

URGENT ACTION

EX-MINISTER IN DETENTION FOR CRITICAL REMARKS

On 13 February, 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 30 August, 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.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President of the Republic Kais Saied

Route de la Goulette

Site archéologique de Carthage, Tunisie

Email: contact@carthage.tn

Twitter: @TnPresidency

Your Excellency,

*I write to you to ask you to release ex-Justice Minister **Nouredine Bhiri**, senior Ennahdha opposition party leader and member of the Tunisian Bar Association and immediately drop all charges against him. Nouredine Bhiri- who is currently in Mornaguia prison- is being investigated for peacefully exercising his human rights including to freedom of expression and assembly.*

In the evening of 13 February 2023, officers of the National Unit for Investigating Crimes of Terrorism raided the house of Nouredine Bhiri in Tunis and proceeded to arresting him without providing him an official warrant. According to his wife and lawyer Saida Akremi, who witnessed the arrest, officers showed a warrant to search the house but not one to apprehend her husband. Nouredine Bhiris's wife also said that some members of the security forces hit Nouredine Bhiri while arresting him leading to injuries on one of his shoulders. Authorities took Nouredine Bhiri to Bouchoucha detention centre in Tunis where he spent one night. Officers ignored his requests for immediate medical assistance he needed as a result of the beating he was subjected to during his arrest.

On 14 February, Nouredine Bhiri appeared before a Tunis court investigating judge. Even though he refused to be questioned due to his health condition, the judge insisted to open a judicial investigation against him, accusing him of “trying to “change the form of the government; or inciting people to take up arms against one another; or provoking disorder, murder, or pillage on Tunisian soil” under Article 72 of the Penal Code which is punishable by the death penalty. The charges are in relation to a January 2023 post on Facebook, which no longer exists, as well as public remarks captured on video that the authorities attribute to him. In his Facebook post, Nouredine Bhiri said that “proper resistance is necessary” and that “people shouldn't fear the coup”. Criticism of the authorities is protected speech under Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights to which Tunisia is a state party.

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

Yours sincerely,

ADDITIONAL INFORMATION

Noureddine Bhiri (64) is a leading member of the main opposition party Ennahda 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 14 January 2011. Noureddine 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 25 July 2021 citing emergency powers under Article 80 of the Constitution. The party has criticised President Saied's concentration of powers since the July 2021 suspension of parliament, calling it a coup.

The arrest of Noureddine Bhiri on 13 February 2023 and his subsequent detention stem from critical online remarks that the authorities claim he had posted on 8 January 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.

Noureddine Bhiri has long suffered from diabetes and a 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.

Noureddine 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 31 December 2021 and held them both at undisclosed locations for two days. On 2 January 2022, authorities placed both men under house arrest. On 7 March 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 25 July 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 at least 44 people accused of crimes in connection with the peaceful exercise of their human rights.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, English and French.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 29 November 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Noureddine Bhiri (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde30/5158/2022/en/>