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# What Does Saeid's Re-Election Mean for Tunisian Democracy?

Unit for Political Studies

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## Unit for Political Studies

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On 7 October 2024, the Independent High Authority for Elections of Tunisia (Known by its French acronym, ISIE) announced the victory of presidential incumbent Kais Saied for a second term. Although he secured 90.69% of votes, Saied's re-election was met with widespread controversy relating to participation rates, electoral integrity, transparency, and procedures, and potential repercussions for Tunisian politics.

## Declining Turnout

The elections were held in accordance with the requirements of the 2022 Constitution, through which President Saied granted himself broad executive and legislative powers, and immunity from accountability. At the same time, he reduced the powers of parliament and the judiciary, transforming their status from an independent authority to a "legislative function" subject to the executive authority.<sup>1</sup> The task of supervising the electoral process was assigned to ISIE, the President and members of which were appointed by Saied after he dismantled the previous body selected by parliament.

Only 27% of eligible voters participated in the referendum on the draft constitution, a figure itself brought into question by many opinion polls.<sup>2</sup> Meanwhile the last two parliamentary elections recorded an unprecedented low turnout ranging from 7 and 11 per cent according to ISIE,<sup>3</sup> and voter turnout in the local elections was announced as just 12%.<sup>4</sup>

The electoral process, on the three occasions mentioned, was not accompanied by any noteworthy political interaction, due to the candidacy conditions and the political and legislative context in which they took place. Voting was conducted based on individual candidates rather than the list system and was boycotted by all the major parties. Only the People's Movement (an Arab nationalist party) and other small parties that supported President Saied's constitutional coup and roadmap participated, and they were not even represented in the previous House of Representatives.

## Tailor-Made Candidacies

On 2 July 2024, President Saied dispelled doubts about his commitment to hold the presidential elections on time when ordered the presidential elections to be scheduled for 6 October 2024 and called for the electorate to vote. Following this announcement, 17 files from independent figures and affiliates of various political movements were submitted to ISIE, of which only three were accepted: those of President Kais Saied, Secretary-General of the People's Movement, Zuhair Maghzaoui, and former MP Ayachi Zammel.<sup>5</sup>

1 See: Constitution of the Tunisian Republic, Chapter 56 et seq., and Chapter 117 et seq.

2 "The Constitutional Referendum in Tunisia: Context, Results, and Implications", Situation Assessment, ACRPS, 28/7/2022, accessed on 3/10/2024, at: <https://acr.ps/1L9zOHO>

3 "Lowest since the revolution...Turnout in Tunisian elections is less than 9%, which opposition leaders consider evidence of the president losing legitimacy", *Al Jazeera Net*, 17/12/2022, accessed on 3/10/2024, at: <https://bit.ly/4evk1sc>

4 "ISIE confirms results of the declared local council elections", *Tunisian National Radio*, 27/2/2024, accessed on 3/10/2024, at: <https://bit.ly/3XUktJo>

5 "3 candidates accepted for the Tunisian presidential elections, including Kais Saied", *Al-Araby Al-Jadeed*, 10/8/2024, accessed on 3/10/2024, at: <https://bit.ly/4dOZi1H>



The commission justified the dismissal of other candidacies by citing incomplete documents, problems with collecting endorsements, the criminal record of the candidates, or dual nationalities. Following the dismissal of their files, several candidates resorted to the Administrative Court to appeal the ISIE decision, in accordance with the electoral law. The court ruled to invalidate the ISIE decision and to reinstate three candidates to run in the presidential elections. These were: Imed Daïmi (Cabinet Chief for Former President Moncef Marzouki and counter-corruption activist), Abdellatif Mekki (a former minister and a leader who defected from Ennahda), and Mondher Znaïdi (former minister under President Zine El Abidine Ben Ali).<sup>6</sup>

Although the General Judicial Session of the Administrative Court's decisions are "final and not subject to appeal in accordance with the electoral law,"<sup>7</sup> ISIE refrained from implementing them on the grounds that "ISIE was notified of these rulings outside the legal deadlines," and "after its board had approved the final list of candidates". It claimed that the court's decision "did not rule clearly and explicitly to include the contesting candidates in the final list," stressing that "it would have been impossible to implement these rulings even if ISIE had been notified of them within the legal deadlines."<sup>8</sup>

Tensions with the Administrative Court was not limited to the candidate rulings. On 27 September, in an "emergency" session, the House of Representatives approved an amendment to the electoral law, withdrawing any jurisdiction to consider electoral disputes from the Administrative Court and assigning it instead to the Court of Justice.<sup>9</sup> This amendment sparked widespread legal and political controversy, as it is the first time that the electoral law has been amended since the start of the electoral campaign. The amendment was considered to preempt the possibility of Saïed rejecting candidates appealing the election results in the Administrative Court. Unlike the Court of Justice, which has been accused of answering to the executive and imprisoning hundreds of politicians, journalists, bloggers and activists since July 2021, the Administrative Court has demonstrated independence.

## Instrumentalizing the Court of Justice

The Court of Justice has been widely accused of submitting to the executive authority since Saïed's constitutional coup of 2021. In this context, the Public Prosecution filed cases in the Court of justice and the Judicial Counter-terrorism Pole against a number of candidates who were barred from running, including all the candidates who appealed ISIE's decisions. They were accused of "forming a terrorist alliance", "conspiring against the internal and external security of the state", "inciting discord", "fabricating endorsements", and "hiding a second nationality".<sup>10</sup> Some candidates and

<sup>6</sup> "Press Release", Tunisian Administrative Court, Facebook, 30/8/2024, accessed on 4/10/2024, at: <https://bit.ly/4dtz8kM>

<sup>7</sup> Ibid.

<sup>8</sup> Post by the Independent High Authority for Elections, Facebook, 3/9/2024, accessed on 4/10/2024, at: <https://bit.ly/4eRw5Us>

<sup>9</sup> People's House of Representatives, Facebook, 27/9/2024, accessed on 4/10/2024, at: <https://bit.ly/3ZY01tM>

<sup>10</sup> "Judicial Counter-terrorism Pole: Directing investigations against Mondher Znaïd and including him in the search", *Tunisian National Radio*, 9/25/2024, accessed on 4/10/2024, at: <https://bit.ly/3YaqNOj>



members of their electoral campaigns were given hasty trials, which resulted in prison sentences and lifetime bans from running in elections, including Lotfi Mraïhi, who was arrested before submitting his candidacy, Nizar Chaari, Leila Hammami, and Abdellatif El Mekki.<sup>11</sup> Meanwhile, heavy sentences in absentia are expected to be issued against Imed Daïmi and Mondher Znaïd, who some observers classify as "serious candidates".

Furthermore, security forces raided the home of candidate Ayachi Zammel at dawn on 2 September 2024, arresting him on charges of "forging endorsements". Later, dozens of cases were brought against him in various courts in the country, followed by quick trials that issued heavy prison sentences against him<sup>12</sup> and members of his election campaign,<sup>13</sup> which prevented him from running an election campaign.

## Vote or Boycott?

It became clear very early in this election campaign that there was no possibility that the elections would bring about any real change. The crackdown on candidates, the refusal to implement the rulings of the administrative court, the instrumentalization of state agencies, the amendments to laws after the start of the electoral campaign, and the exclusion of most of the candidates affiliated with representative political movements, narrowed the final list of candidates down to three. Moreover, following Zammal's imprisonment, only two candidates, the incumbent and Maghzaoui, could run campaigns. However, the opposition, made up of political parties, figures, and activists, were divided on whether to participate or boycott.

Those who have advocated for boycotting the vote argued that the result was a foregone conclusion given the absence of fair competition.<sup>14</sup> Saïed has complete control over state institutions, including ISIE, whose chair and members Saïed appointed. Furthermore, he preempted any surprises by creating for himself a legislative arsenal and preventing local and international observers from carrying out their duties, thus stripping the process of the minimum conditions of transparency and integrity.

Conversely, many of those who advocated for submitting a ballot campaigned for the parties that called for a boycott. They justified their decision on the grounds that the election is an opportunity to mobilize public opinion to vote for the imprisoned candidate Zammal. They also hoped to facilitate a protest movement following the elections in the event of widespread manipulation and falsification of the voting results, or the revocation of votes received by Zammal.

<sup>11</sup> "Confirmation of the prison sentence against Chaari and El Mekki, with a lifetime ban from running for office", *Radio Mosaïque*, 9/10/2024, accessed on 4/10/2024, at: <https://bit.ly/3ZOmZDF>

<sup>12</sup> "Tunisian Court of First Instance Sentences Presidential Candidate Ayachi Zammal to 12 Years in Prison," *Euronews*, 1/10/2024, accessed on 4/10/2024, at: <https://bit.ly/3BvLTOI>

<sup>13</sup> "Freedom for Suwar Barqawi" Ayach Zammal Facebook Page, 3/10/2024, accessed on 4/10/2024, at: <https://bit.ly/3NjQ02x>

<sup>14</sup> The Modernist Pole, Democratic Bloc, Labour, Republican, Free Destourian, and Democratic Current parties called for a boycott of the elections. While Ennahda considered that "the violations that surrounded the electoral process confirm that the authorities worked to destroy the entire electoral process", without explicitly calling for a boycott of the elections.



## Results Controversy

ISIE announced on the evening of 7 October 2024 that voter turnout amounted 28.8 per cent of the total registered voters: 2,808,548 out of 9,753,217.<sup>15</sup> This was a higher turnout than the one recorded in the parliamentary and local council, elections, but much lower than the turnout recorded in the presidential elections of 2014 (64 per cent) and 2019 (45 per cent).

According to the preliminary results announced by the commission, Saied received 90.69 per cent of the votes, followed by the imprisoned candidate Zammal with 7.35 per cent, while Maghzaoui received 1.97 per cent. Based on these results, Saied won the race in the first round.<sup>16</sup> Compared to the results of the 2019 presidential elections, the number of votes for Saied decreased by 12.2 per cent; he received 2,777,931 votes at that time, equivalent to 72.71 per cent of overall votes.

With regard to the other candidates, most of the opposition votes went to Zammal. This is despite Zammal's recent arrival to the political arena and Maghzaoui's long political resumé. The latter was a leader in the Tunisian General Labor Union and head of the secondary school teachers' union before becoming Secretary-General of the People's Movement, and a member of the previous parliament. Most of the opposition thus voted for Zammal either out of conviction in his manifesto that promised to "turn the page",<sup>17</sup> release political prisoners, and suspend decrees issued by Saied, or in some kind of "punitive vote" against Saied and even Maghzaoui, who had been a prominent supporter of Saied's "anticorruption measures" since the constitutional coup.

## What Next?

Saied has not shown much concern for criticism or the low turnout rates in any other electoral competition under his term. It is thus unlikely that any questions raised about the electoral process of this election will affect his agenda as he enters the new term, reinforced by what he considers a popular mandate to move forward on the path he has charted for himself, which is one that will consolidate personal authoritarian rule.

In contrast, the opposition enters a new phase without any significant attempts to amend its positions or assess its performance, nor to mitigate the ideological conflicts that hinder a consensus on a minimum interim political program to deal with Saied's authoritarian measures, the worst of which may still be to come. These may include the dissolution of some parties and associations, reducing the freedom of the Tunisian General Labour Union, and imposing more restrictions on individual rights and freedoms. However, there are early signs that a coalition is emerging made up of the political and civil forces that were able to mobilize large numbers of demonstrators and organize protest activities, in recent weeks. This self-styled "Tunisian Network for Rights and Freedoms"<sup>18</sup> is expected

<sup>15</sup> "Initial turnout for the 2024 presidential elections," ISIE, Facebook, 6/10/2024, accessed on 7/10/2024, at: <https://bit.ly/4etNhj6>

<sup>16</sup> "Announcing the preliminary results of the 2024 presidential elections," ISIE, Facebook, 10/7/2024, accessed on 7/10/2024, at: <https://bit.ly/3ZOELH4>

<sup>17</sup> The campaign slogan of Ayachi Zammal is "Let's turn the page".

<sup>18</sup> Basma Barakat, "Announcing the Birth of the Tunisian Network for Rights and Freedoms... and a National Movement in September," *Al-Araby Al-Jadeed*, 4/9/2024, accessed on 7/10/2024, at: <https://bit.ly/3NigXE6>



to organize more protests soon, given that some of its components have refuted the legitimacy of the elections and their results.

The results show that more than 70 per cent of registered voters boycotted the ballot box, with just 6 per cent of 18 - 35 year-olds showing up to vote. Most Tunisians thus have no interest in handing legitimacy to the electoral process, in an atmosphere of widespread economic and social decline. Indeed, the current conditions do not differ much from those that have ignited all major post-independence protest movements; including the revolution that overthrew former President Zine El Abidine Ben Ali in January 2011.

## Conclusion

The presidential elections in Tunisia bore no surprises, with Kais Saied winning 90.69 per cent of the vote, but the repercussions Tunisian politics will be resounding. The president believes that he has obtained a fresh mandate to continue his campaign against his opponents, whom he accuses of treason and loyalty to foreign powers. Meanwhile the opposition is limited in its ability to bring about change in the balance of power as long as it remains hostage to ideological conflicts; this leaves few options besides street-led action. Despite the lack of any strong indicators for such action at present, this possibility remains as long as the authorities – particularly Saied – do not address the living crises with a realistic programme for reform. Such a solution requires a turnaround on the current trend of populist discourse that marginalizes opponents, blames them for failure, and spews out empty promises.