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In the Run-Off Elections, All Options Are Possible

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Brief Analysis

As Tunisians return to vote in the country's run-off elections for president, scheduled for October 13, voters expect to determine Tunisia's next president from two unlikely options. Frustration with the status quo and twenty-six candidates determined that no one candidate managed to secure an absolute majority in the first round, necessitating these second run-off elections. With Tunisia's parliamentary elections resulting in a split vote, Tunisia's president is likely to face a series of complicated challenges. While the release from prison of Nabil Karoui, just four days before the vote, means Sunday's elections is likely to go forward, questions about how his arrest and detention might affect the electoral process remains.

The first candidate and recipient of the highest number of votes during the initial elections is political-unknown, Kais Saied. Saied is said to be "an honest, straightforward and sober man," openly supported by several parties and the National League for the Protection of the Revolution. Resolutely anti-system and anti-state, Kais Saied has actually advocated for the dissolution of the Parliament and its replacement by local representatives. Probably influenced by France's social movement, the so called "Gilets Jaunes" (Yellow Vests) that embodies and denounces the generalized precariousness of activity and livelihoods that is affecting millions of French. Demonstrations, popular assemblies, Citizens' Initiative Referendums, municipal counter-power, États Généraux or their modern equivalent, such is perhaps the squaring of the circle of Kais Saied. Tunisia is not immune from the international confrontation between patriotism against neo-liberalism, and its 'free and undistorted competition'.

However, in societal matters Saied has found votes through his conservative attitudes; he is opposed to both gender equality in matters of inheritance laws, stating that the Quran has clear views on the matter, and rejects homosexuality. Saied has emphasized that as a Constitutionalist, the government must respect the constitution's first article stating that Islam is the official religion of Tunisia. Saied has therefore argued that all laws should be

inspired by Sharia law.

Saeid's opponent Nabil Karoui, a 56 year old businessman, stands in contrast to many of these social stances. Karoui is co-owner of Nessma TV, a private tv station, and was one off the most noteworthy secularist candidates for the presidency during the initial elections, despite his imprisonment shortly after beginning his political campaign due to charges of tax evasion and money laundering in August. Even behind bars, Karoui represents modernity, free enterprise, freedom of speech, openness to the moderate and democratic parties to many voters—explaining his continued appeal as a candidate.

But Karoui's imprisonment has also raised questions about the state of Tunisian democracy. True, the candidate had been a controversial figure in Tunisian society for a number of years. Back in 2011, Karoui gained a number of enemies when he decided to air the award-winning animated film "Persepolis," about the experiences of an Iranian girl during the early years of the Islamic Republic in Iran, despite "instructions" not to do so. The airing of the film sparked a public debate on religious fundamentalism, with secularists highlighting similarities between Iran in the early period of the revolution and Tunisia in 2011 as a means of critiquing the Constituent Assembly elections scheduled for later that year. Karoui's decision to air the film triggered Salafi protests in several cities, claiming that the film is a provocation against Islam and undermining sacred Islamic values. The day after Persepolis aired, more than three hundreds Salafi islamists attacked Nessma TV. They also set fire to Karoui's house and burned his cars. Karoui was not in his house at the time of the attack, but his family had to flee.

Given this background, Karoui's sudden imprisonment after beginning his presidential campaign raised eyebrows. Karoui's supporters began drawing parallels to the 2018 elections in Turkey, when President Recep Tayyip Erdoğan's political opponent—the pro-Kurdish leader Selahattin Demirtaş—was jailed on terrorism charges. The European Court of Human Rights' hearing of the case of Selahattin Demirtaş v. Turkey unanimously agreed that the arrest consisted of a "violation of Article 3 of Protocol No. 1 (right to free elections) to the Convention... His inability to take part in the activities of the National Assembly as a result of his pre-trial detention had constituted an unjustified interference with the free expression of the opinion of the people and with his right to be elected and to sit in Parliament."

The same applies for Nabil Karoui. The latter has been in prison since August 23rd and released only on October 9th. He is among the winners of the first round of the Tunisian Presidential elections even though the equal-time rule was not applied; he was not allowed to participate in radio and TV debates and wasn't even allowed to vote. A week ago the Court of Cassation clarified that "they were incapable of reviewing the decision of the Indictment Chamber on the arrest of Nabil Karoui," as reads the official statement. "These accusations have been hanging over his head since 2016 as it was suspected that he was interested in politics," is the reply of citizens in the street. "If there was any real evidence, the establishment would have gotten rid of Karoui, a long time ago. His indictment file is empty. This entire circus was set up to shoot him down" or to weaken him in view of a possible alliance.

In the last issue of the trade union UGTT's Achaab, the editor-in-chief said that when Ghannouchi asked to visit Karoui in prison, the latter refused saying : "No negotiations before I leave the prison." Now the negotiation and/or alliance between Ennahda and Qalb Tounes becomes very plausible and all the options are possible.

The main element that defines democracy—the ability to exercise free expression—seems to be at least hampered when one of the main candidates is in prison during the pre-election period of both the first and part of the second rounds. There cannot be meaningful and vigorous debate of fundamental issues when a political opponent is behind bars, passing messages via his lawyers, unable to express his political agenda and views.

In absence of a Constitutional court in Tunisia, the question of Karoui's ability to fully participate as a true presidential candidate remains in the air. And if Karoui does lose the race, he may have grounds to challenge the

election results, dragging the question of Tunisia's next presidential candidate further into the future. In such a case, the elections will have to take place again in unpredictable conditions. ❖



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