The rule of law is somewhat fugitive in Tunisia. By bringing transgressions into the public eye, and challenging lapses in procedure, Legal Aid for Refugees also has the potential to contribute to justice for all.

Refugees in Tunisia have no legal status. Those with mandate status are tolerated, but are always at risk of UNHCR's displeasure. Those without status are continually in danger of arbitrary arrest, detention and deportation. Their fate, like those of recently arrived asylum-seekers, often seems to depend on the opinion of a single UNHCR officer – without of course, any possibility of appeal. Communication between UNHCR and refugees is in any case fraught with difficulty (p19).

As in all countries, UNHCR has diplomatic status, cannot be taken to Court, and is effectively above the law. However, by challenging decisions in the Courts, using legal aid for refugees to bring decisions under the rule of law, we believe that justice will be better served.

Developing a programme of legal aid for refugees would also help to ensure that agents of the Tunisian state knew the law they were meant to be enforcing, as their decisions would be open to challenge and appeal. A system of monitoring and publicizing questionable or scandalous decisions would complement this. Both would help to prevent the abuse of power, including cases of unjust imprisonment. At least one international NGO has considered developing such a programme (p24). Even the existence of legal aid for refugees could help to speed decision-making in the current system.

Tunisia has little or no domestic law relating to refugees and asylum. However, there is one relevant article in the new Constitution and the country has ratified a number of international conventions. Arguing refugee and asylum cases in Court, on the basis of the new Constitution and international instruments, would contribute to the development of jurisprudence in this area of the law. Such jurisprudence could helpfully inform the drafting of new domestic law. Developing domestic law would be a first step towards UNHCR handing over RSD to the Tunisian Government.

UNHCR guidelines state that asylum-seekers should have legal aid throughout the process of Refugee Status Determination. Help with the preparation of testimonies and Country of Origin information has been amply demonstrated to benefit both sides in the determination process. The position of both IOM and UNHCR as answerable only to their funders – rather than to the users of the services they provide – limits their effectiveness.

A programme of lobbying and advocacy needs to be part of a programme of Legal Aid for Refugees: changes in the law are necessary, if legal aid is to be sustained. While such lobbying should grow naturally out of organizational networking, capacity building training and the development of jurisprudence, it will also need financial support and adequate resources.

Lacking legal status, refugees are prevented from engaging, in a substantive way, with civil society: this includes getting married or divorced, registering births and entering into contracts

(renting a flat, for example). Refugees' access to services (including health and education) is severely restricted, and they are unable to take disputes to Court. Providing legal aid for refugees to help them obtain *cartes de séjour* would be a first step in addressing these issues. Assisting refugees with civil cases, would help to address the automatic assumption of guilt and manifestations of racism.

Racism appears to be endemic in Tunisia. Providing legal aid for refugees to confront false accusations of criminality and publicising successful cases brought to Court could be a first step in confronting this discrimination. This could also be of benefit to black Tunisians as well as to the large number of students and work-placements from other parts of the world, particularly sub-Saharan Africa. Raising awareness of injustice is one of the first steps to confronting it. With greater awareness, lobbying and advocacy are also empowered.

When refugees are accused of criminal acts – theft or assault, for example – there is an almost automatic assumption of their guilt on the part of bystanders and the authorities. It is unusual for a Tunisian to stand up for a refugee in such a situation. Without legal aid, and without any knowledge of the law, it is practically impossible for refugees to defend themselves in Court. Developing a programme of legal aid for refugees would therefore help to prevent miscarriages of justice.

Clearly, such a programme would benefit immeasurably, the lives of refugees in Tunisia. It appears highly likely that it would also benefit the lives of disadvantaged Tunisians. To the extent that it contributed to the enactment of justice and the rule of law, it would benefit all Tunisians, and even the Maghreb, generally.



Republic of Tunisia
National Constituent Assembly

THE CONSTITUTION

OF THE REPUBLIC OF TUNISIA

Promulgated on January 27 2014

ADDITIONAL RECOMMENDATIONS

There are different groups of refugees in Tunisia of wildly differing sizes. Currently, Libyans constitute by far the largest group, yet very few of them have applied for refugee status (and in any case, such applications are apparently blocked). In general, the Libyans' situation in Tunisia is not precarious – unlike that of sub-Saharan Africans, for example. Any system of legal aid for refugees might do well to consider which groups' needs it would be addressing.

Refugees and asylum are seen as a new, certainly post-Revolutionary, phenomenon by Tunisians in Tunisia. There is a perceived need for education and training in this entire area – for State functionaries, academics and civil society, as well as for jurists.

While there are several organizations that provide legal aid in one form or another, these are almost all on a very small scale. Legal aid for torture victims would seem to address the largest number of cases.

There are a number of groups that would need to be brought together for a programme of Legal Aid for Refugees to successfully have the maximum impact. The situation of African students has certain elements in common with that of sub-Saharan refugees – and indeed, individual students have supported numbers of refugees in Tunisian cities. There is the potential for developing a pool of interpreters for sub-Saharan languages, thanks to the large numbers of students from this region, studying in Tunisia. Involvement of these students and work-placements/interns in a programme of legal aid is likely to also be of reciprocal benefit.

Some NGOs and CSOs work well together, sharing expertise and capacities. There is always room to further develop such networks. In particular, the funding organizations could take a stronger and more active role in co-ordinating and facilitating such systems.

Lawyers and their Bar Associations are clearly fundamental to any programme of legal aid, and this needs to be recognized by NGOs and CSOs. On the other hand, organizations that have worked with traumatized individuals have considerable experience and expertise to share, when it comes to eliciting and organizing testimonies.

Currently, the National Guard does not allow access to its Detention Centres, and only a very few visitors manage to get in. A programme of access by independent observers would be of benefit both to those detained and to those detaining them. Similarly, access to detainees' files is entirely in the hands of the Police and National Guard: a new protocol for access needs to be developed. Developing relations between CSOs and the authorities could also contribute to reinforcement of the rule of law.

Academics and university students could reinvigorate and be reinvigorated by working with activists, and of course, refugees themselves. There is clearly scope for Law Faculties to develop academic courses (a Masters degree was proposed) dealing with asylum and refugee law; the Faculties might also run summer courses and law clinics. Professor Monia Ben Jamia (p20) suggested that engagement with refugees could bring a touch of reality to students' studies.

While *pro bono* assistance might be an ideal to which a programme of legal aid for refugees might aspire, in practice it seems that financial support will be needed in Tunisia. The parameters for *pro bono* work will need to be carefully negotiated, so as not to offend or undermine the positions of lawyers, the Bar Associations and others. Nevertheless, there is a considerable fund of goodwill among jurists, towards refugees and their plight.

Although it was not the subject of the Exploratory Mission, several organizations suggested that any programme of legal aid for refugees in Tunisia would do well to embrace a wider remit, including accommodation and psychotherapy (particularly for Post-Traumatic Stress Disorder) among other areas.

Oliver Tringham,

20 June 2016.

GLOSSARY

Organizations

ACL	<i>Association Citoyenneté et Libertés</i> – ‘Association for Citizenship and Freedoms’
ADIRT	<i>Association des Droits des Immigrés et des Réfugiés en Tunisie</i> – ‘The Association for the Rights of Immigrants and Refugees in Tunisia’
AESAT	<i>Association des Étudiants et Stagiaires Africains en Tunisie</i> – ‘Association of African Students and Interns in Tunisia;’ main office in Tunis, ‘sections’ in Sfax, Gabès and Gafsa
AI	<i>Afrique Intelligence</i> – ‘Intelligence of Africa’
AI	Amnesty International
AJR	<i>Association pour la Justice et la Réhabilitation</i> – ‘Association for Justice and Rehabilitation’
ANETI	<i>Agence pour l’Emploi et le Travail Independent</i> – Agency for Employment and Independent Work
APP	<i>Association Planète Positive</i> – ‘Association for a Positive Planet’
ARCI	<i>Associazione Recreativa Culturale Italiana</i> – ‘Italian Recreational and Cultural Association’ – works with FTDES
ASF	<i>Avocats sans Frontières</i> – ‘Lawyers without Borders’ (not to be confused with a different organization of this English name)
ASPOMIS	<i>Association des Études Scientifiques sur la Population, la Migration et la Santé</i> – ‘Association for Population, Migration and Health’
ATFD	<i>Association Tunisienne des Femmes Démocrates</i> – ‘Tunisian Association of Democratic Women’
ATFJ	<i>Association Tunisienne des Femmes Juristes</i> – ‘Tunisian Association of Women Jurists’
<i>Association Beity</i>	<i>Association Beity de Soutien aux Femmes Victimes de Violence</i> – ‘Beity Association of Support for Women Victims of Violence’ – runs a hostel in Zaghuan
<i>Caritas</i>	Catholic charity
CEOFVV	<i>Centres d’Écoute et d’Orientation des Femmes Victimes de Violences</i> – ‘Centres of Listening and Advice for Women Victims of Violence’ – set up by ATFD
CERP	<i>Centre d’Etudes et de Recherches Prospectives</i> – ‘Centre for Forecasting Studies and Research’
CETUMA	<i>Centre Tunisien pour le Migration et l’Asile</i> – ‘Tunisian Centre for Migration and Asylum’
CIHRS	Cairo Institute of Human Rights Studies
CRM	<i>Centres Ressources pour Migrants</i> – ‘Resource Centres for Migrants’ – run by ANETI, OTE and the IOM
CRT	<i>Croissant Rouge Tunisien</i> – ‘Tunisian Red Crescent’
<i>Dignity</i>	Danish Institute Against Torture
EMHRF	The Euro-Mediterranean Foundation of Support to Human Rights Defenders / <i>Fondation euro-méditerranéenne de soutien aux défenseurs des Droits de l’Homme (FEMDH)</i> ; also known as the EUROMED Foundation

EMHRN	Euro-Mediterranean Human Rights Network / Réseau euro-méditerranéen des droits de l'Homme (REMDH); also known as EUROMED
FEMDH	Fondation euro-méditerranéenne de soutien aux défenseurs des Droits de l'Homme (FEMDH) – 'Euro-Mediterranean Foundation of Support to Human Rights Defenders' (EMHRF); also known as the EUROMED Foundation
FIDH	Fédération Internationale de Droit de l'Homme – 'International Federation of Human Rights'
FTCR	Fédération des Tunisiens pour une Citoyenneté des deux Rives – 'Tunisian Federation for Citizenship of the Two Riverbanks'
FTDES	Forum Tunisien des Droits Économiques et Sociaux – 'Tunisian Forum for Economic and Social Rights' – main office in Tunis, other offices in Monastir and Kairouan
IADH	Institut Arabe de Droit de l'Homme – 'Arab Institute of Human Rights'
IARLJ	International Association of Refugee Law Judges – held the 10 th World Conference of Asylum Law Judges just outside Tunis in October 2014
IOM	International Organization for Migration.
ISPA	Institut Supérieur de la Profession d'Avocat – 'the Higher Institute of Professional Lawyers'
LTDH	Ligue Tunisien de Droit de l'Homme – 'Tunisian League of Human Rights'
<i>Maison du Droit et des Migrations</i>	Set up by: <i>Terre d'Asile, Tunisie, AESAT</i> and the <i>Conseil Tunisien pour les Réfugiés et les Migrants</i> (the last, now defunct) – initially aimed to provide spaces for resources, training and discussion
<i>Nebras</i>	<i>Institut Tunisien de Réhabilitation des Survivants de la Torture</i> – 'Tunisian Institute for the Rehabilitation of Torture Survivors'
OCTT	<i>Organisation Contre la Torture en Tunisie</i> – 'Organization Against Torture in Tunisia'
OIM	<i>Organisation Internationale de Migration</i> (French title for IOM)
OTE	<i>Office des Tunisiens à l'Étranger</i> – 'Office for Tunisians Abroad'
PILNET	The Global Network for Public Interest Law – see http://www.pilnet.org
REMDH	Réseau euro-méditerranéen des droits de l'Homme (REMDH) – 'Euro-Mediterranean Human Rights Network' (EMHRN); also known as EUROMED
RSD	Refugee Status Determination
<i>Terre d'Asile, Tunisie</i>	'Tunisia, Land of Asylum,' Tunisian branch of <i>France, Terre d'Asile</i> .
<i>Terre di Artijanè</i>	Italian NGO, supported APP project for refused refugees in Tataouine
UNHCR	United Nations High Commission for Refugees

Individuals

Professor Maher Abdmouleh	Professor of International Law, in the Faculty of Law at Sfax University
Maître Essia Abouda	Lawyer with a practice in Gabès; works with CRT in Medène, occasionally defends refugees in Court
Maître Wajdi Aïdi	Lawyer with a practice in Sfax, member of AJR
Father Jonathan Wyok Bahago	Vice-President of <i>Afrique Intelligence</i>
Mr. Tim Baster	Freelance journalist, founder of <i>Bail for Immigration Detainees</i> in England
M. Nabil Benbekhti	Senior Protection Officer, UNHCR Tunis
Professor Amor Boubakri	Professor of Law at the University of Sousse, formerly at the University of Sfax; member of the Parliamentary Commission drafting a new law on asylum; member of CETUMA
Professor Hassan Boubakri	Professor of Geography, Faculty of Literature and Human Sciences, University of Sousse; President of CETUMA
Mme. Chouikha Boussoukaya	Magistrate at the Administrative Tribunal, member of the ATFJ
Maître Mohamed Chalhoun	Lawyer with ' <i>Zitouna Avocat Conseil</i> ' with offices in Tunis and Medène
Maître Mondher Cherni	General Secretary of the OCTT
Mlle. Maud Depresle	French jurist, ran the <i>Droit et Justice</i> programme of Legal Aid for Refugees in Morocco, August 2013 – March 2016.
Mlle. Anaïs Elbassil	Director of <i>Terre d'Asile, Tunisie</i>
M. Tahar Elhajji	President, APP
Maître Mabrouk Eljmil	Lawyer in Tataouine
Mlle. Samira Gharsallaoui	Post-graduate student in the Faculty of Law at Sfax University, writing a thesis on the jurisdictional guarantees of human rights in Tunisia
Mme. Lamia Grar	Executive Director, IADH
Maître Aïda Guizani	Lawyer in Kaïrouan, works with FTDES, and defended Bamba Oumar in Court in 2014.
Maître Fatima Hamdani	<i>Batonnier</i> (President) of the Medène Bar Association
Dr. Barbara Harrell-Bond OBE	Professor Emerita and Founder of the Refugee Studies Centre at Oxford University,
M. Tarek Ben Hiba	President of the FTCCR
Professor Monia ben Jamia	Professor of Law at the University of Carthage, member of ATFD and CETUMA
Maître Hayet Jazzar	Lawyer who worked with ATFD, helping a Libyan woman activist claim refugee status and resettlement
Professor Hassène Kassar	Associate Professor in Sociology at the University of Tunis; Scientific Director of the <i>Centre d'Etudes et de Recherches Prospectives (CERP)</i> ; consultant for ASPOMIS

M. Riadh ben Khalifa	Assistant Lecturer in Contemporary History at the University of Tunis, member of the EMHRN / REMDH 'Migration' workgroup
Professor Mohieddine Lagha	Professor of Mediaeval History at the Faculty of Literature and Human Sciences, University of Sousse
Mme. Houda Mestiri	Worked for <i>Islamic Relief</i> in Ben Gardène in March 2015
Mme. Moufida Missaoui	Director of the <i>CEOFVV</i>
M. Isaac Bahraddin Nahar	Chadian refugee, lived at Choucha, March 2011 – March 2015
Maître Radhia Nasraoui	Renowned human rights lawyer, founder of OCTT
Mr. John Okoye Okinwa	Nigerian shipwreck survivor, deported from the Ouardeya Detention Centre in December 2014, and returned to Medène, where he was interviewed by the author about his experience of the National Guard detention procedure
Mlle. Khadija ben Omar	Post-graduate student in the Faculty of Law at Sfax University, working on the status of the immigrant in the Maghreb
Maître Reda Oulamane	Moroccan-American lawyer, founder of <i>Droit et Justice</i>
M. Bamba Oumar	Refugee originally from Côte d'Ivoire, who arrived at Choucha in March 2011, and has lived there ever since, apart from when he was detained by the Tunisian National Guard in 2014
Mme. Saïda Rached	President of ATFD
Professor Noomen Rekik	Dean of the Law Faculty in Sfax
M. Messaoud Romdhani	FTDES Management Committee member
Mlle. Alia Ben Saad	Post-graduate student in the Faculty of Law at Sfax University, working on the residence of foreigners in Tunisia
Dr. Mongi Slim	Pharmacist, President of the Medène CRT Regional Committee
Mme. Hasna Ben Slimane	Magistrate, Commissioner-in-Council at the Administrative Tribunal; member of ATFJ
M. Alaa Talbi	FTDES Executive Director
Maître Najet Yacoubi	Lawyer who works with ATFD
M. Khalil Zaouia	Tunisian Minister for Social Affairs 2011 – 2014



Choucha, April 2015