



To: Ursula von der Leyen, President of the European Commission

cc:

Josep Borrell Fontelles, High-Representative of the EU for Foreign Affairs and security policy/Vice-President of the European Commission

Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement

Ylva Johansson, Commissioner for Home Affairs

Jutta Urpilainen, Commissioner for International Partnerships

Topic: Lack of call for release of political prisoners, legal basis and the human rights conditionality for an EU Memorandum of Understanding with Tunisia

Brussels, 25 July 2023

Dear President von der Leyen,

We are writing to express our preoccupation with the signature with the Tunisian government by the European Commission of a Memorandum of Understanding (MoU) that fails to address core human rights concerns observed in Tunisia. The failure to address such concerns, which include grave violations of the rights of migrants and asylum seekers as well as an escalation of restrictions on civil and political rights, will put the European Union policies at risk of contributing to or perpetuating such violations and enabling impunity of those responsible.

The negotiation and finalisation of the MoU come at the time of continued deterioration of the human rights situation and living conditions of Black African migrants and asylum seekers in the country. In February 2023, an inflammatory speech by Tunisian President Kaid Saied linking African migrants to crime and a “plot” to alter Tunisia’s demographic makeup triggered a surge of racist attacks against Black Africans.

Independent civil society groups and independent media have also documented serious abuses against Black African migrants, refugees, and asylum seekers in Tunisia in 2023 and prior years. These include abuses during sea interceptions, rescues, and “pullbacks” at sea by Tunisian Coast Guards and arbitrary arrest, detention and violence by police, national guard and military officers profiling them based on their skin colour.

In the last days of the negotiation of the MoU, between 2 and 5 July, Tunisian police, national guard, and military conducted raids in and around Sfax, arbitrarily arresting hundreds of Black African foreigners of many nationalities with both regular and irregular legal statuses. Without due process, they expelled up to 1,200 people in several groups to the Libyan and

Algerian borders, initially without food, water or shelter. According to testimonies, several people had died or been killed in the days following expulsion.

Neither the MoU, nor the statement by EU Commission President von der Leyen in Tunis on 16 July offer sufficient guarantees that EU support to Tunisia under the migration section of the partnership package will genuinely address these concerns. The migration package will include around 100 million EUR of assistance to Tunisia, with a focus on anti-smuggling, border management and return / readmission. But given Tunisia's recent migrants' rights record, a general reference in the MoU to respect for human rights is mere political disclaimer that appears to further confirm the blatant discrepancy between EU's stated attention for human rights and the reality of its policies of containment and its outsourcing of migration responsibilities.

We are similarly deeply concerned by the deafening silence, also embraced during President von der Leyen's recent visits in Tunis, on the deepening crackdown on political opponents under way in Tunisia. In a few months, President Saied rounded up scores of opponents, curbed judicial independence, crushed freedom of expression and assembly. Over 40 people are behind bars for their political activities, critical opinions, or public statements. Decree laws issued by President Saied undermine judicial independence, threaten free speech and facilitate surveillance of critics. Many of those arrested remain in pre-trial detention pending investigations under politically motivated unfounded accusations. Moreover the MoU does by no means address the domestic political situation, that is a root cause of the departure of Tunisians from their country.

We have the following questions:

- Which entities are the European Commission considering as possible beneficiaries of funding available under the area of migration of the partnership package and which measures will it take to ensure funding does not benefit Tunisian institutions involved in human rights violations?
- What conditions are in place to ensure that EU funding for border management does not lead to abuses and human rights violations?
- Will the European Commission ensure that independent human rights assessments take place before deciding on the allocation of funds? Under what conditions would the EU suspend this cooperation with Tunisia?
- Will there be an independent third-party human rights monitoring of the implementation by the Commission and other parties involved of the partnership package's migration components?
- Under what legal basis will this Memorandum of Understanding be established, and what will be the European Parliament's role in scrutinising the procedure?
- Why did the Memorandum of Understanding not cover long standing demands of the EU for a comprehensive national dialogue or the release of political prisoners?

We urge the European Commission to publicly call on the Tunisian authorities to urgently stop collective expulsions at borders with Libya and Algeria, allow humanitarian access to those stranded at or near the borders, and immediately evacuate them to Tunisian territory in conditions consistent with obligations under international human rights law.

We count on your support, and look forward to your response.

Yours Sincerely,

Karen Melchior (Renew)

Michael Gahler (EPP)

Matjaž Nemeč (S&D)

Mounir Satouri (Greens/EFA)

Anne-Sophie PELLETIER (The Left)

Theresa Bielowski (S&D)

Abir Al-Sahlani (Renew)

Dietmar Köster (S&D)

Brando Benifei (S&D)

Tineke Strik (Greens/EFA)

Ignazio Corrao (Greens/EFA)

Margrete Auken (Greens/EFA)

Pascal Durand (S&D)

Helmut Scholz (The Left)

Margarida Marques (S&D)

Rosa D'Amato (Greens/EFA)

Barry Andrews (Renew)

Petras Austrevicius (Renew)

Kathleen van Brempt (S&D)

Thijs Reuten (S&D)

Domènec Ruiz Devesa (S&D)

Saskia Bricmont (Greens/EFA)

Pierrette Herzberger-Fofana (Greens/EFA)

Claudia Gamon (Greens/EFA)

Sylvie Guillaume (S&D)

Sylwia Spurek (Greens/EFA)

José Gusmão (The Left)

Jan-Christoph Oetjen (Renew)

Fabio Massimo Castaldo (NI)

Samira Rafaela (Renew)

Giuliano Pisapia (S&D)

Malin Björk (The Left)

Georgios Kyrtos (Renew)

Fabienne Keller (Renew)

Damien Carême (Greens/EFA)

Erik Marquardt (Greens/EFA)

Hannah Neumann (Greens/EFA)