

Al Bawsala refuses to be a false witness to a solitary track and a puppet parliament

On July 25th, 2021, the President of the Republic announced the entering into force of Article 80 of the constitution and proclaimed the State of Exception. He then consolidated his power grab pursuing a path in which the majority of national political and civil forces were excluded before proceeding to implement his unilateral agenda.

Following the freezing of the Parliament and the dissolution of the Government, President Saied issued the Executive Order 117, considered by Al Bawsala as a temporary organization of power, in which the President of the Republic captured all powers. In fact, the decree provisions that the government is to be appointed by the President of the Republic and thus, would be accountable to him alone; in addition to giving the President an unchecked legislative authority without the possibility of any legal appeal against his decisions and decrees.

The President of the Republic subsequently unveiled his roadmap, which was kickstarted with an online nationwide consultation. The consultation was systematically and substantively manipulated to fit into the President's narrative and project. This has led most political and civil actors to boycott it as it has become clear that the consultation was only serving as a means to legitimize predetermined changes.

On June 30th, 2022, the draft of the new constitution was released in the Official Gazette. A draft text that was seemingly prepared in a non-transparent process and through which most political and civil entities were excluded while only including, for consultation purposes, the supporters of President Saied trajectory.

This course of events had two main characteristics: it excluded most political forces and created a monopoly of thought in the decision-making process while putting in place vacuous and token milestones serving only as an alibi to the President pre-established agenda. In fact, the results of the online consultation state that the only 36.5% of voters deemed necessary to change entirely the constitution. Despite this rate that clearly does not constitute a majority, the President still went ahead and proposed a new constitution.

In addition, and while Kais Saied decided to dissolve the Supreme Judicial Council (CSM), it did not preclude him from arbitrarily and unilaterally dismissing 57 judges with no prior confirmation or validation from his own newly set Judicial Council. Although this dismissal decision was overturned by the Administrative Court, President Saied went through with his act disregarding principles of independence of the judiciary and separation of powers. The President eventually confirmed his grip over the judiciary system and its entire internal working processes.

Most of the resolutions, decrees and orders issued by the President of the Republic have largely contributed in torpedoing the first building blocks of democracy. Instead of going towards promoting and strengthening the status of regulatory institutions and independent bodies, the Head of State pursued a systemic policy of abolishing every democratic entity provisioned under the 2014 Constitution disregarding their importance and role in the democratic transition.

Prior to the referendum, Saied continued his vigorous pursuit of control over all State institutions by intervening in their internal composition, appointing new members of the High and Independent Authority for Elections (ISIE), compromising its independence and setting unjust rules for the

referendum and elections in a clear dismissal of the country's experience of free, fair and post-revolutionary elections.

The amendment of the electoral law ahead of the legislative elections represented a final insight on the President aspirations for the new Parliament, as previously articulated in the Constitution. The Act was established to elect an impotent parliament, with little representation of women and highly dominated by individual wealth and tribal interests.

Throughout the past decade, Al Bawsala played an important role in monitoring the work of the Constitutional Assembly and the subsequent Parliament. It strived to defend democracy in alignment with its core principles and mission by holding state actors accountable and transparent in order to ensure citizens remain at the heart of the public debate and decisions. Al Bawsala aspired to fulfill this role despite the uncountable attempts to narrow its space and obstruct its actions within and outside of the parliament.

In light of the foregoing situation, and anchored in our firm belief that our role is to defend and preserve the democracy that Tunisians fought for, at times even at the expense of their lives, Al Bawsala announces to the public opinion the following:

- The organization will boycott the upcoming Parliamentary institution to dissociate itself from legitimizing a token structure designed to reinforce the agenda of President Saied and that would only serve to act as an alibi to a political system based on an illusionary participation and a fraudulent democracy.
- Al Bawsala will continue to perform its duty of a watchdog organization by informing the public about the legislative processes and texts issued by the president and the parliament; and will remain vigilant to counter all attempts that would send us back to an unwelcomed authoritarian regime.