



POMED

PROJECT
ON MIDDLE EAST
DEMOCRACY

— *Event Transcript* —

Examining Tunisia's Political Crisis

Thursday, August 5, 2021

10:00 am – 11:00 am ET // 15:00 – 16:00 GMT+1

Watch the event [here](#).

Stephen McInerney [0:29]

Hello, and welcome everyone. I'm Steve McInerney. I'm the Executive Director of POMED, the Project on Middle East Democracy. Thank you for joining us for today's event, "Examining the Political Crisis Underway in Tunisia." And thank you for bearing with us as we're starting a few minutes late due to some technical difficulties.

Central to the mission of our organization, POMED, is examining how genuine democracies can develop in the Middle East and North Africa. For the past decade, one of the top priority countries for our work has been Tunisia. As you all know, since 2011, Tunisia was the only country to remain on the precarious path of democratization beyond a couple of years.

But as anyone who's followed Tunisia closely has seen, there have been deeply troubling signs for Tunisian democracy in recent years. Our last event on Tunisia was on January 14 of this year, the 10th anniversary of its revolution. The panelists at that event mentioned remembrances of the exciting days of the end of 2010 and early 2011 and some of the remarkable progress made since. But also they noted the many failures of Tunisia's political elites to meet the public's expectations over the past decade, especially regarding corruption and economic and social justice. All of these problems have been exacerbated by the COVID-19 pandemic, which has hit Tunisia hard in successive waves, the most severe wave hitting the beleaguered population over the past couple of months.

Mounting frustration and anger over these overlapping crises—and anger at public institutions crippled by endless infighting among politicians—led to protests and violent clashes, culminating 11 days ago. On July 25, President Kaïs Saïed took dramatic steps with the support of Tunisia's military, granting himself full executive powers.

In addition, he dismissed the prime minister, froze or suspended the parliament, and removed immunity for members of parliament. Saïed invoked Article 80 of the Constitution to take these extraordinary measures, though some of his actions, most clearly the freezing of Tunisia's parliament, are explicitly prohibited by that very article of Tunisia's constitution. As such, Tunisian democracy now faces its most serious crisis yet.

To help us examine this situation, we have a panel of three excellent Tunisian speakers joining us live by video from Tunisia.

Our first speaker will be Amna Guellali. She is Amnesty International's Deputy Regional Director for the Middle East and North Africa. She will be followed by Achref Aouadi, Tunisian activist and the founder of IWatch, a watchdog, anti-corruption organization founded just after the 2011 revolution. And our third speaker will be Mohamed-Dhia Hammami, an independent researcher and analyst who's also been a journalist, a parliamentary assistant in the National Constituent Assembly, and a researcher for Tunisia's Truth and Dignity Commission. Their full bios are available on the event page of our website.

We'll start with a question for each speaker on the events of the last 11 days in Tunisia, and then we'll shift our focus to the coming period. Time permitting, we'll take questions from the audience. If you have a question, please submit it either through using the Q&A button on Zoom, or you can email us at communications@pomed.org.

I'd like to pose my first question to Amna. Amna, could I just ask you to very briefly describe what the mood and the atmosphere are like now on the ground in Tunisia? And what are the most serious concerns at the moment, including things that may not be clear to those of us trying our best to follow events from abroad?

Amna Guellali [4:34]

Thanks very much, Steve. Thanks for inviting me to this panel. You already mentioned some of the contextual elements that I wanted to share with you [to] answer your first question. I think it is important to note and you already mentioned some of these elements. It's important to note that long before the 25th of July, Tunisia's democratic process, which was in the works since 2011, was already in shambles. For many analysts and observers, the democratic process itself was derailed a long time ago when the political elite and rulers decided to transform democracy into ruling by consensus.

However, ruling by consensus, even if theoretically, could be positive because it has avoided [for] the country the kind of chaos and descent into civil war that we saw in

“ Long before the 25th of July, Tunisia's democratic process . . . was already in shambles. For many analysts and observers, the democratic process itself was derailed a long time ago when the political elite and rulers decided to transform democracy into ruling by consensus . . . [which] serves the very small interests of the rulers themselves. ”

other contexts and in countries of the Arab Spring. [But] it was hijacked by several political parties and influential figures and transformed into transactional consensus. So a consensus doesn't really serve the interests of the country, or the interests of the nation, but serves the very small interests of the rulers themselves. That's why we saw this total rejection of the political elite and dissatisfaction with the governance of Tunisia, including with the really disastrous way the government dealt and handled the COVID-19 crisis.

And that's why there was, after the president's announcement to suspend the parliament, to dismiss the government and to hold the executive powers, a lot of joy and celebration in the streets of Tunisia: because people were fed up with the status quo, because they were completely disenchanted with the democratic process. And they feel the need for something different, for a new impetus to the democratic process. It doesn't mean that most people are against the democratic process itself. They see it as totally perverted by a corrupt political elite, and that Kaïs Saïed is going to give it a new impetus. That is the kind of general feeling for many in Tunisia.

For another portion of the Tunisian society, I think they responded to the announcement with concern and fear for the democratic process because however dysfunctional, ineffective, and flawed the process was, it was considered by many as the only way forward and as a new system of governance that is based on power sharing and negotiation and consensus, even if this word seems like something that many in Tunisia came to despise.

For many, also, the decisions of Kaïs Saïed are the antithesis of the democratic process because it's going back to the concentration of powers into the hands of one man, especially with the announcement that he will also have authority over the judiciary, that he will preside over the prosecution services. Even if he retracted later from that kind of announcement, it's still something that hangs there like an alarming bell for the future of democracy in Tunisia and for the future of [the] rule of law, more generally, because obviously, this concentration of power is a recipe for authoritarian rule, especially with the lack of any checks and balances that were envisaged in the Constitution of 2014 to limit the powers of the president or the powers of other institutions. The Constitutional Court, as we know, has not been set up because of the political quarrels and the lack of political will to put it in place. Because also there was this showdown lately between the president and the parliament, and he didn't want to pass the new law on the Constitutional Court. So we have this institutional gap that does not allow for healthy checks and balances on the acts of the president.

How this will translate later is difficult to say, because we don't have a clear roadmap yet. We don't know what the plans of the president are. I must say that while the more general mood was one of genuine celebration for a large portion of the population after the president's

“It doesn't mean that most people are against the democratic process itself. They see it as totally perverted by a corrupt political elite, and that Kaïs Saïed is going to give it a new impetus. . . . For another portion of the Tunisian society, I think they responded to the announcement with concern and fear for the democratic process.”

announcement, as the days go by, the lack of a clear roadmap becomes a source of concern for many in the country. And so to date, we have no head of government. We also have daily dismissals and nominations of new ministers or mayors or other high ranking people inside the state apparatus, including security forces, but without any explanation of the rationale for such dismissals or such nominations, which makes people wonder why there were such dismissals. In order to have buy-in from the population, obviously, the president needs to unveil his plans and to explain why such dismissals took place. It is also very important to note that there are no declared negotiations with political parties. Even if the president has invited the powerful civil society networks such as UGTT to a dialogue, it did seem more like a monologue than a dialogue because [of] the lack of a clear negotiation around the roadmap.

This was one of the main deficits in terms of the vision for the future of Tunisia as per the president's plans. So I think the general mood right now is really one of waiting to see what will happen next and with a lot of concern and fear for the democratic process.

Stephen McInerney [12:19]

Okay, thanks very much Amna. The next question [is] for Achref. I think we might be having some technical difficulties, but we can't see Achref, but I believe we should be able to hear him, and he can hear us.

Achref, my question for you is, you've put an enormous amount of effort over the past decade into fighting against corruption in Tunisia. And the organization that you founded, IWatch, has played a leading role in that fight. There's been a lot of rhetoric, including from President Kaïs Saïed himself, about the need to hold accountable those guilty of corruption.

On the other hand, transparency and independent, credible judicial processes that adhere to the rule of law are essential in combating corruption anywhere in the world. And the current political environment seems very lacking in transparency. All decisions seem to be coming from the rather opaque, sort of "black box," from the presidency. And, of course, the extra-constitutional and extra-legal basis for recent actions call into question the rule of law. In addition, President Kaïs Saïed has proposed financial settlements with businessmen accused of crimes of corruption and theft from the state, which some have compared to similar efforts at economic reconciliation led by the late President Beji Caid Essebsi, and that were widely viewed as undermining accountability for corruption. I'd love to hear briefly your thoughts on all of this? How do you see the recent events since July 25, from the perspective of the fight against corruption in Tunisia? Achref, are you there with us?

Achref Aouadi [14:18]

Can you hear me Steve?

Stephen McInerney [14:20]

Yes, I hear you now. Can you hear my question?

Achref Aouadi [14:23]

Yeah, I did hear your question. So as I just said, it's always a pleasure to join you guys at POMED. And you're doing a great job actually keeping people informed in Washington, D.C., and in the region in general. So, whatever happened on the 25th, as an organization actually, for us, we decided not to qualify it because it is still a very ambiguous fight over the constitution. But for us, definitely corruption is something that somehow fed that or led into it. And then to be honest, when things happened, we started with sharing a roadmap with the president, saying, "if you are serious about fighting corruption, then this is the way you should do it." And then we suggested a few quick measures that he can implement in 30 days.

But if we go to the pre-25th of July era, as you already mentioned, it was an amnesty law that [former President] Beji Caid Essebsi put in place; the leading party Ennahda was putting together what they call actually the total amnesty, and they brought one of the prominent figures of the old regime, Mohammed Ghariani, as an advisor to Rached Ghannouchi in order to draft a version of this law. Same thing for the president. [He] is also preparing his own amnesty law for businessmen.

So I think when it comes to fighting against corruption, first, we should link it to a failed transitional justice process. Unfortunately for the nation, we did not have a good functioning transitional justice process. So that's why we never moved on over [from] the past and the crimes of corruption of the past. Of course, in the past 10 years after the revolution, somehow we created our new corrupt class of politicians and businessmen, and that also needs to be addressed. And you do all of this in the context where the judiciary is not independent. So you got judges, and the most [high] ranking judge in the country is now [being] prosecuted for fraud and corruption. A second is also prosecuted for corruption and crimes related to terrorism and mainly for links to the leading political party, Ennahda.

So, if you remember Steve, when I was in D.C., when I got the POMED prize and we had that roundtable, I've always mentioned the same thing: there's a lot of romanticism in speaking about the situation in Tunisia, and every time a Tunisian would speak his mind, you would have a ready answer telling us, "Yeah, but you're better than Egypt." And keep comparing Tunisia to Egypt and other somehow sad stories did not really help us. And then you hear people talk about Tunisia [with] a lot of romanticism.

And speaking about the democratic experience in transition in Tunisia—I think as I've said it two years ago in D.C., let me say it again now—there is no democracy during which people die in detention, during which the security force did not undergo the right reform, in which you still have the judiciary dependent [on] the executive branch, in which people managing to get away with it, and impunity somehow is the norm. So, hearing and reading what people are saying about the 25th of July, as if we need to go back to democracy, I'm not sure we had democracy. We had elections. We had elections with a lot of fraud, and so many reports talk about it.

That's why for me, let's be clear: If you want to do Tunisia a favor, let's end this tone of romanticism that's faking the whole situation. Tunisia is not a democracy. It's a country struggling to put its transition on the rails, on the right path. And we're still struggling. Corruption

is one issue, but it's a lot of other issues related to campaign finance, to political parties, to terrorism, to a ruling party that has been really corrupt. The last law that the parliament passed before being frozen by the president, actually, was a law to catalyze the economy. It got rejected by the Central Bank. The Central Bank went public and said this law is not going to help Tunisia in the international community. So this is really a parliament that somehow is enacting laws to justify corruption. This is the same parliament that refused, despite all the requests from IWatch, Al Bawsala, and other civil society activists, to put in place [a] Constitutional Court. When the president [Beji Caid Essebsi] died in 2019, we were lucky to have a pacific, peaceful transition of power, despite the fact that, at the time, we needed a Constitutional Court—because the Constitutional Court was the entity, and is the entity by the constitution and according to the law, to declare that that position [the presidency] is vacant. But that was not the case.

So, to me, we were given a few chances to somehow respect the law, have the constitution in check, have the Constitutional Court, but unfortunately, that greed for power by the politicians and by the political class led us to where we are now. So now—I'm writing that piece I promised you, Steve, the op-ed, I promise you again, the op-ed is called “The original sin.” Who sinned first? Is it the president? Is it this parliament? The previous parliament?

So now, as civil society, we're a victim of a series of dysfunctional systems and fiscal compromises, but it's leaving us and left us with a dysfunctional situation. Now, we've found ourselves in a situation when the president abused the constitution, justifying it by fighting corruption and fighting this elite. At the same time, you are now in the crossroads. You don't know where to go. What would be next? Are we going to respect the 30 days? Are we going to dissolve this parliament?

Whatever is going to happen in the upcoming days, it's going to be really, really bad for the transition and for the rule of law in [the] country. And then having those arrests happening this way, prosecuted by military courts; whatever is going to happen next, the transition in Tunisia is tarnished. Are we expecting that the president is going to fight corruption? I don't think so. I don't think so because he lacks the understanding of production. He lacks data. The president is short-staffed. He still did not appoint a prime minister. Hopefully he does it in the upcoming few hours/days.

But my personal impression, I'm not sure he's going to be able to fight corruption because he lacks the understanding of it. Dhia maybe will speak better than I on this and the relationship between businessmen and the political elite. But to me, I think he lacks the understanding and he lacks the tools, the legal tools, to do it. And you cannot put all people in jail, and all those accused of corruption, you cannot put them in jail and try them in front of a military court because simply that's not how democracy functions.

I'm not sure [President Kaïs Saïed] is going to be able to fight corruption. . . . I think he lacks the understanding and he lacks the legal tools to do it. You cannot put all those accused of corruption in jail and try them in front of a military court because simply that's not how democracy functions.

So in my opinion, if the judiciary [does] not step in and lead this fight, nothing will change. And then, we will be in that situation when the president maybe will try to increase the period of 30 days to another 30 days, and then the international community will start asking tougher questions. We've been hearing voices in the [U.S.] Congress about punishing Tunisia and sanctioning Tunisia and then ending aid to Tunisia. And those voices will keep on increasing if they don't see a roadmap. So I think this is the time when Tunisia would need all its friends to support it for this path of democracy.

I wish I could give you a clear answer, guys. Maybe I'm creating more confusion than I should, or maybe you're expecting a voice from Tunisia to reassure people about what's going on. But I have as many questions as you guys. And for me, I'm not really that optimistic. But I'll say, we'll be vigilant on monitoring closely what's going on. But I'm not optimistic that there will be a fight against corruption in the upcoming days or months.

Stephen McInerney [23:37]

Okay, thanks very much, Achref, for your comments. Just have a few thoughts before I turn to the next question.

Certainly I agree with you that the international community, the West, certainly including the United States, I think has certainly been guilty of this romanticization of Tunisia over the past decade. I think our organization, along with some others, tried to sort of strike the balance between applauding the important progress that was made and then highlighting that Tunisia's democratic transition was not complete and has never been complete. And I think we always referred to Tunisia's democratic transition as "underway." Unfortunately, it seems to have largely been stalled for the past several years, after a lot of important progress in its first four or five years. But unfortunately, I think you're exactly right that the world did compare Tunisia too much to the very low bar set by its neighbors and was a bit complacent about many of the problems and issues that have been bubbling over in Tunisia for some time.

Mohamed-Dhia, I'd like to turn to you now. One thing that I think makes all of these events that are underway now a bit extra challenging to follow and to understand is that, first, the steps are being taken in an extremely opaque manner. And on top of that, President Kaïs Saïed, who is driving this process, is a bit of an unusual figure and not very well understood. Frankly, some of his rhetoric seems contradictory. He's spoken about radical decentralization of power. And then at other times, he's called for a stronger presidency. And his recent actions seem to have dramatically expanded his own powers as president. I know that Kaïs Saïed is someone that you followed closely for a long time. You were among the first Tunisians who I remember predicting that he was likely to win the presidential elections in 2019. There's been a lot of talk about Kaïs Saïed using his powers that he seized to transform Tunisia's political system. If you could briefly highlight for us, what do we know about Kaïs Saïed's political thinking and his ideas about governance? And, based on that, if he were to try to push forward significant changes to Tunisia's political system, what might that look like? And what kinds of changes do you think he would prioritize?

Mohamed-Dhia Hamammi [26:16]

Thank you for having me. I think these are great questions.

And like you said, I tried to follow Kaïs Saïed, at least in the months before the election of 2019. And I think the only way to understand some of his ideas—and I'm not saying here that he's necessarily coherent—is to go back to his first political statements and declarations that he made starting from the revolution, on the eve of the election of the National Constituent Assembly.

So we can find several videos where he explained his rejection of the post-2011 process. He disagrees with the way the Ben Achour commission, that was in charge of the drafting of the electoral law, prepared the organization of the election by giving the priority to political parties. So he stands against a political system where the basic entity is a political party, and this idea is becoming more and more popular. He considers them mostly as anti-revolutionary, as tools of power grabbing, as political machines that give access to some phony candidates who are not necessarily revolutionary, gives them access to power, or simply he alluded to some political parties who are most interested in having access to the presidency. So this is the kind of idea that we have.

“ [Kaïs Saïed] stands against a political system where the basic entity is a political party, and this idea is becoming more and more popular. He considers [parties] as anti-revolutionary, as tools of power grabbing, as political machines that give some phony candidates who are not necessarily revolutionary . . . access to power. ”

In addition to this, to his opposition to political parties, he is inspired [by] “councilism,” which is an idea that was at some moment marginally popular among some leftist organizations in Europe. It's not that prevalent anywhere in the world right now, except maybe in his circles. He's not the only one who actually is in favor of this radical decentralization. We find other thinkers, who are more recognized as thinkers than necessarily [Kaïs Saïed is]—like Gilbert Naccache, a Tunisian Marxist leftist thinker, from the [Perspectives movement](#) [*Haraket afaq*] of the [19]60s, who recently died—who share this kind of view of the necessity to radically decentralize.

But the big question here—[these] might look [like] interesting ideas to discuss in intellectual circles; they seem nice. [But] they are incoherent with his rejection of “ideas from overseas,” the kind of decolonial rhetoric. But in reality he's actually taking a lot from Western thought, though not necessarily mainstream [thought].

So the big question is, is he really intending to push for the implementation of this alternative system? We don't know. He may change his views in the middle of the road; that's a possibility. He may start by trying to change the electoral law to somehow exclude political parties. He wants to organize elections on individual-based lists, not party-based lists. He mentioned more than once, including after his [2019] election, that he wants to amend the constitution. He was explicit about it, even on the anniversary of the revolution in Sidi Bouzid in 2020, shortly after his election. So he may try to do that. But that's also a very risky, adventurous, and probably costly

journey that not necessarily everyone here—or at least, we're not sure that we have a critical level of support for this kind of project. And even if he starts this journey, it's not guaranteed that we will land in a safe area. Maybe the process in which he wants to engage would break in the middle, and we [will] find ourselves with a different type of regime, maybe a super-presidential system, similar to the one we used to have, or . . . it's not clear. So I think he's taking too much risk.

Regarding your last question, on the measures that should be taken to maybe change the political system: I think we didn't even try to implement ours, the one that was chosen in 2014. We don't have a Constitutional Court yet. We couldn't elect and implement the several independent constitutional institutions that play the role of [a] counterbalance to corrupt businesses, like the new anti-corruption organization, or the one that guarantees the rights of future generations. So I think on paper, the current constitution is great. Taking the risk to change it to something else is not necessarily guaranteed. And also we should keep in mind that almost 11 years after the adoption of Tunisia's first post-independence [constitution], President Habib Bourguiba himself started attacking his own constitution and passed constitutional reforms to concentrate power and to remain president for life. So reforms to constitutions are not necessarily the solution.

Stephen McInerney [32:41]

Thanks very much, Mohamed-Dhia.

Amna, I'd like to come back to you. From the perspective of human rights of Tunisia's citizens, what would you say are the most important things that you'd like to see in this coming period and in the days and weeks ahead? And on the other side, what potential steps would you find the most alarming, the most important things for Tunisia to avoid?

Amna Guellali [33:15]

Sorry, do you hear me? Thanks for the question. I think from the perspective of human rights, obviously, on paper the concentration of powers that are now in the hands of Kais Saïed pose a risk, and, as I said before, is a recipe for abuse. There is obviously a fear of backsliding on rights and freedoms in Tunisia and [on] the achievements of the democratic process, even if, again, [it has been a] very, very flawed and ineffective [process]. But there were several steps undertaken in order to improve on human rights, and we need to consolidate those instead of backsliding.

And so one of the early signs that we might be monitoring and watching very closely is the potential for abuse during arrests and prosecutions or fair trials—issues for those who are accused of corruption or are accused of threatening state security, and there are many investigations in place right now. Some of the worrying signs are the fact that there is a novel resort right now, [a] kind of politically motivated resort, to the military courts, to military trials. We know the role that the military courts have played, like during the authoritarian era and the dictatorship. They continue to play some kind of role, even during the first phases of the

transition. They never cease to prosecute civilians and to [have] political trials, basically, for [expressing their] opinion[s], for Facebook posts, and for different speech offenses.

But the fact that now we saw several investigations opened inside the military tribunals against parliamentarians, after the president lifted their parliamentary immunity, does raise an alarm bell and is a source of concern because the military tribunals are not reformed. They are still under the purview of the Ministry of Defense, and they can be completely manipulated by the executive branch.

This is not to say that the civilian judicial system is better, because one of the major problems that we have faced in Tunisia over the period of the democratic transition, the 10 years of the democratic transition, is the fact that the judiciary has not been entirely reformed. And even if there were reforms, these reforms were only cursory in my view and not very deep. And the creation of the High Judicial Council that is seemingly independent did not really create an independent judiciary because of the kind of corrupt network of judges that were not lustrated or were not reformed, and there is still residual corruption inside the judiciary.

So this is one of the areas where we need to pay much attention because everything that Kais Saïed has announced so far—in terms of lifting the immunity [of] the parliamentarians, his early announcement of presiding over the prosecution services, the activation of the military justice machine to prosecute parliamentarians or other influential figures—goes into the same direction, which is the undermining of the rule of law. Because obviously all of these are procedural breaches and attempts to diminish fair trial guarantees, which is really problematic because we all want to see impunity ending in Tunisia.

The impunity was endemic, and it was really one of the major problems for the democratic process, one of the major threats to the democratic process. The fact that many of the people holding power were absolutely not held accountable for any of the past offenses or the seeming offenses that they had committed during the transition—this is one of the major problems.

So we all want to see impunity ending. We all want to see justice done for both the victims of terrorism and the victims of corruption, [of] state depredation of the wealth of the country. But we don't want to see that done through exceptional measures because the only way for this democratic transition to continue and to have a new impetus is to have accountability, [through] really sound mechanisms of justice and not expedited, unfair trials of opponents that do seem like settling of scores and will only lead to the kind of authoritarianism that we have seen in the past. So far, I must say that the fears or concerns that we had after the announcement, of massive arrests or [a] crackdown, did not really materialize. And obviously, there were a few arrests of MPs, who were then investigated before the military court. But they were released

“ The fact that now we saw several investigations opened inside the military tribunals against parliamentarians, after the president lifted their parliamentary immunity, does raise an alarm bell and is a source of concern because the military tribunals are not reformed. They are still under the purview of the Ministry of Defense, and they can be completely manipulated by the executive branch. ”

immediately after that, and the investigations are ongoing, without having them in prison, which is not the kind of crackdown that one could expect after such [an] announcement.

The other issues that we have noticed in the beginning [are] the closing down, for example, of the Al Jazeera offices. The following day, after the announcement of the suspension of the parliament, there was no further act or other decisions to close down other news outlets, which does also send some comforting message or at least lowers the alarm.

The other thing that is problematic was the decree that the president [issued] a few days after the announcement, which is the prohibition on the gathering of more than three people. In principle it was to prevent the spread of COVID and to protect public health, but at the end it's also something that could impact the ability of Tunisians to take to the streets and to protest against the coup. So if this situation and this decree is extended or will be applied for a long period of time, then it's really problematic because it will prevent gatherings and will encroach on freedom of assembly.

So these are, generally speaking, the kind of steps or the decisions that Kaïs Saïed has taken which are problematic. I think it's too early to say right now, as the two other speakers said, in which direction we are going. There are really very big risks for the democratic process and for freedoms and rights in Tunisia.

But at the same time, Tunisians have learned during the 10 years of the democratic process how to fight for their rights, and I think even though there are no counter powers right now, and the fact that there are no checks and balances like the Constitutional Court, civil society is quite strong in defending the rights and freedoms and—maybe it's wishful thinking—but I do hope that it's going to set some boundaries on the concentration of powers that can be risky for democracy.

Stephen McInerney [43:02]

Okay, thanks very much, Amna.

We have about 10 minutes left. At this point, I'm going to ask some of the questions that have come from the audience. If I could just ask all of our speakers to try to keep your answers to the audience questions very brief so that we can try to fit in several of them in the short time that we have left.

The first question sort of builds on some of Amna's comments, with questions directed toward Achref. Achref, earlier you noted that the judiciary should be taking the lead on many of these issues, rather than President Kaïs Saïed. And the question is, what court do you think has the jurisdiction and the purview to address these issues? We've seen some cases against Saïed's decree filed with the Administrative Tribunal already; do you think this body would be able to take the lead? And of course this question comes in the context of the glaring absence of the Constitutional Court. So Achref, any thoughts on which courts could play this role?

Achref Aouadi [44:08]

To be honest, the Administrative Tribunal. Actually, we wanted the dismissal of the head of this court because we believe he's not really neutral. I think his brother is attached to [the] Ennahda party rather than someone who is for the general interests of the Tunisians. So that's why for us, the issue has been, in the past 10 years, really building back trust of the Tunisian people [in] the judges. So now I think it's a war against corruption. It should definitely be led by the *Pôle Judiciaire Financier* [Financial Judicial Pole], which is an institution that is normally investigating financial corruption and financial crimes. If we're talking about challenging an administrative decision, like the decisions or the decrees issued by the president, that should be addressed to the Administrative Tribunal.

But the issue has been not only the bias of this tribunal, but also you feel like these guys, they somehow do the math before making decisions. So, because you cannot impose on them any deadlines, they just remain silent and let the wave of anger pass. So let's suppose now we need a verdict from them in the upcoming 30 days, and the law actually forces them to respect their deadline of 30 days. They will not respect it. And this has been the habit of this tribunal.

And then you see them acting in a really, really weird way. If you want to understand the rationale behind their actions, you cannot see it, you cannot find it, because it depends on who's suing, depends on who's the person that has been sued. So that's really an issue, to be honest. And then with the absence of the Constitutional Court, we find ourselves somehow compelled to accept decisions from people who are not necessarily known for their neutrality, which means this would give the streets a louder voice, which means that now people will not accept these decisions [and] will not challenge them in an institution. They will challenge them in the streets. So now, my fear [is] that the rule of law—because nobody believes that these laws have been implemented, from a Tunisian perspective—is going to be challenged by the street and by the protesters.

“With the absence of the Constitutional Court, we find ourselves compelled to accept decisions from [judges] who are not necessarily known for their neutrality, which [will] give the streets a louder voice, which means that people will not accept these decisions [and] will not challenge them in an institution. They will challenge them in the streets.”

So whatever next [steps] the president might take, I think there will be a protest supporting the president in a way that will undermine institutions and will undermine [democracy] bit by bit. And why we're here again, the original sin: because the judiciary, instead of preserving their independence and giving and sending strong messages of independence [to the] Tunisian people, they did not. I remember, we sued, actually, we challenged the decision made by the prime minister. He increased the salaries of the judges in a very unconstitutional way, so we went to the Administrative Tribunal. They went on TV and said, “We are going to give our verdict in a month.” It's been three months now.

So again, unfortunately, because the institutions are weak or the institutions are part of the problem, you find that the street is a way for the president potentially to impose his agenda. And again, I'll add it to the same remark, whatever is going to happen, if this scenario happens, this definitely will undermine and weaken the institutions, which means when we try to go back to democracy, we will need to start a democracy by trying to strengthen the institutions, which means we're going back to the beginning, we're going back to 2011-2012, as if we need to build institutions from scratch. But, again, it's an issue of trust. The Tunisian people do not trust, not only this elite, they do not even trust institutions.

Stephen McInerney [48:17]

Thank you, Achref.

Next question, I'd like to direct to Mohamed-Dhia. We've been talking a lot about the actions of Kaïs Saïed, who's obviously driving events in recent days. But I'd like to ask you about the actions, reactions, responses of other actors in the Tunisian political landscape. And again, we don't have a lot of time, but if you could just briefly outline for us what you're seeing in terms of the reactions, responses from political parties opposed to Kaïs Saïed's actions, maybe led by Ennahda, which has been the strongest political party in the country and successive elections. Also, in terms of the reactions of the civil society sector, of the security sector, what are we seeing in terms of other parts of the political landscape?

Mohamed-Dhia Hammami [49:16]

Thank you. Well, political parties are divided between three groups.

[There are] political parties who call it a coup, like Ennahda as you said, but they're not the only ones. For example, the former communist party, now called the Workers' Party, also used the word "coup." Safi Saïd, the pan-Arabist, [electoral] competitor to Saïed, who was a candidate [in] the presidential election, he's now very popular, he also called it a coup. Several political actors have called it a coup.

Others are refusing to call it a coup. [Those] with more nationalist—whether Tunisian nationalist or Arab nationalist—tendencies, refused to call it a coup. And the majority, I would say, are refusing to use the word "coup," but at the same time [remain] skeptical of Saïed's decisions. They don't use the word "coup" because they think it's not necessarily constructive. Going against Saïed in a confrontational way and [calling] it a coup can be counterproductive and does not leave room necessarily [for] discussion or dialogue.

We saw several statements, and [Inkyfada](#), a Tunisian media [outlet], summarized [them] in a very interesting way. So several organizations called for the attachment to the constitutional legitimacy and respect of the constitution. And among them we find the Tunisian League [for the Defense] of Human Rights, the [Association of Tunisian] Judges, and, more importantly, UGTT, the strong labor union.

Same thing, almost the majority called for a clear clarification of the roadmap—where is [Kaïs Saïed] intending to go—and a timeline more specifically focused on *time*. The organizations working on law and human rights—like the Tunisian League of Human Rights and the Bar Association, and the High Judicial Council, and others—insisted on the independence of the judiciary. This is extremely important, because we're seeing Saïed going towards the military courts. One of the many ways to read that is that he doesn't necessarily have full cooperation from the judicial side . . . not necessarily because of corruption, because they are corrupt! No, it may be also because Kaïs Saïed's approach is not necessarily [legal].

So to sum it up, I don't think that many political actors fully trust Kaïs Saïed and are fully backing him. Even those who did not call it a coup were skeptical and called for rapid appointment of the prime minister and other measures. But at the same time, keep in mind that there is a lot of division on whether or not we should return to the post-2014 constitutional order.

Added to that . . . Ennahda. We saw some dissident voices of Ennahda opting for a kind of internal purge, to avoid a purge of the entire party and its exclusion. But they failed to influence the Shura Council yesterday, [which] is still in its position and refused to take radical measures, whether rapid reforms [such as the] exclusion of problematic figures in the party. So, there are internal tensions within Ennahda, but so far, they could not take the party far from Rached Ghannouchi's orientations.

And finally, regarding the security forces, it's not clear yet what is currently going on. Mokhtar Ben Nasser, a former retired military officer, [said](#) that this was not done spur-of-the-moment, but it was well prepared, and the army is backing the president while remaining “neutral.” And that's an extremely important word.

Today, in *Le Monde*, an [article](#) by Lilia Blaise quoted an anonymous source from [a] former, also retired, military officer, saying that some uncertainty is rising among troops regarding the concentration of power, but at the same time, they do support recent moves, according to the article—I'm paraphrasing here.

And probably the most questionable and not well understood decisions made by Saïed have to do with his removal of two important key figures of the security apparatus: the minister of defense, who is also a law professor and who was removed shortly after the announcement of the July 25 decision, and the chief military prosecutor, who is in charge of major procedures in the military justice.

“I don't think that many political actors fully trust Kaïs Saïed and are fully backing him. Even those who did not call it a coup were skeptical and called for rapid appointment of the prime minister and other measures. But at the same time, keep in mind that there is a lot of division on whether or not we should return to the post-2014 constitutional order.”

So this is, so far, the picture that we have on the—and also, sorry, I would like to add another point.

On the business side, Saïed met with several representatives of the banking and financial lobby, and at the same time, [with] the representative of [the Tunisian Union of Commerce and the Handicrafts Industry] (UTICA), to send positive signs that he's willing even to pass a kind of reconciliation law, based on some conditionalities and agreements. And UTICA seems fully cooperative. They even decided to decrease the prices of goods, as he demanded. But at the same time, when we look at individuals—individual business people and not the institutions—we find that there is a skepticism. They didn't like the way [Saïed] critiqued one of their members, Ali Kooli, a banker and former minister of finance—he compared him to Mustapha Khaznadar, a corrupt minister of the Beylik of Tunis. So even if we see at the institutional level some kind of support [for] Saïed, inside the business circles, there is that level of skepticism and uncertainty that we should keep in mind.

Stephen McInerney [56:18]

Thanks very much. Unfortunately, I'm afraid we're out of time. We have a number of other interesting questions that I'd love to hear the answers to, but maybe we'll have to explore at another time. First I'd like to thank all our speakers for joining us, particularly at such an intense and busy time in their country. We really appreciate them taking time out of their day to help inform and educate those here in Washington, or in the United States, or elsewhere, who are very interested and concerned with what's happening in Tunisia and doing our best to follow the dizzying array of events that have been unfolding day by day. So thanks again, to the three of them for speaking.

And thanks very much, all of you in the audience, for joining us and also for bearing with us with some technical difficulties that we had today. We think it's very important to have speakers reporting to us from the ground live in Tunisia, but with that sometimes comes some technical challenges.

Finally, if you began watching the event a bit late, if you were unable to catch the event from the beginning, or if you did have any difficulties hearing the event as it unfolded live, the full event will be available to view by video on our website. We will also have the full written transcript of the event available as well. So again, thanks all of you for joining us. And we look forward to staying in touch with all of you as we continue to follow this very, very difficult, challenging period in Tunisia. Thank you.