General Allegation

136th session (28 April – 2 May 2025)

Tunisia

The Working Group on Enforced or Involuntary Disappearances (the Working Group) received information from sources concerning the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (the Declaration) in Tunisia.

1. The sources provided information regarding instances of forced transfers to desert areas (within Tunisia) and collective expulsions of migrants (from Tunisia); the confiscation and destruction of documents; and practices amounting to sexual violence against migrants. They also reported acts tantamount to enforced disappearance, perpetrated by non-State actors, as well as enforced disappearances, which were facilitated by actions or omissions by the competent authorities managing the international borders of Tunisia, including the Tunisian shores.

2. Special procedure mandate holders have previously transmitted joint allegation letters addressed to Tunisia (TUN 6/2024 and TUN 5/2023), concerning reported violations associated with operations to prevent immigration to Europe, the pursuit of migrants within Tunisia, and their removal to the Algerian or Libyan borders. The Working Group expresses its appreciation to Tunisia for the responses received, including the Note Verbale dated 24 July 2024, which provided extensive information in reply to the aforementioned communications. The present general allegation is submitted in addition to individual cases previously transmitted by the Working Group to Tunisia pursuant to its humanitarian mandate.

3. The Working Group received information indicating that the Tunisian Coast Guard has carried out maritime interception operations. However, precise data regarding the number, origin, gender, or age of the concerned migrants remains unavailable. The information received suggests that the individuals involved include children, women, and the elderly. The lack of accurate statistics on the number of migrants intercepted by the Tunisian Coast Guard, the absence of information on their current fate and whereabouts, the loss of their identity documents, and the denial of safeguards related to deprivation of liberty all constitute significant obstacles to accountability efforts. Furthermore, such conditions hinder the ability to search for, and establish the fate and whereabouts of, these individuals, as required by principles 6, 7, 9, 12, and 13 of the Guiding Principles for the Search for Disappeared Persons adopted by the Committee on Enforced Disappearances (CED).

4. Information received by the Working Group indicates that Tunisian security forces have been carrying out forced transfers to desert areas) within Tunisia) and collective expulsions to Algeria and Libya of hundreds of individuals arbitrarily arrested on rural roads or

in urban areas—including Sfax, El-Amra, Zarzis, Medenine, and Ben Guerdane – or intercepted at sea while attempting to migrate to Italy. These forced transfers and collective expulsions have reportedly taken place amidst a strong presence of the Special Unit of the National Guard and the Rapid Intervention Brigade of the police in the aforementioned regions. Migrants are reportedly forcibly transferred to desert border areas in the south or west of the country. Sources report that, since September 2023, groups ranging from 20 to 100 persons – and sometimes more than one group per week—have been deported from locations including Tunis, Sfax, and El-Amra following arbitrary arrests. Simultaneously, several groups were collectively expelled after being intercepted along Tunisia's south-western coastline. Multiple sources confirmed that Tunisian security forces utilize official vehicles and buses to transport detainees directly to the borders with Libya and Algeria, where they may become victims of enforced disappearance or acts tantamount to. Expelled migrants have also reportedly been subsequently subjected to arbitrary detention, forced labour, extortion, torture, and other forms of ill-treatment, as well as unlawful killings. The abandonment by Tunisian security forces of vulnerable and unprotected persons in vast, deserted border areas places them at great risk, including of acts tantamount to enforced disappearances, since those are areas where non-State armed groups operate. It is reported that the Tunisian authorities are aware that migrants collectively expelled and forcibly transferred to desert areas would be at risk of falling victim to enforced disappearances and acts tantamount to. Some of the migrants are believed to have died due to the surrounding dire conditions, with reports indicating that they were buried in mass graves in the desert.

5. Furthermore, it was reported that Tunisian authorities have not conducted investigations into the fate and whereabouts of migrants following their removal from Tunisia, despite information indicating that some may have been subjected to enforced disappearance or acts tantamount to.

6. Additionally, information received indicates the involvement of Tunisian security forces and the Coast Guard in theft of migrants' money, extortion of migrants and their families, and trafficking in persons through the sale of migrants to armed groups along the south-western border. Human trafficking is reportedly a widespread practice in these areas.

7. Although Tunisia is a State Party to the *1951 United Nations Convention Relating to the Status of Refugees*, it does not possess a national asylum law or system. Under Tunisian law, individuals who enter, reside in, or leave the country irregularly are subject to criminal penalties. Following maritime interceptions or arbitrary arrests on Tunisian territory, the authorities have reportedly repeatedly abandoned migrants, including refugees and asylum seekers, in the Tunisian desert or in remote border areas with Libya and Algeria. If confirmed, these practices would constitute collective expulsion and demonstrate a complete disregard for the right to life of migrants,

including refugees, as well as a violation of the principle of non-refoulement. The individuals expelled are reportedly exposed to serious potential human rights violations in Libya and to further expulsion from Algeria to Niger.

8. According to information received by the Working Group, Tunisian authorities have also committed violations at sea and endangered lives during the interception of boats, including through high-speed manoeuvres that risk capsizing vessels, the use of physical violence, the deployment of tear gas at close range, and deliberate ramming of boats. These actions have been reportedly followed by a failure of the authorities to conduct systematic individual assessments of protection needs upon disembarkation. Migrants, including refugees and asylum seekers, have been subjected to torture and other forms of ill-treatment during detention, or collective expulsion.

9. Reports also indicate the continued confiscation of documents from migrants residing in Tunisian cities, either by Tunisian security forces or by individuals exhibiting increasing xenophobic hostility, particularly toward persons of African descent. This has resulted in severe difficulties for affected individuals in proving their identity, locating or being located, moving freely, or continuing their attempts to flee persecution in their countries of origin.

10. The mass transfers to border areas, the prevention of boat crossings to Europe, the collective expulsions of migrants, and their subsequent transfer to detention centres operated by armed groups and militias have reportedly contributed to the systematic commission of acts by non-State actors that may be tantamount to enforced disappearances.

11. With regard to the allegations contained in this document, the Working Group would like to bring to the Government's attention articles 2, 8, 10, 12 and 13 of the Declaration on the Protection of All Persons from Enforced Disappearance.

12. The Working Group respectfully requests the Government's observations and comments on the following questions:

a. Please provide any additional information and comments regarding the allegations mentioned above.

b. Please provide detailed information on the safeguards in place to prevent enforced disappearances and acts tantamount to in the context of operations to manage Tunisian international borders, the interception of migrant boats at sea, and security measures accompanying the search for irregular migrants on Tunisian territory.

c. Please provide information on steps taken by the Tunisian authorities to prevent arbitrary arrests that may amount to enforced disappearances and acts tantamount toe. This information should include information about the documentation of the detention of migrants and asylum-

seekers, the transfer of migrants under your Government's jurisdiction, and the publicity of such documentation.

d. Please provide information on the comprehensive collection and publication of statistics on migrants apprehended or removed by Tunisian forces, disaggregated by gender, race, nationality, age, marital status, and accompanying persons.

e. Please provide information on the mechanisms in place to review the status of migrants before the Tunisian authorities, and on the availability of interpretation in the languages spoken by the migrants, as well as on the procedures followed to assess the risk of being subject to enforced disappearance or acts tantamount to upon deportation, extradition, expulsion or refoulement.

f. Please provide information on the measures taken by the Tunisian authorities to prevent deportees from Tunisia from falling victim to the actions of non-state actors, including acts tantamount to enforced disappearances.

g. Please provide details on the measures taken to search for individuals who have disappeared on Tunisian territory or in neighbouring countries following their transfer and about the available mechanisms for the families to have information about the fate and whereabouts of the migrants and asylum-seekers - from the country of origin - who are under the custody of Tunisia.

h. Please provide detailed information on the measures taken to ensure the respect of the principle of non-refoulement.

13. The Working Group kindly requests a response within 60 days. The general allegation will be reflected in the Working Group's post-sessional report, and any responses received will be made available on its official website.