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Third UA: 52/23 Index: MDE 30/7808/2024 Tunisia of March 11, 2024

TUNISIA SIX POLITICIANS UNFAIRLY DETAINED FOR OVER A YEAR

In Tunisia, six opposition figures—Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj, and Abdelhamid Jelassi—have been wrongfully detained since February 2023 on baseless charges of threatening state security. Their appeal for release was denied in January 2024. Facing serious allegations under Tunisia's anti-terrorism laws, we urge the immediate release of these individuals, arguing their detention violates their right to free speech.

Write to the Tunisian President urging him to:

- Ensure that Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj and Abdelhamid Jelassi, are immediately released from arbitrary detention.
- Guarantee that the restrictions against Chaima Issa and Lazhar Akremi immediately lifted, and all the charges against them dropped, as the charges stem solely from the peaceful exercise of their human rights.
- Pending their release, ensure that they have access to adequate healthcare, in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent.
- Cease your targeted arrests of critics for the peaceful exercise of their rights to freedom of expression and peaceful assembly.

Write to:

President of the Republic Kais Saied
Email: contact@carthage.tn
X (formerly Twitter): @TnPresidency
Salutation: Your Excellency:

And copy:

His Excellency Lassaad BOUTARA
Ambassador
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

Since February 2023, Tunisian authorities have opened criminal investigations against at least 50 people on unfounded conspiracy accusations. Amnesty International has documented the cases of eight of whom six are currently detained in relation to this investigation including politician Khayyam Turki arrested on February 11; dissident and politician Abdelhamid Jelassi arrested on February 12;

opposition activist Issam Chebbi arrested on February 22; opposition activist Jaouhar Ben Mbarek arrested on February 24; and finally, lawyers Ghazi Chaouachi and Ridha Belhaj arrested on February 25. Prominent opposition figure Chaima Issa arrested on February 22, and dissident Lazhar Akremi arrested on February 13 were both provisionally released on July 13, 2023 after nearly five months of arbitrary detention.

On February 12, 2024, the six detainees began a hunger strike to protest their arbitrary detention. Two of them had to stop for health reasons while Khayyam Turki, Abdelhamid Jelassi, Issam Chebbi and Jaouhar Ben Mbarek continued their hunger strike until February 27. According to human rights lawyer and member of the Defense Committee of Political Detainees Ayachi Hammami, the health situation of the detainees has [deteriorated](#). This is the second one after they went on hunger strike from September 26 2023 to October 12 for similar reasons and which they ended because of health concerns.

All eight of the defendants are being investigated in relation to trumped up charges of conspiracy under 10 provisions of the Tunisian Penal Code including Article 72, which mandates the death penalty for trying to *"change the nature of the state."* They also face several charges under 17 articles of the 2015 counterterrorism law including Article 32, which mandates up to 20 years of imprisonment for *"forming a terrorist organization"*. The judge and the Tunis Court of Appeals initially rebuffed requests by lawyers to release the eight suspects from pre-trial detention. However, in July, the court released Chaima Issa and Lazhar Akremi and banned them from travelling abroad and *"appearing in public spaces."* The Court extended pretrial detention for the remaining six, citing the need to *"ensure the sound course of the investigation"*.

In October 2023, human rights lawyer Ayachi Hammami, who is [being investigated](#) in the same case for similar accusations as his detained clients, was summoned to attend interrogation by the investigative judge. In October 2023, authorities also opened separate judicial proceedings against lawyers Dalila Msaddek Ben Mbarek and Islam Hamza, both members of the Defense Committee of Political Detainees for public comments they had made about the case on radio shows. They are under investigation for spreading false news under repressive cybercrimes [Decree-Law 54](#). Since the investigation [started](#) in February 2023, judicial authorities have summoned at least 42 additional political activists, members of the opposition, businessmen, former members of parliament, lawyers, human rights defenders and former security officials for investigation in the same case.

On February 14, 2023, UN High Commissioner for Human Rights, Volker Turk [expressed](#) concern over the recent wave of arrests against civil society figures and perceived opponents as well as the Tunisian authorities' sustained attacks on the judiciary. A spokesperson for the commissioner specifically mentioned the criminal proceedings initiated against *"perceived political opponents"* charged with *"conspiracy against State security"*. The commissioner called on the Tunisian authorities to *"respect due process and fair trial standards in all judicial proceedings and to release immediately all those arbitrarily detained, including anyone detained in relation to the exercise of their rights to freedom of opinion or expression"*. On February 22, 2023, President Saïed [declared](#) that anyone who *"dared to exonerate"* what he described as *"criminal networks"* was, in essence, an *"accomplice."* This statement, coupled with the president's [arbitrary dismissal](#) of 57 judges in 2022, has contributed to a growing climate of intimidation of the judiciary.

On July 25, 2021, President Saied [claimed](#) emergency powers that he said were granted to him by Tunisia's 2014 constitution. Since his power grab, President Saied has dissolved Tunisia's parliament, issued [decree-laws](#) that threaten human rights including the rights to freedom of expression and peaceful assembly, overseen the drafting of a new [constitution](#), and sought to strengthen his [influence](#) over the judiciary. On June 1, 2022, President Saied arbitrarily fired 57 judges whom he accused of conduct including failure to investigate terrorism-related cases, adultery, and holding alcohol-fuelled parties. The Justice Ministry has refused a ruling by Tunisia's Administrative Tribunal to [reinstate](#) 49 of them.

Please take action as soon as possible until May 6, 2024! The UA will be duly updated should there be the need for further action.