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Second UA: 2/22 Index: MDE 30/7257/2023 Tunisia of October 04, 2023

TUNISIA EX-MINISTER IN DETENTION FOR CRITICAL REMARKS

On February 13, Tunisian security forces arrested former Justice Minister Nouredine Bhiri and leader of Ennahdha opposition party after they raided his house in Tunis. A judge questioned Nouredine Bhiri the following day over critical public remarks he had made, accusing him of seeking to “change the form of government”. On the same day, a judge ordered his detention. Nouredine Bhiri has since been held in pretrial detention. On August 30, an Accusation Chamber of the Tunis Appeal Court referred his case to an investigating judge of the Tunis First Instance Court to confirm evidence against him. He has not yet been formally indicted or referred to trial. The Tunisian authorities must immediately release Nouredine Bhiri and drop the bogus charges against him as they are based solely on the peaceful exercise of his rights to freedom of expression and assembly.

Write to the President of the Republic of Tunisia urging him to:

- Immediately release Nouredine Bhiri and drop all bogus charges against him.
- Pending his release, ensure that he receives any medical treatment he may require and continue to allow him regular visits from family and lawyers.

Write to:

President of the Republic Kais Saied
Route de la Goulette
Site archéologique de Carthage, Tunisie
Email: contact@carthage.tn
Twitter: @TnPresidency
Salutation: Your Excellency:

And copy:

Mr. Maher TRIMECHE
Counsellor & Chargé d'affaires, a.i.
Embassy of the Republic of Tunisia
515 O'Connor Street
Ottawa, ON K1S 3P8
Tel: (613) 237-0330, -0332 Fax: (613) 237-7939
Email: at.ottawa@diplomatie.gov.tn

ADDITIONAL INFORMATION

Nouredine Bhiri (64) is a leading member of the main opposition party Ennahdha and former Minister of Justice from 2011 to 2013 who served under a coalition government created following the ouster of long-time ruler Zine el Abidine Ben Ali on January 14, 2011. Nouredine Bhiri is a lawyer and standing member of the Tunisian Bar Association. He had also previously served as vice-president of Ennahdha,

which had a majority in parliament before President Kais Saied suspended it on July 25, 2021 citing emergency powers under Article 80 of the Constitution. The party has criticized President Saied's concentration of powers since the July 2021 suspension of parliament, calling it a coup.

The arrest of Nouredine Bhiri on February 23, 2023 and his subsequent detention stem from critical online remarks that the authorities claim he had posted on January 08, 2023 on his private Facebook page, around the time of a demonstration organized by members of the National Salvation Front, an opposition coalition. In the post, he calls for “peaceful resistance against the coup”. He says that “people shouldn’t be afraid of the coup and that they need leadership”. The Facebook post is fully protected by international human rights law.

Nouredine Bhiri has long suffered from diabetes and high blood pressure, and normally takes regular medication for both ailments. His health is at risk. Under international law, and most specifically the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples’ Rights to which Tunisia is a state party, everyone has the right to freedom of expression and freedom from arbitrary detention.

Nouredine Bhiri had already experienced arbitrary arrest and house arrest when men in civilian clothing arrested him and another man Fathi Beldi, a former Interior Ministry official, on December 31, 2021, and held them both at undisclosed locations for two days. On January 02, 2022, authorities placed both men under house arrest. On March 07, 2022, the Ministry of Interior lifted the house arrest and Tunisian authorities eventually filed no formal charges against both men, formally releasing both men.

On July 25, 2021, President Saied claimed emergency powers that he said were granted to him by Tunisia's 2014 Constitution. Since then, authorities have opened criminal investigations against at least 74 opposition figures and other perceived enemies of the president, including some 44 people accused of crimes in connection with the peaceful exercise of their human rights.