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TUNISIA: THE AUTHORITIES MUST RELEASE OPPOSITION FIGURES AND END POLITICALLY MOTIVATED PROSECUTIONS

The Tunisian authorities must immediately end prosecution of political opposition figures and release those who have been held for more than a year without valid grounds. Khayam Turki, Abdelhamid Jelassi, Issam Chebbi, Jaouhar Ben Mbarek, Ghazi Chaouachi and Ridha Belhaj have been detained arbitrarily since February 2023 in the so-called “[conspiracy case](#)”.

On 2 May 2024, the Indictment Chamber of the Tunis Court of First Instance referred 40 individuals, including the six mentioned above, to the Criminal Chamber of the Tunis Court of First Instance for trial and rejected the release request submitted on behalf of the six detainees.

Judicial authorities had previously turned down at least eight requests for provisional release of the six detainees, including in [August 2023](#) and [January 2024](#), despite the absence of any reliable evidence that implicates them in any wrongdoing and the fact that they had not been questioned since the first interrogation at the beginning of their detention in February 2023.

Between 11 and 25 February 2023, the “counter-terrorism” police brigade [arrested](#) the six political opposition figures in connection with [spurious charges](#) under the Tunisian Penal Code and the 2015-26 “counter-terrorism” Law. These charges include “conspiracy against state security” and attempting to “change the nature of the State”, which carries the death penalty under Article 72 of the Penal Code. Two other prominent opposition figures, Lazhar Akremi and Chaima Issa, were also arrested in February 2023 and detained in this case. They were eventually released on bail on 13 July 2023 pending investigation after spending six months in detention. Both Mr Akermi and Ms Issa were subject to a travel ban and a ban on “public appearances” upon their release.

During initial interrogations on 24 and 25 February 2023, the authorities [questioned](#) the detainees about their meetings with one another or with other political opposition figures and about communications and meetings with foreign diplomats, often on the basis of anonymous testimonies. Since then, however, the authorities have failed to question them further, nor have they presented any evidence to substantiate the serious criminal charges.

The evidence presented against the detainees and other suspects in the case included messages on their phones about conversations with diplomats and other foreign nationals, as well as messages to one another about the possibility of mobilizing peaceful opposition to what they called [President Saied’s](#) “coup.” All such acts are fully protected under the rights to freedom of expression, association, and peaceful assembly.

By arresting opposition figures and misusing the criminal justice system to stifle freedom of expression and quash political dissent, the Tunisian authorities are violating international human rights law, including the International Covenant on Civil and Political Rights by which Tunisia is bound. Moreover, extended pre-trial detention is almost always contrary to international human rights law and standards; pre-trial detention is a measure that should only be used in exceptional cases, and not as a tool against peaceful political opposition, especially against people against whom there is not a scrap of evidence of wrongdoing and who should never have been detained in the first place. Their prolonged pre-trial detention is even in breach of Tunisian law.

Since February 2023, the investigating judge [widened the list of suspects to be investigated](#). The investigation concluded in April 2024 with a decision to confirm the charges against 40 individuals including the aforementioned six detainees.

The list includes political opposition activists from different opposition groups such as Nouredine Bhiri, Sahbi Atig, Said Ferjani, Riadh Chaibi from the Nahdha party, president of the opposition coalition The Salvation Front Nejib Chebbi, independent opposition activist Mohamed Hamdi, human rights defenders Kamel Jendoubi, Ayachi Hammami and Bochra Bel Haj Hmida, in addition to businessmen, including private media shareholders.

The “conspiracy case” and other arbitrary criminal proceedings against [journalists](#), [critics](#), [lawyers](#), [perceived political opponents](#) and human rights activists have been taking place against a backdrop of [diminishing judicial independence](#), coupled with the executive’s interference in the administration of justice in Tunisia, which have fundamentally undermined defendants’ fair trial rights, including to the presumption of innocence.

President Kais Saied has repeatedly and [publicly branded](#) those detained under the conspiracy investigation as “terrorists” and [accused them](#) of plotting to attack the State and foment social tension. On 16 April 2024, President Kais Saied [called](#) for the prompt resolution of the “case of conspiracy against State security” and, referring to the defendants as “conspirators”, accused them of receiving money from foreign associations despite their being behind bars. This follows the President’s previous [pronouncement](#) that judges who “dared to exonerate” perceived political opponents would themselves be deemed complicit in their “offences”.

The undersigned organizations call on the Tunisian authorities to:

- Immediately release all those arbitrarily detained in the “conspiracy case”.
- Dismiss the unfounded charges against all those indicted by the indictment chamber; and
- Discontinue all politically motivated, arbitrary criminal proceedings against perceived political opponents and individuals detained or prosecuted solely for the exercise of their human rights.

SIGNATORIES

- The International Commission of Jurists
- Amnesty International
- Avocats Sans Frontières
- EuroMed Rights
- International Federation for Human Rights
- International Service for Human Rights

BACKGROUND

Under international human rights law and standards guaranteeing the right to liberty and the presumption of innocence, there is a presumption that people charged with a criminal offence will not be detained while awaiting trial. A defendant may only be detained pending trial in exceptional circumstances where the authorities must demonstrate that their deprivation of liberty pending trial is both necessary and proportionate for example in cases where there is a substantial reason to believe that if released the individual would abscond or commit a serious offence or interfere with the investigation or obstruct the course of justice. According to the UN Human Rights Committee, the notion of “arbitrariness” of detention includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. Moreover, arrest or detention as punishment solely for the legitimate exercise of the rights as guaranteed by the International Covenant on Civil and Political Rights, such as the rights to freedom of opinion and expression, freedom of assembly and freedom of association, is arbitrary.