

URGENT ACTION

POLITICIANS UNJUSTLY HELD FOR OVER A YEAR

Opposition politicians Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj and Abdelhamid Jelassi have been arbitrarily detained since February 2023 on unfounded “conspiracy against state security” accusations. In January 2024, a judge rejected the latest appeals against the prolonged pre-trial detention of the six detainees submitted by the Committee for the Defence of Political Detainees. Tunisia’s anti-terrorism court is investigating all of them for trying to “change the nature of the state” under Article 72 of the Penal Code which carries the death penalty. We call on the Tunisian authorities to immediately and unconditionally release them and drop the charges against them as the charges stem from the peaceful exercise of their human rights.

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 express my grave concern over the prolonged arbitrary detention of opposition figures Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj and Abdelhamid Jelassi on unfounded “conspiracy” accusations. Over a year after their arrests, authorities have failed to release them from arbitrary detention. Under [international human rights law](#), everyone is entitled to their right to liberty. Also, the presumption of innocence is one of the requirements of the right to fair trial (Article 14 of the International Covenant on Civil and Political Rights and Article 7 of the African Charter on Human and Peoples’ Rights).

Since their arrest in February 2023, none of the detainees have been questioned in relation to acts that would amount to recognizable crimes under international law, and the charges against them are therefore unfounded. They were questioned about their relationship with each other and with foreign diplomats as well as on meetings they undertook together and messages they exchanged about the political situation in Tunisia. Their prosecution violates articles 19 and 21 of the [International Covenant on Civil and Political Rights](#) and articles 9 and 11 of the African Charter on Human and Peoples’ Rights which together guarantee the rights to freedom of expression and peaceful assembly. Tunisia has ratified these human rights treaties.

Despite their release in July 2023, political activists Chaima Issa and Lazhar Akremi who spent nearly five months arbitrarily detained in the same case have been banned from travelling and from “appearing in public spaces”.

I therefore urge you to ensure that Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj and Abdelhamid Jelassi, are immediately released from arbitrary detention. I also urge you to ensure 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 the release of the detained individuals, ensure that they have access to adequate healthcare, in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent. Moreover, I call on you to cease your targeted arrests of critics for the peaceful exercise of their rights to freedom of expression and peaceful assembly.

Yours sincerely,

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 11 February; dissident and politician Abdelhamid Jelassi arrested on 12 February; opposition activist Issam Chebbi arrested on 22 February; opposition activist Jaouhar Ben Mbarek arrested on 24 February; and finally, lawyers Ghazi Chaouachi and Ridha Belhaj arrested on 25 February. Prominent opposition figure Chaima Issa arrested on 22 February and dissident Lazhar Akreми arrested on 13 February were both provisionally released on 13 July 2023 after nearly five months of arbitrary detention.

On 12 February 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 27 February. According to human rights lawyer and member of the Defence 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 26 September 2023 to 12 October 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 Akreми 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 Defence 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 14 February 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 22 February 2023, President Saied [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 25 July 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 1 June 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French and English.
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 6 May 2024.

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

NAME AND PRONOUN: Chaima Issa (She/Her), Lazhar Akreми, Jaouhar Ben Mbarek, Khayyam Turki, Issam Chebbi, Ghazi Chaouachi, Ridha Belhaj and Abdelhamid Jelassi (He/Him).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde30/7273/2023/en/>