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## “All Conspirators”

How Tunisia Uses Arbitrary Detention to Crush Dissent



# **“All Conspirators”**

How Tunisia Uses Arbitrary Detention to Crush Dissent

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## “All Conspirators”

### How Tunisia Uses Arbitrary Detention to Crush Dissent

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# Summary

Since President Kais Saied orchestrated the takeover of Tunisia’s state institutions on July 25, 2021, authorities have dramatically intensified their repression of dissent. That day, Saied dismissed the Prime Minister, suspended parliament, lifted parliamentary immunity, took over supervision of public prosecution, and implemented other extraordinary measures.<sup>1</sup> President Saied has since dismantled the country’s democratic institutions and increasingly clamped down on civil liberties. His government has turned arbitrary detention into a cornerstone of its repressive policy, aimed at depriving people of their civil and political rights. Not since the 2011 uprising have Tunisians’ hard-won civil liberties been under such threat and civic space so limited.

Since early 2023, Tunisian authorities have stepped up arbitrary arrests and detentions against voices perceived as critical of the government, targeting opponents from across the political spectrum, including lawyers, judges, activists, human rights defenders, journalists, social media users, and even family members of critics. The mere exercise of freedom of expression or political activities have become subject to punishment. Over 50 people were being held on political grounds or for exercising their rights as of January 2025.

This report documents Tunisian authorities’ increased reliance on arbitrary detention to punish dissent. It highlights the government’s use of politically motivated prosecutions, based on abusive or trumped-up charges, to target, intimidate, and ultimately silence critical voices. The report is based on documentation of 28 cases of detention and details the specific cases of 22 individuals, 5 women and 17 men, who have been arbitrary detained. Seventeen of them remain behind bars. At least fourteen people included in this report, who were charged often without any credible evidence of crimes, could face capital punishment if convicted.

Arbitrary detention for the exercise of fundamental rights such as freedom of expression or assembly has become commonplace in Tunisia. In order to stifle perceived critics, authorities have increasingly drawn from an aggressive legal toolbox, including unfounded security and terrorism related charges and offenses punishable by death. Tunisian

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<sup>1</sup> “Tunisia: President’s Seizure of Powers Threatens Rights,” Human Rights Watch news release, July 27, 2021, <https://hrw.org/news/2021/07/27/tunisia-presidents-seizure-powers-threatens-rights>.

authorities have relied heavily on overly broad and abusive accusations of “undermining external state security,” “conspiracy against state security” or attempting to “change the nature of the state” to crush critics.<sup>2</sup>

Authorities have also continued to try civilians before military courts in blatant violation of the rights to fair trial and due process. Around 20 critics have been tried before military courts since July 2021, including former members of parliament, journalists, lawyers, political opponents, and social media users.

Among those arbitrarily detained, many have been held for longer than 14 months, the maximum time permitted for pretrial detention in Tunisia.<sup>3</sup> In several cases of politically targeted individuals, judicial authorities have brought additional charges or issued additional detention orders to keep critics behind bars, sometimes without even bringing detainees before a judge.<sup>4</sup>

The targeting of dissent by security forces and judicial authorities is fueled at the highest level by President Saied, who has often accused government critics and unnamed political adversaries of being “traitors” and even “terrorists.” In his speeches, President Saied continually evokes an enemy within, demonizing his opponents and other actors such as civil society or judges to justify food shortages, power cuts, and other day-to-day challenges.<sup>5</sup> In one February 2023 speech, he scapegoated African migrants and refugees, triggering a wave of violence against them.<sup>6</sup> Tunisian activists have adopted the ironic slogan “We are all conspirators,” including in an online campaign, in response to the widespread repression.

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<sup>2</sup> Under articles 61bis, 62, 68, and 72 of the Penal Code, <https://legislation-securite.tn/latest-laws/decret-du-9-juillet-1913-portant-promulgation-du-code-penal/> (accessed March 7, 2025).

<sup>3</sup> Under article 85 of the Penal Procedure Code, <https://www.droit-afrique.com/upload/doc/tunisie/Tunisie-Code-2010-procedure-penale.pdf> (accessed January 30, 2025).

<sup>4</sup> Intersection, “Prison or Recycling: The Future of Political opponents in Tunisia,” September 12, 2024, <https://intersection.uno/wp-content/uploads/2024/09/Prison-or-Recycling-2.pdf> (accessed March 7, 2025).

<sup>5</sup> Presidency of the Tunisian Republic, “President Saied’s visit to the headquarters of the interior ministry,” February 14, 2023, <https://www.carthage.tn/ar/%D8%B2%D9%8A%D8%A7%D8%B1%D8%A9-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%85%D9%87%D9%88%D8%B1%D9%8A%D8%A9-%D9%82%D9%8A%D8%B3-%D8%B3%D8%B9%D9%8A%D8%AF-%D8%A5%D9%84%D9%89-%D9%85%D9%82%D8%B1-%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9> (accessed March 7, 2025).

<sup>6</sup> “Tunisia: Racist Violence Targets Black Migrants, Refugees,” Human Rights Watch news release, March 10, 2023, <https://www.hrw.org/news/2023/03/10/tunisia-racist-violence-targets-black-migrants-refugees>.

Successive reforms undertaken by President Saied since July 2021 have weakened government institutions designed to check presidential powers, consolidated his one-man rule, and contributed to significant regression of human rights. Among these major changes, the dissolution of the High Judicial Council in February 2022 seriously undermined the rule of law and allowed the executive to weaponize the judiciary for political ends.<sup>7</sup> The authorities' stranglehold on the judiciary, following repeated attacks on its independence, raises serious concerns about fair trial guarantees for those detained.<sup>8</sup>

Judges and prosecutors who have protested the executive's attacks on the rule of law and judicial independence since 2022 have faced restrictions on their freedoms of expression and association. Some judges have also been subjected to arbitrary disciplinary measures for their judicial decisions.<sup>9</sup> On several occasions, the authorities also targeted defense lawyers in connection with their expression and professional duties.<sup>10</sup>

Human Rights Watch also found that detainees are often being held in harsh detention conditions and that authorities have failed to provide adequate medical care to several prisoners detained for their peaceful opinions or political activities. At least twelve detainees in cases documented by Human Rights Watch have pre-existing medical conditions (such as diabetes, high blood pressure, high cholesterol, or arthritis), disabilities, or serious diseases including cancer. Prison authorities have denied detainees urgent medical care, while keeping their appointments with doctors brief and limited to basic consultations. According to interviews with former detainees, families, and lawyers, prison authorities have routinely failed to refer detainees to specialists. And even where they did so, authorities have failed to allow access to medical examination results, sometimes leading to worsening of prisoners' conditions. In at least two cases

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<sup>7</sup> "Tunisia: President's moves to shut down High Judicial Council pose grave threat to human rights," Amnesty International news release, February 8, 2022, <https://www.amnesty.org/en/latest/news/2022/02/tunisia-presidents-moves-to-shut-down-high-judicial-council-poses-grave-threat-to-human-rights/> (accessed March 7, 2025).

<sup>8</sup> "Tunisia: President Intensifies Attacks on Judicial Independence," Human Rights Watch news release, February 27, 2023, <https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence>.

<sup>9</sup> Association des Magistrats Tunisiens, "Communiqué sur la situation extrêmement grave du système judiciaire tunisien," April 16, 2024, <https://www.iaj-uim.org/iuw/wp-content/uploads/2024/05/Communique-sur-la-situation-de-la-justice-en-Tunisie-version-francaise.pdf>; International association of judges, statement on Tunisia, October 2024, [https://www.iaj-uim.org/iuw/wp-content/uploads/2024/10/Statement-on-Tunisia\\_Cape-Town-EN-1.pdf](https://www.iaj-uim.org/iuw/wp-content/uploads/2024/10/Statement-on-Tunisia_Cape-Town-EN-1.pdf) (accessed March 5, 2025).

<sup>10</sup> "Defending the defense – Strengthening the protection of lawyers to safeguard freedoms in Tunisia," Avocats Sans Frontières policy brief, January 27, 2025, <https://asf.be/publication/defending-the-defense-strengthening-the-protection-of-lawyers-to-safeguard-freedoms-in-tunisia-french/> (accessed March 7, 2025).

documented by Human Rights Watch, jail authorities arbitrarily withheld prescribed medication.

At least eight political opponents detained in Mornaguia and Messadine prisons had been subjected to 24/7 CCTV camera surveillance in their cells since March 2023, lawyers and family members told Human Rights Watch. At least eight were exposed to artificial light around the clock in the same prisons, which induces sleep deprivation, exerts additional psychological pressure on them, and could amount to ill-treatment. Two women held in Manouba prison were strip searched, which could constitute degrading treatment.

The authorities have retaliated against relatives of detainees who have denounced their arbitrary detention, including through prosecutions and intimidation. Lawyers and family members were arbitrarily denied visits in several cases, both in prison and when detainees were transferred to the hospital.

Tunisia's international partners, including the European Union and its member states, have largely failed to speak up against and publicly address the deteriorating human rights situation in Tunisia. The European Union appears to have privileged cooperation on other issues, including migration control, to the detriment of Tunisia's human situation and despite the detention of scores of critics. A controversial Memorandum of Understanding was signed by EU Commission President Ursula von der Leyen and President Kais Saied in July 2023.<sup>11</sup>

Tunisian authorities should release all those arbitrarily detained, drop charges against them, and stop prosecuting individuals on political grounds and for the exercise of their human rights. They should stop using arbitrary detention and archaic laws restricting fundamental rights as a tool to intimidate and muzzle dissent. The Tunisian government should also reverse all policies that compromise the judiciary's independence and should guarantee fair trial rights for all.

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<sup>11</sup> "EU Commission Should Stop Ignoring Tunisia's Abuses Against Migrants," Human Rights Watch news release, September 28, 2023, <https://www.hrw.org/news/2023/09/28/eu-commission-should-stop-ignoring-tunisias-abuses-against-migrants>.

The African Commission on Human and Peoples' Rights should write a letter of urgent appeal to the government of Tunisia regarding the regression of human rights in Tunisia, arbitrary detention, and the government's interference with the judiciary. It should urge Tunisia to take immediate steps to remedy the situation and immediately comply with the binding rulings of the African Court on Human and Peoples' Rights relating to the judiciary and cases of arbitrary detention. The African Court should in its annual report to the African Union Assembly, include any non-compliance with its rulings on Tunisia, and request that the African Union Executive Council urge Tunisia to comply with the rulings.

The international community and Tunisia's partners should urge the government to end its crackdown on dissent and release all those arbitrarily detained. They should urge authorities to protect space for freedom of expression, association, and assembly, put respect for fundamental rights at the core of their relations with Tunisia, and review any cooperation with entities responsible for human rights abuses.

# Recommendations

## To the Tunisian Government

- End restrictions on freedom of expression, the press, association, and assembly.
- Release all individuals arbitrarily detained, including for the exercise of their human rights. Drop charges against them.
- Stop prosecuting people solely for exercising their rights to freedom of expression, association, and assembly, or because of their peaceful political affiliations or opinions.
- Stop using archaic laws that curtail freedom of expression to target voices critical of the government, including restrictive provisions of the Penal Code, the Telecommunications Code, and Decree-Law 2022-54 on Cybercrime.
- Stop using counterterrorism and money laundering legislation to target peaceful activists and human rights defenders.
- Cease prosecution of civilians in military courts in violation of their right to a fair trial and due process guarantees.
- Reverse all policies that compromise the judiciary's independence from the executive, re-establish the independence of the High Judicial Council, and heed all judicial rulings.

## To Parliament

- Repeal Decree-Law 2022-35, which gives the president authority to summarily fire judges and prosecutors.
- Repeal Decree-Law 2022-516 under which President Saied fired 57 judges and prosecutors on June 1, 2022.
- Repeal Decree-Law 2022-54 on Cybercrime, as well as all other restrictive, vague, or overbroad provisions of codes used to criminalize free expression and interfere with privacy rights, including in the Penal Code, the Telecommunications Code, and Military Justice Code.
- Repeal existing provisions that allow civilians to be prosecuted before military courts.

## To the Ministry of Justice

- Implement the Tunis Administrative Court order of August 9, 2022, which ordered the Ministry of Justice to reinstate 49 of the 57 magistrates arbitrarily dismissed by President Saied.
- End judicial harassment, restrictions on freedom of expression and assembly, and unjust prosecutions of magistrates.
- End harassment and prosecution of defense lawyers for exercising their rights and defending their clients.
- Direct prosecutors not to use Decree-Law 2022-54 on Cybercrime, the Telecommunications Code and Penal Code to prosecute people for peaceful speech on matters of public interest, specifically articles 67, 128, 245, and 247 of the Penal Code and article 86 of the Telecommunications Code.
- Stop using preventive detention as a general practice and only resort to it in exceptional cases as mandated by international and Tunisian law.
- Guarantee quick, automatic, and regular independent judicial review of each person detained, including in military and preventive detention. Ensure all detainees are promptly brought before a judge or judicial panel within 48 hours to determine the legality and necessity of their detention and to order their immediate release if detention is not lawful or justified.
- Ensure that the General Directorate of Prisons and Rehabilitation ensures humane conditions of detention and provides adequate access to health care and disability support services, including psychosocial support, for detainees. Provide redress for detainees who have experienced ill-treatment or who have been denied adequate medical care or mental health services.

## To the International Community

- Privately and publicly urge Tunisian authorities to end the crackdown on peaceful dissent and on those exercising internationally recognized rights, release all individuals arbitrarily detained, including for the exercise of their human rights, and drop all charges against them.
- Raise concerns on the deteriorating human rights situation in Tunisia and call for the release of those arbitrarily detained in interventions at international and African fora, including the African Commission on Human and Peoples' Rights, the African Union Assembly, and the UN Human Rights Council.

- Systematically send monitors and observers, through embassies or local missions, to the court proceedings of those arbitrarily detained or abusively prosecuted by the authorities.
- Urge authorities to protect privacy rights and space for freedom of expression, association, and assembly.
- Conduct a review of international cooperation with Tunisian authorities to ensure it is tied to compliance with international human rights obligations and contributes to secure concrete, structural, and timebound human rights progress and reforms in Tunisia.

## **Methodology**

Human Rights Watch documented the prosecution and detention of six women and 22 men arrested between December 2022 and August 2024 for this report. We conducted interviews with 18 defense lawyers and 13 family members of detainees either in person in Tunis or through messaging apps, interviewed former detainees, and reviewed judicial files as well as police reports related to 16 cases. This report is also based on a review and analysis of relevant laws and practices and open-source information.

All interviews were conducted in Arabic or French. Human Rights Watch explained the purpose of the interviews to interviewees and obtained their consent to use the information they provided for this report. Human Rights Watch did not pay interviewees. All names included in this report are with the express permission of detainees or their families.

Many of the cases documented in this report are ongoing and details are current at time of writing.

Human Rights Watch sent letters, annexed to this report, to the Justice Ministry and the General Directorate of Prisons and Rehabilitation on February 18 to request additional information, but had not received a response by the time of publication.

## Arbitrary and Abusive Cases of Detention

In February 2023, authorities carried out a first wave of arrests targeting public figures deemed critical of the government, including opposition leaders, lawyers, judges, the director of a radio station, and a businessman.<sup>12</sup> Most were later placed in pretrial detention and prosecuted as part of a notorious case known as the “Conspiracy Case.” This initial round-up led to an acceleration of repression and arbitrary arrests.<sup>13</sup>

That same month, President Saied undermined the presumption of innocence of those arrested in February 2023 by referring to them as “terrorists” and “traitors.”<sup>14</sup> In April, he repeated his remarks and said that some detainees continued “conspiring even behind bars,”<sup>15</sup> warning that he was “not ready to hand over the country to those who have no patriotism.”<sup>16</sup>

Tunisian authorities have since relied heavily on overly broad accusations of “undermining external state security,” “conspiracy against state security,” or attempting to “change the nature of the state” to crush critics.<sup>17</sup> These were brought against defendants in 17 out of the 28 cases documented in this report. Fifteen people included in this report have been charged or convicted, often without any credible evidence, with attempting to “change the nature of the state,” an offense which can carry the death penalty.

The authorities have also made extensive use of abusive terrorism-related charges against critics, including some that carry the death penalty.<sup>18</sup> Of the 28 cases documented in this report, 11 include terrorism-related charges. The 2015 Counterterrorism Law allows

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<sup>12</sup> “Tunisia: Wave of Arrests Targets Critics and Opposition Figures,” Human Rights Watch news release, February 24, 2023, <https://www.hrw.org/news/2023/02/24/tunisia-wave-arrests-targets-critics-and-opposition-figures>.

<sup>13</sup> Human Rights Watch *World Report 2024* (New York: Human Rights Watch, 2024), Tunisia chapter, <https://www.hrw.org/world-report/2024/country-chapters/tunisia>.

<sup>14</sup> “Tunisia: Wave of Arrests Targets Critics and Opposition Figures,” Human Rights Watch news release, February 24, 2023, <https://www.hrw.org/news/2023/02/24/tunisia-wave-arrests-targets-critics-and-opposition-figures>.

<sup>15</sup> “President Saied’s remarks at a national security council,” video, Tunisian Presidency Facebook page, April 15, 2023, [https://www.facebook.com/watch/?ref=embed\\_video&v=3038569469614546](https://www.facebook.com/watch/?ref=embed_video&v=3038569469614546) (accessed March 10, 2025).

<sup>16</sup> “President Saied’s remarks at the 23rd anniversary of President Habib Bourguiba’s passing,” video, Tunisian Presidency Facebook page, April 6, 2023, <https://www.facebook.com/watch/?v=3473630082916782> (accessed March 7, 2025).

<sup>17</sup> Under articles 61bis, 62, 68, and 72 of the Penal Code.

<sup>18</sup> Organic Law No. 2015-26 of August 7, 2015, on the Fight Against Terrorism and the Repression of Money Laundering, <https://legislation-securite.tn/latest-laws/loi-organique-n-2015-26-du-7-aout-2015-relative-a-la-lutte-contre-le-terrorisme-et-a-la-repression-du-blanchiment-dargent/> (accessed March 7, 2025).

authorities to hold a suspect in custody for 15 days and denies them access to legal counsel for the first 48 hours. The law also guarantees anonymity for witnesses and informants.<sup>19</sup> All these provisions restrict the rights of the accused to an effective defense, including by curtailing their ability to contest incriminating testimony.

## The “Conspiracy Case” of February 2023

In the notorious “Conspiracy Case,” as it has become known, a Tunis prosecutor charged lawyers, political opponents, activists, researchers, and businessmen of plotting to overthrow President Saied’s authority by destabilizing the country, and even of plotting to assassinate him.<sup>20</sup> While most of the defendants are not in custody and some are outside the country, at least 12 suspects were arrested in February 2023 and eight remain in detention as of January 2025. On May 2, 2024, 40 of the initial 52 defendants were charged and referred to trial under numerous articles of the Penal Code and the 2015 Counterterrorism Law, including some that carry the death penalty.

Human Rights Watch reviewed the investigating judge’s 140-page closing order of April 12, 2024 – terminating the investigation and allowing the case to be referred to trial – which shows that the serious charges appear unfounded and based on scant evidence. The so-called evidence is limited to two anonymous depositions by a “witness” and an “informant,” which prompted the investigation, as well as private conversations on messaging apps between activists, foreign diplomats, journalists, and researchers.

The case went to trial on March 4, 2025.<sup>21</sup>

### *Defendants in the Conspiracy Case*

Human Rights Watch documented the following eight cases of political activists in the “Conspiracy Case.” They include six who have been unjustly detained for over two years

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<sup>19</sup> Organic Law No. 2015-26 of August 7, 2015, on the Fight Against Terrorism and the Repression of Money Laundering, <https://legislation-securite.tn/latest-laws/loi-organique-n-2015-26-du-7-aout-2015-relative-a-la-lutte-contre-le-terrorisme-et-a-la-repression-du-blanchiment-dargent/> (accessed March 4, 2025).

<sup>20</sup> Monia Ben Hamadi, “En Tunisie, la justice accuse des opposants, des journalistes et BHL de « complot »,” *Le Monde*, April 24, 2024, [https://www.lemonde.fr/afrique/article/2024/04/24/en-tunisie-la-justice-accuse-des-opposants-des-journalistes-et-bhl-de-complot\\_6229706\\_3212.html](https://www.lemonde.fr/afrique/article/2024/04/24/en-tunisie-la-justice-accuse-des-opposants-des-journalistes-et-bhl-de-complot_6229706_3212.html) (accessed March 7, 2025).

<sup>21</sup> Bassam Khawaja, “Abusive Conspiracy Trial Opens in Tunis,” Human Rights Watch commentary, March 5, 2025, <https://www.hrw.org/news/2025/03/05/abusive-conspiracy-trial-opens-tunis>.

merely for discussing political strategy among themselves in person or on messaging apps, or for meeting (or organizing meetings) with foreign diplomats or international NGO staff between 2021 and 2023.<sup>22</sup>

National Salvation Front (NSF) opposition coalition leaders Jaouhar Ben Mbarek and Chaima Issa, Jomhuri party leader Issam Chebbi, political opponents Abdelhamid Jelassi and Khayam Turki, and lawyers Ridha Belhaj, Ghazi Chaouachi, and Lazhar Akremi were all arrested within less than three weeks of each other in February 2023 and later charged in the same case. Six of them – Belhaj, Ben Mbarek, Chaouachi, Chebbi, Jelassi, and Turki – had been detained for 24 months at time of writing, exceeding the 14-month legal limit of remand detention under Tunisian law. In the past two years, all six were heard only once by the investigating judge in this case, except for Turki, who was heard twice.<sup>23</sup>

Ben Mbarek, Chebbi, Belhaj, and Chaouachi have been charged for meeting or having contact with opposition activists and US and French diplomats, and even, in Chebbi’s case, with an international NGO staff member.<sup>24</sup>

Ben Mbarek, 56, was arrested by security officers in his home in Tunis on February 23, 2023. He was accused of “being a link between foreign parties and the suspects” and was additionally charged with “insulting the president” for allegedly calling President Saied a “maniac” during a demonstration.<sup>25</sup>

Chebbi, 67, was arrested on February 22, 2023, by counterterrorism forces on the street in Tunis. The officers didn’t show an arrest warrant, his wife Faiza told the media.<sup>26</sup>

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<sup>22</sup> Including US, UK, Italian, Spanish, French, and EU officials, based on the indictment reviewed by Human Rights Watch.

<sup>23</sup> Human Rights Watch telephone interview with Yosr Hamid, lawyer, January 15, 2025.

<sup>24</sup> Under articles 1, 13, 32, 37, and 40 of the Counterterrorism Law and under articles of the Penal Code.

<sup>25</sup> Under article 67 of the Penal Code.

<sup>26</sup> Faiza Rahem interview, livestream video, Kashf TV Facebook page, February 22, 2023, <https://www.facebook.com/kashftv/videos/585318723216390> (accessed March 7, 2025).



Lazhar Akremi. © 2023 FETHI BELAID/AFP via Getty Images



Ridha Belhaj. © Private



Jaouhar Ben Mbarek. © Private



Ghazi Chaouachi. © Private



Issam Chebbi. © Private



Chaim Issa. © 2023 AP Photo/Hassene Dridi



Abdelhamid Jelassi. © Private



Khayam Turki. © Private

Belhaj, a 63-year-old lawyer and NSF member, and Chaouachi, a 62-year-old lawyer, former minister, and ex-member of parliament, were both arrested on February 24, 2023. The next day, an investigating judge of the Anti-Terrorism Unit of the Tunis First Instance Court questioned them separately about their political ties and activities before detaining them. Chaouachi was also accused of “insulting the president” in private messages.<sup>27</sup>

Opposition activist Chaima Issa and lawyer Lazhar Akremi were also arrested in February 2023. On July 13, 2023, a judge granted them provisional release but placed them under a travel ban and banned them from appearing in public places.<sup>28</sup> The ban from public places was later lifted.

Separately, the investigative judge charged Turki alongside the Ennahda opposition party’s vice president and former justice minister, Nouredine Bhiri, and a third suspect of being behind a “criminal terrorist organization” aimed at “overthrowing” the government.<sup>29</sup> According to a lawyer on their defense committee, the three never met.<sup>30</sup>

Turki, 59, was arrested on February 11, 2023, by officers of the Anti-Terrorism Unit of the National Guard in his home in Tunis. Bhiri, 66, was arrested on February 13, 2023, also in his home, as part of a separate investigation. Both were charged in this case of “harming food security and the environment by jeopardizing the stability of food and environmental systems,” funding a “terrorist” organization, and “conspiracy against internal and external state security.”<sup>31</sup>

Abdelhamid Jelassi, a 64-year-old NSF activist and former Ennahda party member, was arrested on February 11, 2023, as part of this case. He faces terrorism-related and conspiracy charges for publishing articles critical of President Saied’s power grab, calling it a “coup” on a radio station, and for communicating with political opponents and foreign

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<sup>27</sup> Indictment reviewed by Human Rights Watch.

<sup>28</sup> “En Tunisie, Chaima Issa et Lazhar Akremi, deux opposants de premier plan, vont être remis en liberté,” *Le Monde*, July 13, 2023, [https://www.lemonde.fr/afrique/article/2023/07/13/en-tunisie-chaima-issa-et-lazhar-akremi-deux-opposants-de-premier-plan-vont-etre-remis-en-liberte\\_6181878\\_3212.html](https://www.lemonde.fr/afrique/article/2023/07/13/en-tunisie-chaima-issa-et-lazhar-akremi-deux-opposants-de-premier-plan-vont-etre-remis-en-liberte_6181878_3212.html) (accessed March 7, 2025).

<sup>29</sup> Indictment reviewed by Human Rights Watch.

<sup>30</sup> Human Rights Watch interview with lawyer Yosr Hamid, January 15, 2024.

<sup>31</sup> Under articles 1, 5bis, 13, 14, 32, and 36 of the 2015 Counterterrorism Law, and articles 61bis, 62, 68, and 72 of the Penal Code.

nationals about how to engage with other states regarding Tunisia’s political situation.<sup>32</sup> Jelassi has throat cancer and other health complications and needs regular hospital treatment. Since his imprisonment, he has developed respiratory problems and has not received the medical care he needs.<sup>33</sup>

The United Nations Working Group on Arbitrary Detention issued an opinion in August 2024 regarding Belhaj, Ben Mbarek, Chaouachi, Chebbi, Jelassi, Turki, Akremi, and Issa, confirming their arbitrary detention. The Working Group called on Tunisian authorities to immediately take the “steps necessary to remedy the situation of the eight individuals without delay and bring it into conformity with the relevant international norms,” including their immediate and unconditional release, a guarantee of their right to reparations, and an investigation into the circumstances surrounding their arrest and arbitrary detention.<sup>34</sup>

### *Additional Charges*

Some of the defendants in the “Conspiracy Case” face additional politically motivated prosecutions, including for speech offenses, highlighting the broad nature of this crackdown.

Ghazi Chaouachi is accused—based on a complaint by Justice Minister Leila Jaffel—of spreading “fake news” under the Cybercrime Law and the Penal Code, for stating on November 18, 2022, that the Ministry of Justice had been fabricating files against the opposition and harassing judges dismissed by President Saied on June 1, 2022.<sup>35</sup> He could face up to 12 years in prison. On January 29, 2024, a Tunis court sentenced Chaouachi’s son, Elyes, in absentia to three years in prison for publicly denouncing his father’s detention conditions.<sup>36</sup>

On February 22, 2024, Jaouhar Ben Mbarek was sentenced to six months imprisonment in absentia under the same Decree-Law 54 on Cybercrime for declaring on the radio on January

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<sup>32</sup> Under articles 1, 13, 32, 37, and 40 of the Counterterrorism Law, and articles 68 and 72 of the Penal Code.

<sup>33</sup> Human Rights Watch interview with members of the League of the Families of Political Detainees, April 24, 2024.

<sup>34</sup> UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its 100th session, 26-30 August 2024, Opinion No. 35/2024, <https://docs.un.org/A/HRC/WGAD/2024/35> (accessed March 4, 2025).

<sup>35</sup> Under article 24 of Decree-law 54 and article 128 of the Penal Code.

<sup>36</sup> Under article 67 of the Penal Code; Human Rights Watch telephone interview with Elyes Chaouachi, February 17, 2025; Elyes Chaouachi interview, Atteasia TV channel, June 7, 2023, <https://www.facebook.com/watch/?v=172791322193766> (accessed on March 7, 2025).

11, 2023, that the 2022 parliamentary elections were a “comedy.”<sup>37</sup> The initial complaint was filed by the head of Tunisia's electoral commission which President Saied restructured in April 2022 to place under his control, according to Ben Mbarek’s sister Dalila.<sup>38</sup>

## Instalingo Case

In September 2021, a Sousse state prosecutor opened an investigation into Tunisian digital content production company Instalingo for allegedly criticizing the government. It has since evolved into a broader investigation with political, security, and financial dimensions. The prosecutor initially accused the company, whose customers include Arabic language media outlets critical of President Saied, of inciting violence, slandering the president, and attempting to change the nature of the state. The latter is punishable by the death penalty.<sup>39</sup>

Judicial authorities have expanded the investigation to encompass dozens of suspects, some of whom are neither Instalingo employees nor directly connected to the company. These include political opponents and former officials allegedly belonging to a financial network connecting Tunisia’s largest opposition party, Ennahda, to the company. The suspects were accused of attempting to destabilize President Saied’s authority, to advance the agenda of Ennahda within state institutions, and of money laundering.<sup>40</sup>

On July 20, 2023, 41 suspects were charged in this case with undermining state security, attempting to change the nature of the state, inciting inhabitants to attack each other with weapons, provoking riots, murder, and looting on Tunisian territory, insulting the president, plotting to commit attacks on state security, and money laundering.<sup>41</sup> The case file, which Human Rights Watch reviewed in part, relies mainly on two accusations, publications, and private messages.<sup>42</sup>

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<sup>37</sup> Jawhar Ben Mbarek interview, Jawhara FM, January 11, 2023, [facebook.com/Radio.JawharaFM/videos/713115633707178](https://www.facebook.com/Radio.JawharaFM/videos/713115633707178) (accessed on March 7, 2025).

<sup>38</sup> “Jaouhar Ben Mbarek entendu suite à une plainte déposée par Farouk Bouasker,” *Businessnews*, July 4, 2023, <https://www.businessnews.com.tn/article,520,130321,3> (accessed March 27, 2025).

<sup>39</sup> Human Rights Watch in-person and online interviews with lawyers and sources with knowledge of the case, May 2023 to March 2024.

<sup>40</sup> Based on Human Rights Watch in-person and telephone interviews with three lawyers in the case and sources with knowledge of the case, May 2023 to December 2024.

<sup>41</sup> Under articles 61bis, 67, 68, and 72 of the Penal Code and articles 92, 93, and 94 of the 2015 Counterterrorism Law.

<sup>42</sup> Based on police reports, minutes from hearings with the investigative judge, sections of the indictment reviewed by Human Rights Watch, and interviews with lawyers and sources with knowledge of the case.

The Instalingo trial started on December 13, 2024, over three years after the first arrests. On February 4, the Tunis First Instance Court convicted all defendants and handed them sentences ranging from five to 38 years in prison.<sup>43</sup> More than fifteen people are currently imprisoned, a majority whom had been held, prior to the trial, for periods that exceeded the 14-month legal limit of pre-trial detention under Tunisian law.<sup>44</sup>

Human Rights Watch investigated the charges against three suspects in this case, Chadha Hadj Mbarek, Said Ferjani, and Riadh Bettaieb. All three only saw the investigating judge once before the trial, lawyers and a source with knowledge of the case told Human Rights Watch.<sup>45</sup>

### *Riadh Bettaieb*

Riadh Bettaieb, 64, a dual Tunisian and French national, former investment and international cooperation minister, and Ennahda party member, is serving an eight-year prison sentence for “attempting to change the nature of the state” and “conspiring against external state security.”<sup>46</sup> Bettaieb has been detained since February 23, 2023, and has no ties to Instalingo, according to a source with knowledge of the case.<sup>47</sup>



Riadh Bettaieb. © Private

Police arrested Bettaieb at Tunis International Airport without showing a warrant, as he was about to board a plane to France. Bettaieb was only informed of the accusations against him hours later, when officers of the Complex Financial Crime Unit of the National Guard questioned him in El Gorjani barracks.<sup>48</sup>

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<sup>43</sup> Human Rights Watch reviewed the February 4, 2025, judgment.

<sup>44</sup> Lawyer Mokhtar Jemai's comments to media, TuMedia, February 4, 2025, [https://www.facebook.com/Tumedia50/videos/%D9%85%D9%88%D8%A7%D9%83%D8%A8%D8%A9-%D9%84%D9%82%D8%B6%D9%8A%D8%A9-%D8%A7%D9%86%D8%B3%D8%AA%D8%A7%D9%84%D9%8A%D9%86%D8%BA%D9%88-%D8%AA%D9%88%D9%85%D9%8A%D8%AF%D9%8A%D8%A7\\_%D9%84%D8%A7%D9%8A%D9%81/963455962411956/?mibextid=wwXlfr&rdid=CmLF27U8Gbqr2ADU](https://www.facebook.com/Tumedia50/videos/%D9%85%D9%88%D8%A7%D9%83%D8%A8%D8%A9-%D9%84%D9%82%D8%B6%D9%8A%D8%A9-%D8%A7%D9%86%D8%B3%D8%AA%D8%A7%D9%84%D9%8A%D9%86%D8%BA%D9%88-%D8%AA%D9%88%D9%85%D9%8A%D8%AF%D9%8A%D8%A7_%D9%84%D8%A7%D9%8A%D9%81/963455962411956/?mibextid=wwXlfr&rdid=CmLF27U8Gbqr2ADU) (accessed April 14, 2025).

<sup>45</sup> Human Rights Watch telephone interviews with Zouheir Belhaj Amor, lawyer, November 30, 2024; interviews with two other sources with knowledge of the case file, on January 17 and 19, 2024.

<sup>46</sup> Under article 72 of the Penal Code; February 4 judgement reviewed by Human Rights Watch.

<sup>47</sup> Human Rights Watch telephone interview with a source with knowledge of the case file, January 19, 2024.

<sup>48</sup> Human Rights Watch telephone interview with a source with knowledge of the case file, January 19, 2024.

Bettaieb was heard by an investigative judge on February 27, 2023, at the Sousse 2 First Instance Court, who questioned him about the Ennahda party and about a 2014 check for 75,000 Tunisian Dinars (US\$24,000) paid to another suspect in the case. A source with knowledge of the case file told Human Rights Watch that Bettaieb’s defense lawyers provided evidence that it was repayment for a loan borrowed months earlier.<sup>49</sup> The judge nevertheless issued a detention warrant. Bettaieb was also accused of “smuggling cash from Turkey and Qatar” into Tunisia as part of a “criminal conspiracy,” mainly based on pictures found on another defendant’s phone showing Bettaieb with a high-ranking Turkish official, which does not constitute credible evidence.<sup>50</sup>

On July 20, 2023, Bettaieb had been charged with attempting to “change the nature of the state,” “undermining the state’s external security,” “insulting the president,” and money laundering.<sup>51</sup>

Messadine prison authorities have at times withheld specific medication that Bettaieb’s family brought him from France to treat symptoms of his type 2 diabetes, his family told Human Rights Watch.<sup>52</sup> They also failed to provide Bettaieb’s medical results after he was admitted to the hospital twice between 2023 and 2024 for health crises.<sup>53</sup>

### *Said Ferjani*

Senior Ennahda party leader and former member of parliament Said Ferjani, 70, has been detained since February 27, 2023, as part of the Instalingo case. According to his lawyers and family, Ferjani has no connection to Instalingo.<sup>54</sup> On February 4, he was sentenced to 13 years in prison for “conspiracy against state security” and attempting to “change the nature of the State.” An



Said Ferjani. © Private

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<sup>49</sup> Human Rights Watch telephone interview with a source with knowledge of the case file, January 19, 2024.

<sup>50</sup> Based on the indictment issued on July 20, 2023, reviewed by Human Rights Watch.

<sup>51</sup> According to the indictment reviewed by Human Rights Watch; under articles 72, 61bis, and 67 of the Penal Code and articles 92, 93, and 94 of the 2015 Counterterrorism and Money Laundering Laws.

<sup>52</sup> Human Rights Watch telephone interview with Riadh Bettaieb’s family, June 15, 2023.

<sup>53</sup> Human Rights Watch telephone interview with a source with knowledge of the case file, January 19, 2024.

<sup>54</sup> Human Rights Watch telephone interview with Zouheir Belhaj Amor, lawyer, May 2, 2024.

investigating judge of the Sousse 2 First Instance Court heard and detained him on March 1, 2023.

The public prosecutor accused Ferjani, based on a “witness” deposition, of blackmailing an official with a sex tape – the existence of which was never proven – and of “trying to influence appointments in the interior ministry” for Ennahda’s benefit with the help of “internal and foreign parties.” Ferjani was charged with attempting to “change the nature of the state,” “undermining external State security,” “insulting the president,” and money laundering.<sup>55</sup>

Separately, Ferjani faces unfounded terrorism-related and “conspiracy” charges in the notorious “Conspiracy Case” of February 2023. He was charged with recruiting influential people to carry out the “conspirators’ propaganda.”<sup>56</sup>

### *Chadha Hadj Mbarek*

Chadha Hadj Mbarek, 39, a journalist and Instalingo employee, is serving a five-year prison sentence for attempting to “change the nature of the state.” She has been detained since July 22, 2023, apparently merely for her work as journalist in the company.



Chadha Hadj Mbarek. © Private

According to her lawyer, Hadj Mbarek’s role was to produce lifestyle content for a Facebook page managed by Instalingo and to proofread other content.<sup>57</sup> She was first arrested by plainclothes security officers at the Instalingo headquarters in the suburbs of Sousse and taken into custody on September 10, 2021. An investigative judge of the Sousse 2 First Instance Court heard Hadj Mbarek on September 17, 2021, and ordered her release pending an investigation. However, the public prosecutor appealed the judge’s decision, and a detention warrant was issued for her in November 2021. The investigative judge

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<sup>55</sup> Based on the July 20, 2023, indictment reviewed by Human Rights Watch.

<sup>56</sup> According to the closing order of the investigating judge issued on April 12, 2024, reviewed by Human Rights Watch.

<sup>57</sup> Human Rights Watch interview with Hadj Mbarek’s lawyer, January 17, 2024.

decided to close the investigation and drop all charges against her and other suspects on June 16, 2023.<sup>58</sup>

Nevertheless, the public prosecutor again appealed the judge's decision. On July 20, 2023, the chamber of accusations formally indicted Hadj Mbarek for “undermining the state’s external security” and ordered her immediate detention. Within hours, National Guard cars surrounded Hadj Mbarek’s family home in Kelibia and officers arrested the journalist, according to her brother Amen Hadj Mbarek.<sup>59</sup>

In September 2023, Amen, their brother Bassam, and their father, Mohamed Saleh, were detained for 12 days in Tunis’ Bouchoucha and Gorjani barracks for obtaining Hadj Mbarek’s file. The three men were questioned by an investigative judge of the Anti-Terrorist Unit of the Tunis First Instance Court as part of the same case, before being released.<sup>60</sup>

Hadj Mbarek has faced poor conditions of detention and a lack of reasonable accommodation and support for her disability. She has a state-recognized hearing disability, and her incarceration conditions in Messadine prison are not suitable for her disability, which has since gotten worse. Her brother Amen told Human Rights Watch that during family visits, they were hardly able to hear each other through the glass and prison authorities did not provide paper and pen to help the family communicate. Since her unjust prosecution and her first arrest, Hadj Mbarek has experienced depression and was taking prescribed anti-depressants. “She lost her livelihood and being associated with a conspiracy and terrorism case made her feel like a pariah,” Amen said. Yet prison authorities have consistently refused to allow Hadj Mbarek access to her medication, her brother said, and cellmates “ostracized her,” called her a “terrorist,” and beat her twice while in detention. Prison authorities have since transferred Hadj Mbarek to another cell.<sup>61</sup>

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<sup>58</sup> Human Rights Watch interview with Chadha Hadj Mbarek’s lawyer, January 17, 2024.

<sup>59</sup> Human Rights Watch telephone interview with Amen Hadj Mbarek, January 20, 2024.

<sup>60</sup> Human Rights Watch telephone interview with Amen Hadj Mbarek, January 20, 2024.

<sup>61</sup> Human Rights Watch telephone interview with Amen Hadj Mbarek, January 20, 2024.

## Other Prominent Cases of Political Detention

### *Sihem Bensedrine*

Sihem Bensedrine, 74, is a prominent human rights defender and former president of Tunisia’s Truth and Dignity Commission, which was tasked with uncovering abuses committed between 1955 and 2013 and proposing measures for accountability, remedy, and rehabilitation. She has worked for nearly 40 years to expose human rights violations in Tunisia.<sup>62</sup> On August 1, 2024, a judge ordered her detained on charges of “using her position to gain unfair advantage,” “fraud,” and “forgery” in connection with the commission’s final report.<sup>63</sup>



Sihem Bensedrine. © 2018  
NICOLAS MAETERLINCK/AFP via  
Getty Images

Bensedrine was detained apparently in retaliation for her work on accountability for decades of human rights abuses. She has strongly criticized President Saied and denounced his “incessant assaults on democracy.”<sup>64</sup> On August 8, 2024, three UN experts said Bensedrine’s arrest “could amount to judicial harassment...for work she has undertaken” as head of the Commission. She faces prosecution in four other cases related to that work.<sup>65</sup>

The public prosecutor of the Tunis First Instance Court opened an investigation into Bensedrine in February 2023, following a May 2020 complaint by a former Commission member who claimed Bensedrine had falsified the Commission’s official report on alleged corruption in the banking system. The complainant claimed that the final report published in the Official Gazette was inconsistent with a prior version presented to former President

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<sup>62</sup> Eric Goldstein, “Tunisia Appointed a Transitional Justice Czar, and Then Imprisoned Her,” *DAWN*, September 4, 2024, <https://dawnmena.org/tunisia-appointed-a-transitional-justice-czar-and-then-imprisoned-her/> (accessed March 5, 2025).

<sup>63</sup> “Tunisia: Release Former Truth Commission President,” Human Rights Watch news release, September 30, 2024, <https://www.hrw.org/news/2024/09/30/tunisia-release-former-truth-commission-president>.

<sup>64</sup> Sihem Bensedrine, “A Poisonous Dictatorship has been Built in Tunisia, the Birthplace of the Arab Spring,” *Guardian*, March 31, 2023, <https://www.theguardian.com/global-development/commentisfree/2023/mar/31/dictatorship-tunisia-kais-saied-sihem-bensedrine> (accessed March 4, 2025).

<sup>65</sup> “UN Experts Call for Justice for Tunisian Human Rights Defender,” UN Office of the High Commissioner for Human Rights news release, August 8, 2024, <https://www.ohchr.org/en/press-releases/2024/08/un-experts-call-justice-tunisian-human-rights-defender> (accessed March 4, 2025).

Beji Caid Essebsi on December 31, 2018.<sup>66</sup> However, the 2018 draft was unfinished, and Commission members were expected to edit the draft in January 2019, as confirmed by Commission minutes reviewed by Human Rights Watch. According to Bensedrine’s lawyers, her detention is based solely on this one complaint.<sup>67</sup>

On January 14, 2025, Bensedrine, began a hunger strike to protest her detention in Manouba prison.<sup>68</sup> On January 26, she was transferred to a hospital and denied family visits. On January 28, a judge extended her detention four more months.<sup>69</sup> She ended her hunger strike on January 30 due to serious risks to her health.

On February 19, a judge ordered the release of Bensedrine pending trial but placed her under a travel ban.<sup>70</sup>

### *Rayan Hamzaoui*

Hamzaoui, 36, the former independent mayor of Ezzahra in the southern outskirts of Tunis, has been detained since May 18, 2023. Masked officers of the National Guard’s Anti-Terrorist Unit arrested him in his home in Ezzahra following an investigation into terrorism-related offenses and “conspiracy” against state security. The officers took him to El Aouina Barracks and questioned him.<sup>71</sup>



Rayan Hamzaoui. © Private

The investigation, which involves 21 suspects including several political opposition figures and former officials, is based on a written accusation by an anonymous informant, claiming that the former head of President Saied’s presidential

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<sup>66</sup> Truth and Dignity Commission, The Final Comprehensive Report, May 2019, [https://truthcommissions.humanities.mcmaster.ca/wp-content/uploads/2020/11/Tunisia-Truth-and-Dignity-Commission-Report\\_executive\\_summary\\_report.pdf](https://truthcommissions.humanities.mcmaster.ca/wp-content/uploads/2020/11/Tunisia-Truth-and-Dignity-Commission-Report_executive_summary_report.pdf) (accessed March 4, 2025).

<sup>67</sup> “Tunisia: Release Former Truth Commission President,” Human Rights Watch news release, September 30, 2024, <https://www.hrw.org/news/2024/09/30/tunisia-release-former-truth-commission-president>.

<sup>68</sup> Bassam Khawaja, “Tunisian Human Rights Defender on Hunger Strike,” Human Rights Watch news release, January 17, 2025, <https://hrw.org/news/2025/01/17/tunisian-human-rights-defender-hunger-strike>.

<sup>69</sup> Bassam Khawaja, “Tunisian Human Rights Defender on Hunger Strike,” Human Rights Watch news release, January 17, 2025, <https://hrw.org/news/2025/01/17/tunisian-human-rights-defender-hunger-strike>.

<sup>70</sup> Tunisia court orders release of top rights activist, *France 24/AFP*, February 19, 2025, <https://www.france24.com/en/live-news/20250219-tunisia-court-orders-release-of-top-rights-activist> (accessed March 4, 2025).

<sup>71</sup> Human Rights Watch interview with one of Hamzaoui’s lawyers, June 14, 2023.

cabinet, Nadia Akacha, monitored the president’s movements during her time in office and relayed the information to Hamzaoui, who passed it on to other suspects for the purpose of assassinating the president. According to one of Hamzaoui’s lawyers, however, the authorities have not provided any evidence of communication between Hamzaoui and any of the other suspects.<sup>72</sup>

On June 1, 2023, an investigative judge of the Anti-Terrorism Unit of the Tunis First Instance Court questioned Hamzaoui regarding potential connections with other suspects in the case, including Akacha.<sup>73</sup> As of March 2025, Hamzaoui has not had a hearing since.<sup>74</sup>

Human Rights Watch reviewed the public prosecutor’s decision to open a judicial investigation and found that Hamzaoui is accused of several terrorism-related crimes and money-laundering, “conspiring” against internal and external state security, “criminal conspiracy,” as well as “insulting the president.”<sup>75</sup> If convicted, he could face the death penalty under several of these provisions.

### *Ahmed Laamari*

Ahmed Laamari, 73, a former member of parliament and Ennahda party member, was arrested on March 3, 2023, and spent more than six months in pre-trial detention under dubious accusations of “forming an organization aiming to prepare and commit the crime of illegally leaving the Tunisian territory.”<sup>76</sup> On September 25, 2023, the Gabès First Instance Court ordered his release, but banned him from leaving the southern Gabès governorate pending trial.



Ahmed Laamari. © Private

The public prosecution initiated an investigation into Laamari after a Messadine jail prisoner accused him of plotting against President Saied and sending notes about it to

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<sup>72</sup> Human Rights Watch telephone interview with one of Rayan Hamzaoui’s lawyers, March 14, 2025.

<sup>73</sup> Human Rights Watch interview with one of Hamzaoui’s lawyers, June 14, 2023.

<sup>74</sup> Human Rights Watch telephone interview with one of Rayan Hamzaoui’s lawyers, March 14, 2025.

<sup>75</sup> Under articles 1, 5bis, 3, 10, 13bis, 14, 32, 35, 37, 40, 92, 93, 94, 95, 96, and 97 of the Counterterrorism Law, and under articles 32, 61bis, 67, 68, 69, 70, 72, 131, and 132 of the Penal Code.

<sup>76</sup> Under article 42 of Law 75-40 on Passports and Travel Documents, <https://legislation-securite.tn/fr/law/45002> (accessed February 28, 2025).

another inmate – former MP, former minister, and businessman Mehdi Ben Gharbia – who has himself been detained since October 2021. Although the informant withdrew his claim in writing a few weeks into Laamari’s detention, the judge still proceeded with the case.<sup>77</sup>

Laamari was again arrested on December 1, 2023, by officers of the Anti-Terrorism Unit in his home in Gabès. On December 14, 2023, an investigative judge of the Anti-Terrorism Unit of the Tunis First Instance Court questioned him and placed him in detention, his lawyer told Human Rights Watch. He stands accused of seeking to “change the nature of the state” and of “undermining the state’s external security,” “insulting the president,” and criminal association. He faces additional charges under twelve articles of Tunisia's 2015 Counterterrorism Law and could face the death penalty if convicted.<sup>78</sup> Laamari was released on December 25, 2024.<sup>79</sup> The next day, he was briefly rearrested in his hometown of Ben Guerdane and a Gabès court sentenced him to a three and a half month suspended sentence on December 27 for breaching the order to remain in Gabès governorate.<sup>80</sup> At time of writing, his trial for “conspiracy” was set to start on April 25, 2025.

Laamari, whose eyesight deteriorated due to badly treated, diabetes-induced cataract during his first months of arbitrary detention in 2023, was due to have eye surgery around the time of his arrest in March and again in December of that year. However, he was not allowed to see a specialist regularly in Mornaguia prison and nearly lost sight in one eye.<sup>81</sup> Laamari had previously been imprisoned for more than nine years between 1987 and 2011 for belonging to the Ennahda party.<sup>82</sup>

### *Ali Laarayedh*

Ali Laarayedh, 69, former interior minister, former prime minister, and vice-president of the Ennahda party, has been held in pre-trial detention since December 19, 2022, on terrorism-related charges, without credible evidence. The terrorism-related charges are based on a 2015 law enacted after Laarayedh left office.

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<sup>77</sup> Human Rights Watch telephone interview with Ahmed Laamari’s lawyer, Mohsen Sahbani, March 5, 2024.

<sup>78</sup> Under articles 32, 61bis, 62, 67, 68, 69, 70, 72, 131, and 132 of the Penal Code and articles 1, 5, 13, 14, 31, 32, 33, 34, 35, 36, 37, and 40 of the 2015 Counterterrorism Law.

<sup>79</sup> Human Rights Watch interview with Ahmed Laamari’s son, Mouadh, on January 17, 2025.

<sup>80</sup> Human Rights Watch interview with Ahmed Laamari’s son, Mouadh, on January 17, 2025.

<sup>81</sup> Human Rights Watch interview with Ahmed Laamari, on February 18, 2025.

<sup>82</sup> Human Rights Watch interview with Ahmed Laamari’s son, Mouadh, on January 17, 2025.

Under International human rights law, “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.”<sup>83</sup>



Ali Laarayedh. © 2014 Sipa via AP Images

Laarayedh’s detention is part of a broad investigation into how thousands of Tunisians were able to leave the country and join the Islamic State (also known as ISIS) and other Islamist armed groups in Syria, Iraq, and Libya after 2011, when longtime authoritarian leader Zine el-Abidine Ben Ali was ousted.<sup>84</sup> The trial started on October 28, 2024.

According to the detention warrant reviewed by Human Rights Watch, Laarayedh is accused of failing to curb the spread of Salafism, a revivalist branch of Sunni Islam, and of the rise of the Islamist armed group Ansar al-Sharia, during his time in office. The judge based the warrant on Laarayedh’s decisions and policies in office (or lack thereof), including appointments in his administration, and not specific criminal acts.<sup>85</sup> Laarayedh was only heard by an investigative judge once, on December 19, 2022, throughout his 25 months in pre-trial detention. Laarayedh’s lawyers filed a complaint accusing the police of falsifying key documents in the case file, which has yet to be processed.<sup>86</sup>

Laarayedh has also been accused, in a separate investigation, of seeking to “change the nature of the state,” “undermining the state’s external security,” and “insulting the president”<sup>87</sup> as well as terrorism-related and other charges, one of his lawyers told Human

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<sup>83</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969, art. 15; African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, article 7.

<sup>84</sup> “En Tunisie, Rached Ghannouchi entendu dans l’affaire de « l’expédition de djihadistes » en Irak et en Syrie,” *Le Monde*, September 20, 2022, [https://www.lemonde.fr/afrique/article/2022/09/20/en-tunisie-rached-ghannouchi-entendu-dans-l-affaire-de-l-expedition-de-djihadistes-en-irak-et-en-syrie\\_6142381\\_3212.html](https://www.lemonde.fr/afrique/article/2022/09/20/en-tunisie-rached-ghannouchi-entendu-dans-l-affaire-de-l-expedition-de-djihadistes-en-irak-et-en-syrie_6142381_3212.html) (accessed March 4, 2025).

<sup>85</sup> “Tunisia: Free Arbitrarily Detained Ex-Prime Minister,” Human Rights Watch news release, April 11, 2023, <https://www.hrw.org/news/2023/04/11/tunisia-free-arbitrarily-detained-ex-prime-minister>.

<sup>86</sup> Human Rights Watch telephone and in-person interviews with Ali Laarayedh’s lawyers, March 2023 and April 2024.

<sup>87</sup> Under articles 72, 61bis, and 67 of the Penal Code respectively.

Rights Watch.<sup>88</sup> He could face the death penalty if convicted. Other public figures, including supporters as well as opponents of President Saied, have been prosecuted in this case.

Laarayedh was one of the longest held political prisoners under President Zine El Abidine Ben Ali. He was tortured and spent more than 11 of his 15 years in prison in solitary confinement.<sup>89</sup>

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<sup>88</sup> Human Rights Watch telephone interview with one of Ali Laarayedh's lawyers, April 1, 2024.

<sup>89</sup> Human Rights Watch, *Tunisia: Crushing the Person, Crushing a Movement* (New York: Human Rights Watch, 2005), <https://www.hrw.org/report/2005/04/19/tunisia-crushing-person-crushing-movement>.

## Repression of Peaceful Expression and Activism

Tunisian authorities have increasingly curtailed freedom of expression by prosecuting and imprisoning people, including journalists, for their statements online or in the media. They have used archaic and restrictive provisions of the Penal Code, such as article 67 on “insulting the president” (including in seven cases documented in this report), provisions of the Telecommunications Code,<sup>90</sup> and repressive Decree-Law 54 on Cybercrime, which criminalizes spreading “fake news.”

President Saied issued Decree-Law 54 on Cybercrime in September 2022. It imposes a five-year prison sentence for spreading “fake news” and “rumors” online and in the media, and a ten-year sentence if the offense targets a public official, in addition to a fine.<sup>91</sup> It contains overly broad provisions granting authorities far-reaching powers to intercept, monitor, collect, and store private communications data. These constitute mass surveillance, a violation of the rights to privacy and freedom of expression. In addition, the law endangers journalists' sources at a time when authorities are targeting media professionals. The authorities' crackdown on the media, including through the use of the Cybercrime Law, is gradually wiping out criticism and diversity of opinion from Tunisia's media landscape.<sup>92</sup>

At least 28 people have been detained, prosecuted, or investigated under Decree-Law 54 since it was introduced, including at least nine journalists or media figures as of January 2025. Nine critics of the government included in this report have been detained under Decree-Law 54 and several others are being investigated under it.

### Noureddine Bhiri

Former justice minister and Ennahda party leader Noureddine Bhiri, 66, was arrested on February 13, 2023, in his home in Tunis. An investigative judge heard and detained him the next day in connection with a Facebook post in which he allegedly urged Tunisians to demonstrate against President Saied on January 14, 2023.<sup>93</sup> Two of his lawyers told Human

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<sup>90</sup> Primarily article 86 of the Telecommunications Code.

<sup>91</sup> Under article 24 of Decree-Law 54.

<sup>92</sup> “Tunisia: Cybercrime Decree Used Against Critics,” Human Rights Watch news release, December 18, 2023, <https://www.hrw.org/news/2023/12/19/tunisia-cybercrime-decree-used-against-critics>.

<sup>93</sup> Article 72 of the Penal Code.

Rights Watch the accusation never even provided evidence of the alleged post’s existence.<sup>94</sup> On October 18, 2024, a Tunis court sentenced Bhiri to 10 years in prison in this case.<sup>95</sup>

Since December 2023, Bhiri has been detained in a separate case<sup>96</sup> in which he had previously been unlawfully detained in early 2022.<sup>97</sup> Bhiri was also charged as part of the notorious February 2023 “Conspiracy Case” and is under investigation in at least one other conspiracy case.<sup>98</sup>



Nouredine Bhiri. © 2011 AP Photo/Hassene Dridi

## Mohamed Boughalleb

Investigative journalist Mohamed Boughalleb was detained from March 22, 2024, to February 20, 2025, for investigating misuse of public funds and questioning management of public spending.

Boughalleb was arrested in front of his son’s elementary school in Tunis by officers of the National Guard. They took him to the El Aouina Barracks, where the Information and Communication Technologies Crime Unit questioned him about critical comments on his personal Facebook page, TV channel Carthage+, and radio station Cap FM, regarding the size of the religious affairs minister’s delegations during trips abroad, one of his lawyers told Human Rights Watch.<sup>99</sup> The initial complaint was filed by an official of the Ministry of Religious Affairs, according to the same source.



Mohamed Boughalleb. © Private

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<sup>94</sup> Human Rights Watch interviews with lawyers Samir Dilou, March 13, 2023, and Amine Bouker, April 4, 2023.

<sup>95</sup> “Tunisia sentences prominent opponent Nouredine Bhiri to 10 years in prison,” Reuters, <https://www.reuters.com/world/africa/tunisia-sentences-prominent-opponent-nouredine-bhiri-10-years-prison-2024-10-18/> (accessed March 7, 2025).

<sup>96</sup> Nouredine Bhiri’s lawyer Amine Bouker’s comments to media, Diwan FM, December 19, 2023, <https://www.youtube.com/watch?v=RmRA3YjvbFQ>.

<sup>97</sup> “Tunisia: Secret Detentions Under Cover of State of Emergency,” Human Rights Watch news release, February 9, 2022, <https://www.hrw.org/news/2022/02/09/tunisia-secret-detentions-under-cover-state-emergency>.

<sup>98</sup> Human Rights Watch interview with Nouredine Bhiri’s lawyer, Samir Dilou, March 13, 2023.

<sup>99</sup> Human Rights Watch telephone interview with one of Mohamed Boughalleb’s lawyers, March 28, 2024.

Boughalleb spent four days in custody before the public prosecutor ordered him detained on March 26, 2024. On April 17, he was sentenced to six months imprisonment for “blaming a public official of unlawful acts in relation to their duties, without establishing the truth.”<sup>100</sup> On June 28, 2024, the Tunis Appeals Court increased Boughalleb’s sentence to eight months in prison.

On April 5, 2024, Boughalleb was detained in a separate case, also in connection with public statements.<sup>101</sup> The journalist is under investigation based on at least one other complaint filed by the former religious affairs minister, Ibrahim Chaibi, whom the journalist had been investigating for suspected corruption.<sup>102</sup>

According to his brother and lawyer Jameleddine, Boughalleb’s health condition severely deteriorated in detention where he was faced poor detention conditions and lack of adequate medical care. His eyesight and hearing were affected, and he developed cardiac problems.<sup>103</sup>

On February 20, a judge ordered the release of Boughalleb pending trial but placed him on a travel ban.<sup>104</sup>

## Sonia Dahmani

Sonia Dahmani, a prominent lawyer and media commentator, was arrested on May 11, 2024, by masked plain clothes security forces who stormed the Tunisian Bar Association headquarters. This followed sarcastic comments she made on the TV channel Carthage+ on May 7, questioning the claim, backed by President Saïed, that Black African migrants were seeking to settle in Tunisia.



Sonia Dahmani. © Private

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<sup>100</sup> Under article 128 of the Penal Code.

<sup>101</sup> Under article 24 of Decree 54 on Cybercrime, according to one of Mohamed Boughalleb’s lawyers.

<sup>102</sup> Human Rights Watch telephone interview with one of Mohamed Boughalleb’s lawyers, April 5, 2024.

<sup>103</sup> أصبح لا يرى بالكامل بعينه اليمنى.. تدهور الحالة الصحية لمحمد بوغلاب Kashf media, November 16, 2024, <https://shorturl.at/EJhqB> (accessed March 4, 2025).

<sup>104</sup> "En Tunisie, la justice ordonne la libération du journaliste Mohamed Boughalleb," *Le Monde*, February 21, 2025, [https://www.lemonde.fr/afrique/article/2025/02/21/en-tunisie-la-justice-ordonne-la-liberation-du-journaliste-mohamed-boughalleb\\_6557254\\_3212.html](https://www.lemonde.fr/afrique/article/2025/02/21/en-tunisie-la-justice-ordonne-la-liberation-du-journaliste-mohamed-boughalleb_6557254_3212.html) (accessed March 4, 2025).

On July 6, 2024, a Tunis Court of First Instance sentenced Dahmani to a year in prison for her remarks under Decree-Law 54 on Cybercrime. Her sentence was later reduced to eight months on appeal.<sup>105</sup> But on October 24, she was sentenced in another case under the same decree to two years in prison for statements she made on racism in Tunisia. On January 24, 2025, her sentence was reduced to a year and a half on appeal.<sup>106</sup> According to one of Dahmani's lawyers, she still faces trial in three other cases in connection with her peaceful expression.<sup>107</sup>

On May 11, 2024, security forces also arrested two of Dahmani's colleagues on the popular daily radio program "Emission Impossible," prominent journalists Borhen Bsaies and Mourad Zeghidi. On May 22, a Tunis court sentenced them to a year in prison under Decree-Law 54 on Cybercrime.<sup>108</sup> Their sentences were later reduced to eight months, but a few weeks before their scheduled release, an investigative judge of a Tunis court issued two detention warrants against them on allegations of money laundering, without questioning them.<sup>109</sup>

In August 2024, Dahmani filed a complaint for acts of torture and rape in Manouba prison against the prison director and a guard following rights violations in detention on August 20, 2024.<sup>110</sup> That day, Dahmani was subjected to an "intrusive strip search which violated her physical integrity and affected her psychologically," her sister told Human Rights Watch.<sup>111</sup>

Although prisons and other government institutions can sometimes claim penetrative or humiliating strip searches are a security necessity, these practices are often used

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<sup>105</sup> "Tunisie : la peine de Sonia Dahmani réduite d'un an à huit mois de prison," *Kapitalis*, September 11, 2024, <https://kapitalis.com/tunisie/2024/09/11/tunisie-la-peine-de-sonia-dahmani-reduite-de-un-an-a-huit-mois-de-prison/> (accessed March 4, 2025).

<sup>106</sup> "Peine réduite à un an et six mois contre l'avocate Sonia Dahmani," *L'Orient-Le Jour*, January 24, 2025, <https://www.lorientlejour.com/article/1444982/tunisie-peine-reduite-a-un-an-et-six-mois-contre-lavocate-sonia-dahmani.html> (accessed March 4, 2025).

<sup>107</sup> "En Tunisie, deux ans de prison pour Sonia Dahmani à la suite de déclarations médiatiques," *Le Monde*, October 25, 2024, [https://www.lemonde.fr/afrique/article/2024/10/25/en-tunisie-deux-ans-de-prison-pour-sonia-dahmani-pour-une-declaration-mediatique\\_6359526\\_3212.html](https://www.lemonde.fr/afrique/article/2024/10/25/en-tunisie-deux-ans-de-prison-pour-sonia-dahmani-pour-une-declaration-mediatique_6359526_3212.html) (accessed March 11, 2025).

<sup>108</sup> 12 شهرًا ضد برهان بسيس و مراد الزغدي, Mosāïque FM, May 22, 2024, [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=7668842639821779](https://www.facebook.com/watch/live/?ref=watch_permalink&v=7668842639821779) (accessed March 4, 2025).

<sup>109</sup> Bassam Khawaja, Tunisia Hollows Out its Media Landscape Ahead of Elections, Human Rights Watch, August 12, 2024, <https://www.hrw.org/news/2024/08/12/tunisia-hollows-out-its-media-landscape-ahead-elections>.

<sup>110</sup> Human Rights Watch telephone interview with Sonia Dahmani's sister, Ramla, on January 21, 2025.

<sup>111</sup> Ramla Dahmani, "Depuis la fouille corporelle intime, Sonia Dahmani ne dort plus," *Businessnews*, August 27, 2024, <https://www.businessnews.com.tn/ramla-dahmani--depuis-la-fouille-corporelle-intime-sonia-dahmani-ne-dort-plus,520,140427,3> (accessed March 4, 2025).

abusively and primarily to intimidate or punish prisoners. They can also constitute rape, torture, and degrading treatment, and be a serious human rights violation.

## Rached Ghannouchi

Rached Ghannouchi, 83, ex-president of the Ennahda opposition party and former speaker of parliament, has been a prominent opponent of President Saïed's one-man rule since July 25, 2021. Detained since April 2023 in Mornaguia prison in Tunis, Ghannouchi is serving several sentences and faces investigations and charges in over a dozen cases, including some directly related to the exercise of his freedom of expression.<sup>112</sup>



Rached Ghannouchi. © 2019 AP Photo/Hassene Dridi, File

On April 17, 2023, Ghannouchi was arrested at his home by plainclothes officers who did not show an arrest warrant, according to one of his lawyers. On April 20, an investigative judge issued a detention warrant against him on charges of attempting to “change the nature of the state” and “conspiring against internal state security.”<sup>113</sup> This was allegedly in connection with comments he made during an April 15 meeting, warning that alienating opposition political movements, including Ennahda and “the left,” was a “project for civil war.” On April 18, the police closed Ennahda’s headquarters without a court order.<sup>114</sup> Ghannouchi is still awaiting trial in this case.

Ghannouchi faced a separate charge of “promoting terrorism” following a complaint by a former head of a security forces union who alleged that at a February 2022 funeral of an Ennahda party member, he said the deceased feared no “tyrants.”<sup>115</sup> On May 15, 2023, a Tunis court sentenced him to a year in prison and a 1,000 dinar fine (US\$320).<sup>116</sup> On October 30, 2023, the Tunis Court of Appeal increased the sentence to 15 months in prison.

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<sup>112</sup> Human Rights Watch telephone interview with one of Rached Ghannouchi’s lawyers, November 2023.

<sup>113</sup> Under articles 72 and 68 of the Penal Code.

<sup>114</sup> “Tunisia: Move to Dismantle Country’s Largest Opposition Party,” Human Rights Watch news release, May 11, 2023, <https://www.hrw.org/news/2023/05/11/tunisia-move-dismantle-countrys-largest-opposition-party> (accessed March 4, 2025).

<sup>115</sup> “Tunisie : Rached Ghannouchi, le chef d’Ennahda, condamné à quinze mois de prison en appel,” *Le Monde*, October 31, 2023, [https://www.lemonde.fr/afrique/article/2023/10/31/tunisie-rached-ghannouchi-le-chef-d-annahda-condamne-a-quinze-mois-de-prison-en-appel\\_6197538\\_3212.html](https://www.lemonde.fr/afrique/article/2023/10/31/tunisie-rached-ghannouchi-le-chef-d-annahda-condamne-a-quinze-mois-de-prison-en-appel_6197538_3212.html) (accessed March 5, 2025).

<sup>116</sup> Under article 14 of the 2015 Counterterrorism Law.

On February 1, 2024, a Tunis court sentenced Ghannouchi to three years in prison over accusations that his party received foreign funding, prohibited under Tunisian law.<sup>117</sup> On February 4, 2025, a Tunis court sentenced him in first instance to 22 years in prison, a 80,000 dinar fine (US\$25,200), and a five-year ban from public office, in addition to seizure of assets and real estate, for allegedly conspiring to change the nature of the state, against external state security, insulting the president, and money laundering, as part of the Instalingo case.<sup>118</sup>

Prior to his imprisonment, Ghannouchi had experienced Parkinson's symptoms in his left hand and was following a treatment to slow progression of the disease. During his imprisonment, where he received inadequate treatment, it has progressed to his right hand, and has significantly affected his daily life, including his ability to write. According to his family, the authorities allowed him only a few physiotherapy sessions, denied his requests for regular treatment, and refused to give his family access to his medical records in connection with thyroid issues.<sup>119</sup>

## Abir Moussi

Abir Moussi, 50, is a lawyer and president of one of Tunisia's main opposition parties, the Free Destourian Party (PDL). She was also a member of the 2019 parliament dissolved by President Saied in March 2022. The PDL officially announced Moussi's candidacy for the 2024 presidential election on September 28, 2023. Just days later, on October 3, 2023, security forces arrested Moussi in front of a public administration building near Carthage presidential palace.<sup>120</sup>



Abir Moussi. © 2019 AP Photo/File

On the day she was arrested, Moussi had attempted to appeal presidential decrees redrafting electoral boundaries and organizing local elections. Administration officials

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<sup>117</sup> "Ghannouchi sentenced to three years in prison," *Agence Tunis Afrique Press (TAP)*, February 1, 2024, <https://www.tap.info.tn/en/Portal-Headlines/17080798-ghannouchi> (accessed March 5, 2025).

<sup>118</sup> Judgment of February 4, 2025, reviewed by Human Rights Watch.

<sup>119</sup> Human Rights Watch online interview with Rached Ghannouchi's daughter, Yusra, December 2, 2024.

<sup>120</sup> Human Rights Watch in person interview with Nafaa Laribi, lawyer, January 23, 2024.

arbitrarily refused to register her appeal. Moussi decided to protest this decision by streaming live on Facebook in front of the administration building and was arrested, her lawyer Nafaa Laribi said. Moussi was denied her right to meet with her lawyers until her hearing with an investigative judge, who ordered her detained on October 5, 2023.<sup>121</sup>

Moussi faces charges of seeking “to change the form of government or to incite people to take up arms against one another or provoke disorder,” and “inciting [public officers] by violence, assault, threats, or fraudulent practices to cease performing their individual or collective duties,” in addition to charges in connection with processing personal data without consent.<sup>122</sup> She could face the death penalty if convicted.

According to Laribi, security forces used excessive force during her arrest, physically injuring her, and denied her access to medical treatment, which led to complications and her transfer to the hospital on October 3, 2024.<sup>123</sup>

Moussi faces proceedings in several other cases, including under Decree-Law 54 on Cybercrime.<sup>124</sup>

The Electoral Commission filed four complaints against Moussi under this legislation between December 2022 and March 2023, including at least two in connection with public criticism of the election process, such as in an open letter to President Saïed denouncing the Commission’s lack of legitimacy. Moussi was detained in February 2024 in two investigations based on article 24 of Decree-Law 54 on Cybercrime following two of these complaints. On August 5, 2024, the Tunis Court of First Instance sentenced her to two years in prison in connection with her remarks on legislative elections. On November 22, 2024, Moussi’s sentence was reduced on appeal to 16 months in prison.<sup>125</sup> At time of writing she is still awaiting trial in a second Decree 54 case.

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<sup>121</sup> Human Rights Watch in person interview with Nafaa Laribi, lawyer, January 23, 2024.

<sup>122</sup> Under articles 72, punishable by death, and 136 of the Penal Code, and articles 27 and 87 of Law no. 2004-67 on Personal Data Protection, <https://legislation-securite.tn/latest-laws/loi-organique-n-2004-63-du-27-juillet-2004-portant-sur-la-protection-des-donnees-a-caractere-personnel/> (accessed March 5, 2025).

<sup>123</sup> Human Rights Watch in person interview with Nafaa Laribi, lawyer, January 23, 2024.

<sup>124</sup> Human Rights Watch in person interview with Nafaa Laribi, lawyer, January 23, 2024.

<sup>125</sup> "En Tunisie, réduction de peine pour l’opposante Abir Moussi," *Jeune Afrique*, November 23, 2024, <https://www.jeuneafrique.com/1633803/politique/en-tunisie-reduction-de-peine-pour-lopposante-abir-moussi/> (accessed March 5, 2025).

On February 24, Moussi was convicted in another case and ordered to pay a 500 dinar fine (US\$157) for a speech offense.<sup>126</sup>

## Rached Tamboura

Rached Tamboura, a 28-year-old calligraphy student, street artist, and freelance graphic designer, has been detained since July 18, 2023, for graffiti denouncing President Saied's policy towards Black African migrants and Tunisia's migration agreement with the European Union.<sup>127</sup>

That day, police officers arrested Tamboura on the street in his hometown of Monastir, south-east of Tunis, and questioned him about social media posts of a picture of graffiti on the wall of the administrative building of Monastir delegation, one of his lawyers told Human Rights Watch. The picture, which had circulated on the internet, shows a small portrait of Saied flanked by the words “racist vassal greed fascist” next to the shape of the African continent.<sup>128</sup>

The public prosecutor accused Tamboura of “insulting the president” and of using communication networks to “produce, spread, disseminate...false news, data, [and] rumors,” to “slander a public official, tarnish their reputation, financially or morally harm them,” “incite hate speech,” “violate [their] rights,” and “harm public security or national defense, or spread terror.”<sup>129</sup> Tamboura was placed in pre-trial detention on July 20, 2023, after his only hearing before an investigative judge, his lawyer said.<sup>130</sup>

On December 4, 2023, the Monastir First Instance Court sentenced Tamboura to two years in prison, according to the judgement reviewed by Human Rights Watch. On January 31, the Monastir Appeals Court dropped the charge of “insulting the president” but confirmed the initial sentence, according to the lawyer.<sup>131</sup>

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<sup>126</sup> “Abir Moussi condamnée à une amende de 500 dinars,” *Businessnews*, February 24, 2025, <https://www.businessnews.com.tn/abir-moussi-condamnee-a-une-amende-de-500-dinars,520,145516,3> (accessed March 5, 2025).

<sup>127</sup> Human Rights Watch telephone interview with one of Rached Tamboura's lawyers, February 5, 2024.

<sup>128</sup> Human Rights Watch telephone interview with one of Rached Tamboura's lawyers, February 5, 2024.

<sup>129</sup> Under article 67 of the Penal Code and article 24 of Decree-Law 54 on Cybercrime.

<sup>130</sup> Human Rights Watch telephone interview with one of Rached Tamboura's lawyers, February 5, 2024.

<sup>131</sup> Human Rights Watch telephone interview with one of Rached Tamboura's lawyers, February 5, 2024.

## Use of Military Courts

Tunisian authorities have also tried civilians before military courts in blatant violation of their rights to a fair trial and due process.<sup>132</sup> About 20 civilians deemed critical of the authorities have been prosecuted or investigated by military courts since July 2021, including former parliament members, lawyers, political opponents, journalists, and social media users. Human Rights Watch strongly opposes trial of civilians before military courts in all circumstances, as their proceedings frequently severely undermine due process rights and because of how authoritarian governments have used them to punish peaceful dissent.<sup>133</sup>

Existing Tunisian laws, including the Military Justice Code, allow military courts to try civilians, such as in cases of “insult” to the military institution.<sup>134</sup> This undermines freedom of expression and contravenes constitutional provisions on the right to a fair trial.

### Chaima Issa

On October 10, 2024, the Tunis Military Court of Appeal sentenced a leading figure of the National Salvation Front opposition coalition, Chaima Issa, to a six month suspended sentence for comments she made during a December 2022 radio interview about the military’s role in the 2022 parliamentary elections.<sup>135</sup> Issa, who was arbitrarily detained for five months from February to July 2023 and is being tried in a separate case, had been sentenced in first instance on December 13, 2023, to a one-year suspended jail term under Decree-Law 54, the Military Justice Code, and the Penal Code.<sup>136</sup>

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<sup>132</sup> "Le jugement des civils par les tribunaux militaires : une menace à la démocratie et à l'Etat de droit," *Avocats Sans Frontières* policy brief, November 2021, [https://asf.be/wp-content/uploads/2022/07/Policy-Brief\\_-le-jugement-des-civils-par-les-tribunaux-militaires.pdf](https://asf.be/wp-content/uploads/2022/07/Policy-Brief_-le-jugement-des-civils-par-les-tribunaux-militaires.pdf) (accessed March 5, 2025).

<sup>133</sup> "Military jurisdiction and international law: military courts and gross human rights violations," Vol. 1, International Commission of Jurists report, 2004, <https://www.icj.org/military-jurisdiction-and-international-law-military-courts-and-gross-human-rights-violations-vol-1/> (accessed March 5, 2025).

<sup>134</sup> Quentin Peschard, "How can military courts judge civilians?," *Inkyfada*, September 28, 2021, <https://inkyfada.com/en/2021/09/28/how-can-military-courts-judge-civilians/> (accessed March 5, 2025).

<sup>135</sup> "La Cour d'appel militaire rend son verdict dans l'affaire Chaima Issa," *Kapitalis*, October 10, 2024, <https://kapitalis.com/tunisie/2024/10/10/la-cour-dappel-militaire-rend-son-verdict-dans-laffaire-chaima-issa/>.

<sup>136</sup> "Tunisia: Quash military court conviction against prominent activist Chaima Issa," Amnesty International news release, December 13, 2023, <https://www.amnesty.org/en/latest/news/2023/12/tunisia-quash-military-court-conviction-against-prominent-activist-chaima-issa/> (accessed March 5, 2025).

## Rached Khiari

Rached Khiari, 42, a journalist and former member of parliament for the Islamist coalition al-Karama, has been prosecuted on several occasions since 2021 for criticism of the authorities. He spent more than two years in prison for speech offenses, including following two military court convictions, his lawyer Samir Ben Amor told Human Rights Watch.<sup>137</sup>



Rached Khiari. © Private

An investigative judge of the Tunis Military Court of First Instance issued an arrest warrant against Khiari in 2021,<sup>138</sup> after he publicly claimed President Saied received US funding for his 2019 presidential campaign, Ben Amor said. He was arrested on August 3, 2022. The Tunis Military First Instance Court initially declined jurisdiction in favor of the civilian court system on January 17, 2023.<sup>139</sup> However, on March 2, 2023, the Tunis Military Court of Appeal overturned the decision and sentenced him to six months in jail for “conspiring against state security” and “undermining military discipline, obedience and respect for the president or criticizing the actions of senior commanders in a way that undermines their dignity.”<sup>140</sup>

On December 8, 2022, while in detention, Khiari was handed a three-month prison sentence in a separate case under the Military Justice Code for allegedly disclosing information about American military presence in Tunisia in a 2016 Facebook post,<sup>141</sup> although someone else published the posts, Ben Amor said. Khiari was released on August 29, 2024, after serving his sentence.<sup>142</sup>

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<sup>137</sup> Human Rights Watch in person interview with Samir Ben Amor, lawyer, October 25, 2024.

<sup>138</sup> « Tunisie : arrestation de l'ancien député Rached Khiari, » *Anadolu Agency*, August 4, 2022, <https://www.aa.com.tr/fr/afrique/tunisie-arrestation-de-lancien-d%C3%A9put%C3%A9-rached-khiari/2653350> (accessed March 5, 2025).

<sup>139</sup> "Affaire Rached Khiari: Le Tribunal militaire se dessaisit du dossier, le ministère public interjette appel," *Agence Tunis Afrique Presse (TAP)*, January 17, 2023, <https://www.tap.info.tn/fr/Portail-Politique/15922497-affaire-rached> (accessed March 5, 2025).

<sup>140</sup> Under articles 60-3, 61bis-2, 68, and 72 of the Penal Code and under article 91 of the Military Justice Code. Human Rights Watch in person interview with Samir Ben Amor, lawyer, October 25, 2024.

<sup>141</sup> Lawyer Mokhtar Jemai, Facebook post, December 8, 2022, <https://www.facebook.com/100081976091701/posts/156113830464486/?mibextid=wwXlfr&rdid=bncMCxAqvqEr6BLL> (accessed March 5, 2025).

<sup>142</sup> Pursuant to article 91 of Tunisia's Military Justice Code; Human Rights Watch in person interview with Samir Ben Amor, lawyer, October 25, 2024.

Khiari was again arrested on September 28, 2024, a day after a Tunis Appeals Court sentenced him to six months in jail for harming the “dignity of the president” and calling him a “traitor” in Facebook posts and in a radio interview dating back to 2021.<sup>143</sup> A Tunis court had previously sentenced him in absentia to eight months’ imprisonment in this case on October 3, 2022.<sup>144</sup>

On September 10, 2024, Khiari announced that he had left politics and the media to focus on his health. He had been treated for a benign tumor before his imprisonment and has since developed lung cancer with several protruding tumors.<sup>145</sup> His lawyer said that negligence, lack of an adequate medical diagnosis, and poor detention conditions in Mornaguia prison all contributed to the progression of his illness.<sup>146</sup>

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<sup>143</sup> Under article 86 of the Telecommunications Code.

<sup>144</sup> According to the judgment reviewed by Human Rights Watch.

<sup>145</sup> Rached Khiari, Facebook post, September 10, 2024, <https://www.facebook.com/khiari.rached.official/posts/pfbido2qFsjDe6w3N2YcauTSvNP4RL7EiN2PmNFjcEN7YXw2TVZTq2GLigwPviCLcGW55h9l> (accessed March 5, 2025).

<sup>146</sup> Human Rights Watch in person interview with Samir Ben Amor, lawyer, October 25, 2024.

## Weaponizing the Judiciary

President Saied's government has systematically undermined the independence of the judiciary to serve his own political interests and consolidate power. He has destroyed the independence of the High Judicial Council and directly targeted magistrates (judges and prosecutors) with dismissals and criminal investigations, including on terrorism-related charges. His government has repeatedly ignored court rulings.<sup>147</sup>

On February 12, 2022, Saied unilaterally dissolved the High Judicial Council, a constitutional body mandated to guarantee the independence of the judiciary. He replaced it with a temporary council in which all 21 members are appointed, including nine directly by the president. In the same decree-law, he gave himself the power to intervene in the appointment, career track, and dismissal of magistrates.<sup>148</sup>

In another blow to judicial independence, Saied went further on June 1, 2022, and issued another decree granting himself the power to unilaterally dismiss magistrates. He immediately fired 57 magistrates, accusing them of financial and “moral” corruption and of obstructing investigations.<sup>149</sup> On August 9, 2022, the Tunis Administrative Court suspended the dismissal of 49 of the magistrates, but the Ministry of Justice has refused to reinstate them.<sup>150</sup>

Since the president's measures, magistrates have been restricted in exercising their freedoms of association and expression.<sup>151</sup> Judges such as the president of the Association of Tunisian Magistrates, Anes Hmedi, have been the target of online smear campaigns on

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<sup>147</sup> “Tunisia: President Intensifies Attacks on Judicial Independence,” Human Rights Watch news release, February 27, 2023, <https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence>; “Tunisia’s Electoral Commission Paves the Way for Kais Saied’s Second Term,” Human Rights Watch news release, September 4, 2024, <https://www.hrw.org/news/2024/09/04/tunisia-electoral-commission-paves-way-kais-saieds-second-term>.

<sup>148</sup> “Tunisia: President Intensifies Attacks on Judicial Independence,” Human Rights Watch news release, February 27, 2023, <https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence>.

<sup>149</sup> “Tunisia: Arbitrary Dismissals a Blow to Judicial Independence,” Human Rights Watch news release, June 10, 2022, <https://www.hrw.org/news/2022/06/10/tunisia-arbitrary-dismissals-blow-judicial-independence>.

<sup>150</sup> “Ministère de la Justice : les juges révoqués font l’objet de poursuites pénales,” *Businessnews*, August 14, 2022, <https://www.businessnews.com.tn/ministere-de-la-justice--les-juges-revoques-font-lobjet-de-poursuites-penales,520,121905,3> (accessed March 5, 2025).

<sup>151</sup> “Tunisia: Judges’ right to association and protest must be respected, say UN experts,” UN Office of the High Commissioner for Human Rights news release, September 14, 2022, <https://www.ohchr.org/en/press-releases/2022/09/tunisia-judges-right-association-and-protest-must-be-respected-say-un> (accessed March 5, 2025).

pro-Saied social media and of politically motivated prosecutions.<sup>152</sup> The Association has also denounced the use of abusive disciplinary proceedings against magistrates for their judicial decisions.<sup>153</sup>

Defense lawyers have also been subjected to increasing judicial harassment and criminal prosecution for the legitimate exercise of their profession. Ayachi Hammami, Dalila Msaddek, and Islem Hamza were all prosecuted, including under Decree-Law 54 on Cybercrime, for comments made on the radio in defense of their clients.<sup>154</sup> Hammami is also charged in the notorious February 2023 “Conspiracy Case,” which targeted several public figures. At least 18 lawyers representing political opponents, activists, or people perceived as critical of authorities were facing criminal investigations or prosecution as of January. At least 15 of them have been placed under a travel ban.<sup>155</sup>

Under President Saied, the government has also ignored inconvenient court rulings. For example, during the October 2024 presidential election, the Tunis Administrative Court ordered the reinstatement of three prospective candidates rejected by Tunisia’s Electoral Commission, yet the Commission under the control of Saied since he restructured it in 2022, ignored the ruling.<sup>156</sup> Just a few days before the ballot, Tunisia’s Assembly of the Representatives of the People passed a law stripping the Administrative Court of jurisdiction in electoral matters, preventing it from acting as a check on abuses.<sup>157</sup>

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<sup>152</sup> “Tunisia: End Judicial Harassment of the President of the Tunisian Judges’ Association,” Human Rights Watch joint statement, August 21, 2023, <https://www.hrw.org/news/2023/08/21/tunisia-end-judicial-harassment-president-tunisian-judges-association>.

<sup>153</sup> Association des Magistrats Tunisiens, “Communiqué sur la situation extrêmement grave du système judiciaire tunisien,” April 16, 2024, <https://www.iaj-uim.org/iuw/wp-content/uploads/2024/05/Communique-sur-la-situation-de-la-justice-en-Tunisie-version-francaise.pdf>; International association of judges, statement on Tunisia, October 2024, [https://www.iaj-uim.org/iuw/wp-content/uploads/2024/10/Statement-on-Tunisia\\_Cape-Town-EN-1.pdf](https://www.iaj-uim.org/iuw/wp-content/uploads/2024/10/Statement-on-Tunisia_Cape-Town-EN-1.pdf) (accessed March 5, 2025).

<sup>154</sup> UN Independent Experts, Communication to the Tunisian government, March 6, 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28807> (accessed March 5, 2025).

<sup>155</sup> “Tunisia: Lawyers targeted with judicial harassment and reprisals,” Amnesty International public statement, March 28, 2024, <https://www.amnesty.org/en/documents/mde30/7894/2024/en/> (accessed March 5, 2025).

<sup>156</sup> “Ministère de la Justice : les juges révoqués font l’objet de poursuites pénales,” *Businessnews*, August 14, 2022, <https://www.businessnews.com.tn/ministere-de-la-justice--les-juges-revoques-font-lobjet-de-poursuites-penales,520,121905,3> (accessed March 5, 2025).

<sup>157</sup> Tarek Amara, “Tunisia assembly votes to strip court of electoral authority, days before presidential vote,” *Reuters*, September 27, 2024, <https://www.reuters.com/world/africa/tunisia-assembly-votes-electoral-bill-nine-days-before-poll-opposition-calls-2024-09-27/> (accessed March 5, 2025).

On October 3, 2024, the African Court on Human and Peoples’ Rights ordered the suspension of the presidential decree giving the president authority to dismiss magistrates and of the decree dismissing 57 magistrates.<sup>158</sup> And on November 13, 2024, the Court ordered Tunisia to repeal Decree-Law 2022-11 of February 12, 2022, to reinstate the High Judicial Council, and to take steps to “operationalize” the Constitutional Court within six months.<sup>159</sup> The government had failed to implement these rulings at time of writing.

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<sup>158</sup> African Court on Human and Peoples’ Rights ruling, October 3, 2024, *Hammadi Rahmani and others v. Republic of Tunisia*, Application No. 008/2024, <https://www.african-court.org/cpmt/storage/app/uploads/public/670/odd/2d4/670odd2d48b52602990959.pdf> (accessed March 5, 2025).

<sup>159</sup> African Court on Human and Peoples’ Rights judgement, November 13, 2024, *Samia Zorgati v. Republic of Tunisia*, Application No. 016/2021, <https://www.african-court.org/cpmt/storage/app/uploads/public/675/31a/203/67531a2039c93445669283.pdf> (accessed March 5, 2025).

## Tunisia’s Legal Obligations

Tunisia is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights, which guarantee the right over everyone to freedom of expression and assembly, to a fair trial, and to not be subject to arbitrary arrest or detention.<sup>160</sup>

The ICCPR guarantees everyone “the right to liberty and security of person” and holds that “no one shall be subjected to arbitrary arrest or detention” or “deprived of [their] liberty except on such grounds and in accordance with such procedure as are established by law.” It further mandates that everyone be informed at the time of their arrest of the reasons for the arrest and the criminal charges, if any, against them. They must be brought “promptly” before a judge or other authorized judicial officer and have the right to challenge the lawfulness of their detention before a court. In addition, victims of unlawful arrest or detention have “an enforceable right to compensation.”<sup>161</sup>

Under international law, a suspect should be held in pretrial detention only in exceptional circumstances when the court provides reasons for holding them that are compelling, individualized, and subject to periodic review and appeal.<sup>162</sup> Pretrial detention is only to be imposed as “an exception” under article 84 of Tunisia’s Criminal Procedure Code.<sup>163</sup>

Under international human rights law, governments are prohibited from using military courts to try civilians when civilian courts can still function.<sup>164</sup> The Resolution on the Right

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<sup>160</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969; African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986.

<sup>161</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969.

<sup>162</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969.

<sup>163</sup> Tunisia’s Code of Criminal Procedure, <https://www.droit-afrique.com/upload/doc/tunisie/Tunisie-Code-2010-procedure-penale.pdf> (accessed March 5, 2025).

<sup>164</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969.

to a Fair Trial and Legal Aid in Africa notes that “the only purpose of Military Courts shall be to determine offenses of a purely military nature committed by pure military personnel.”<sup>165</sup>

Freedom of expression is protected under article 19 of the ICCPR.<sup>166</sup> Any restriction on freedom of expression rights must be provided for by law, necessary and proportionate, and legitimate.<sup>167</sup> The overbroad interference with freedom of expression rights provided for in Tunisia’s Decree-Law 54 on Cybercrime is inconsistent with its obligations under international human rights law.

The ICCPR also establishes privacy rights. Article 17 states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy...home or correspondence.... Everyone has the right to the protection of the law against such interference or attacks.”<sup>168</sup> The United Nations Human Rights Committee, the treaty body charged with monitoring implementation of the ICCPR, has found that restrictions on the right to privacy must take place only “in cases envisaged by the law.” Restrictions must also be “proportionate to the end sought, and...necessary in the circumstances of any given case.”<sup>169</sup>

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<sup>165</sup> African Union, “Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,” adopted May 29, 2003, <https://archives.au.int/bitstream/handle/123456789/5430/Principles%20and%20Guidelines%20on%20the%20right%20to%20Fair%20Trial%20in%20Africa.pdf?sequence=1&isAllowed=y> (accessed March 5, 2025).

<sup>166</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969.

<sup>167</sup> Human Rights Committee, General Comment No. 34, Freedoms of Opinion and Expression, CCPR/C/GC/34 (2011) paras. 5–9 and 22–36; UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/C/38/35, April 6, 2018, <https://undocs.org/A/HRC/38/35> (accessed March 5, 2025).

<sup>168</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Tunisia on March 18, 1969.

<sup>169</sup> UN Human Rights Instruments, “Compilation of General Comments and General Recommendations adopted by human rights treaty bodies,” HRI/GEN/1/Rev.9 (Vol. I), [https://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-1-REV-9-VOL-I\\_en.doc](https://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-1-REV-9-VOL-I_en.doc) (accessed March 5, 2025); Human Rights Committee, General comment No. 16, Right to Privacy, (1988) para. 3.

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# Annex I: Human Rights Watch Letter to Tunisia's Ministry of Justice

February 18, 2025  
Minister Leila Jaffel  
Ministry of Justice  
Tunis, Tunisia

Dear Minister Jaffel,

Please accept my regards on behalf of Human Rights Watch (HRW), an independent international organization that monitors and reports on violations of international human rights and humanitarian law in more than 100 countries around the world.

We write with respect to a report we are preparing on arbitrary detention in Tunisia, which documents the cases of over 20 people detained in connection with the exercise of their fundamental rights such as freedom of expression or charged under security and terrorism offenses. We write to you, in keeping with our longstanding practice, to seek additional information on the Ministry's practices, to provide the Ministry an opportunity to respond to our findings, and to ensure that our report accurately reflects the positions of all entities referenced.

We would be very grateful for a written response to our questions (annexed to this letter) by March 11, 2025. This will allow us to reflect your responses in our upcoming report. We may publish your response in whole or in part.

You can reach us via email for further information or clarification, or to respond directly to our questions.

Thank you for your attention to this request and for your kind cooperation.

Yours sincerely,

Lama Fakhri

Director  
Middle East and North Africa Division  
Human Rights Watch

## Human Rights Watch Questions to the Tunisian Ministry of Justice

### Detention

Human Rights Watch investigated several cases of people detained prior to trial, including for speech offences, despite this being an “exceptional measure” under article 84 of Tunisia’s penal procedure code. Many have remained in detention for more than 14 months, the maximum period of pre-trial detention under Tunisian law.

1. Why is the Ministry of Justice routinely resorting to pre-trial detention in cases involving peaceful expression?
2. What steps has the Ministry taken to end this practice and bring the use of pre-trial detention in line with international human rights law?
3. How many people are currently being held in pre-trial detention in Tunisia?
  - How many of these people have been in pre-trial detention for more than 14 months?
4. How many people have been held in pre-trial detention each year for the past five years?
5. What is the average length of time in pre-trial detention?

Each case of detention should be subject to speedy and automatic regular judicial review, according to International human rights law.

1. What guarantees are in place to ensure that any detained suspect or defendant has access to judicial review? Does this take place within 48 hours of their initial detention?
2. What remedies are available in cases of unjustified refusal to ensure judicial review?

Human Rights Watch has investigated the cases of political opponents and lawyers detained in a prominent 2023 case of conspiracy against state security, notably Khayam Turki, Abdelhamid Jelassi, Issam El Chebbi, Ghazi Chaouachi, Ridha Belhaj, and Jaouher Ben Mbarek. They have been in detention for two years and face serious charges brought under

the counter-terrorism law and penal code, despite little public evidence that they have committed any crimes. The United Nations Working Group on Arbitrary Detention issued an opinion in August 2024 confirming their arbitrary detention. It called on Tunisian authorities to immediately take “necessary measures to address the situation of the eight individuals including Chaima Issa and Lazhar Akrem charged in the same case and bring it into compliance with applicable international standards,” including their immediate and unconditional release, a guarantee of their right to reparations, and an investigation into the circumstances surrounding their arrest and arbitrary detention.

1. Under what grounds does the Ministry of Justice continue to detain these individuals and maintain serious charges against them?
2. What steps has the Ministry taken to implement the decision of the UN Working Group on Arbitrary Detention?

Human Rights Watch has investigated the case of human rights defender and former president of Tunisia’s Truth and Dignity Commission, Sihem Bensedrine, who has been charged in connection with her work at the Commission and detained since August 2024. UN experts have found that Bensedrine’s arrest “could amount to judicial harassment.”

1. Under what grounds is Sihem Bensedrine being held in pre-trial detention?

### **Conditions of Detention**

Human Rights Watch has documented multiple cases in which detainees said they did not have access to adequate medical care in detention, including some with chronic or serious medical conditions requiring attention. Some prisoners said they have been arbitrarily denied access to medication, medical records, or the doctors of their choice. Several said their health condition has severely deteriorated since their detention.

1. What steps does the Ministry of Justice take to ensure that detainees have access to adequate medical care while in detention?
2. What mechanisms are in place allowing detainees to appeal denial of care?
3. How many such complaints has the Ministry received, if any, and what action has it taken to address them?
4. What specific actions will the Ministry take in response to allegations that detainees are not receiving adequate medical care?

5. Does the Ministry employ alternatives to detention in cases where detainees require significant, ongoing medical treatment? In how many cases has this been used in since 2023?

Human Rights Watch documented a case in which a detainee filed a complaint to the authorities for acts of torture and rape after being subjected to a strip search. The manner in which such searches are conducted could constitute a serious human rights violation.

1. Does the Ministry of Justice employ strip searches of detainees, male and female? And in what cases are they used? What measures are in place to ensure the dignity and protection of detainees in any such searches?
2. Has the Ministry received complaints of abuse regarding strip searches, and what measures has it taken in response?

Human Rights Watch received allegations that detainees in Mornaguia and Messadine prisons are subject to video monitoring in their cells, which would violate their right to privacy, as well as constant exposure to artificial light, which could amount to ill-treatment.

1. Does the Ministry of Justice use video surveillance of detainees inside their cells? If so, under what conditions is this used, and what measures are in place to protect the right to privacy?
2. Does the Ministry of Justice employ the use of nonstop artificial light in detainees' cells? If so, what steps are in place to ensure it does not amount to ill-treatment in detention?

### **Freedom of Expression**

Our research found that Decree-Law 2022-54 on Cybercrime violates international human rights standards on freedom of expression and has resulted in the prosecution and conviction of a number of people solely for expressing their opinions peacefully.

1. How many people have been investigated, charged, prosecuted, or convicted under Decree-Law 2022-54 since it was issued? How many of these are currently in detention?
2. Is the ministry of Justice taking any steps to amend Decree-Law 2022-54 to bring it in line with international standards and international human rights law?
  - Is the Ministry taking any interim steps to address potential for abuses, such as ending investigations and prosecutions under Decree-Law 2022-54?

Our research found that legal provisions such as article 67 of the Penal Code, article 86 of the Telecommunications Code, and article 81 and 91 of the Military Justice Code, undermine freedom of expression and are being used in response to peaceful criticism of the authorities.

1. Is the Ministry of Justice taking any steps to amend the legal provisions contained in the Penal Code, the Telecommunications Code, and Military Justice Code that undermine freedom of expression and of the press?
2. Is the Ministry taking any interim steps to address the potential for abuses, such as ending investigations and prosecutions under these and other legal provisions that have been found to undermine freedom of expression?

### **Function of the Judiciary**

On August 9, 2022, the Administrative Court issued an order to suspend the execution of the presidential decree by which president Kais Saied dismissed 57 magistrates on June 1, 2022, and to reinstate 49 of them. This order has not been enforced, and criminal investigations have been initiated against a number of dismissed magistrates, including on terrorism charges. In 2024, the judicial appointments supervised by the Justice Ministry did not incorporate the dismissed magistrates who had won their case before the Administrative Court.

1. Why have these judges still not been reinstated?
2. Has the Ministry of Justice taken any steps to implement this order? If so, what steps?
3. What are the grounds for the criminal prosecution of some of the dismissed magistrates?

The African Court of Human and Peoples' Rights issued several rulings, including provisional measures on October 3, 2024, ordering Tunisia to suspend Presidential Decree no. 2022-35, which gave the President authority to summarily dismiss magistrates on June 1, 2022, as well as Decree no. 2022-516, under which he dismissed 57 magistrates that same day. Another ruling dated November 13, 2024, ordered Tunisia to reintroduce the High Judicial Council (in its former structure), and to “operationalize” the Constitutional Court within six months. Tunisia, which ratified the African Charter on Human and Peoples' Rights in 2007, is bound by these rulings.

1. What measures have been taken to comply with the decisions of the African Court of Human and Peoples' Rights?
2. What measures have been taken with regard to the rulings on the High Judicial Council and the Constitutional Court?

Our research found that several lawyers working on cases where public figures were reportedly investigated or charged in connection with their work or statements related to the defense of their clients.

1. How do these restrictions and prosecutions of defense lawyers comply with judicial guarantees and international human rights law, in particular with regard to freedom of expression?
2. What steps is the Ministry of Justice taking to ensure defense lawyers can work, including on high profile cases, without fear of repercussions?

### **Military Justice**

Tunisia continues to prosecute civilians before military courts, a practice that contravenes international human rights law and violates the right to a fair trial.

1. Why does Tunisia continue to prosecute civilians before military courts when civilian courts are operational?
2. What steps is the Ministry of Justice taking to end prosecution of civilians in military courts?
  - o Will the Ministry propose an amendment to laws allowing prosecution of civilians before military courts?
3. How many civilians have been prosecuted before military courts between 2011 and October 2019? How many were convicted?
4. How many civilians have been prosecuted in military courts since October 2019? How many were convicted?

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# Annex II: Human Rights Watch Letter to Tunisia's General Directorate of Prisons and Rehabilitation

February 18, 2025

Hatem Zoghlami,  
President,  
General Directorate of Prisons and Rehabilitation  
Tunis, Tunisia

Dear Mr. Zoghlami,

Please accept my regards on behalf of Human Rights Watch (HRW), an independent international organization that monitors and reports on violations of international human rights and humanitarian law in more than 100 countries around the world.

We write with respect to a report we are preparing on arbitrary detention in Tunisia, which documents the cases of over 20 people detained in connection with the exercise of their fundamental rights such as freedom of expression or charged under security and terrorism offenses. We write to you regarding their detention conditions, in keeping with our longstanding practice, to seek additional information on the Prisons Directorate's practices, to provide the Directorate with an opportunity to respond to our findings, and to ensure that our report accurately reflects the positions of all entities referenced.

We would be very grateful for a written response to our questions (annexed to this letter) by March 11, 2025. This will allow us to reflect your responses in our upcoming report. We may publish your response in whole or in part.

You can reach us via email for further information or clarification, or to respond directly to our questions.

Thank you for your attention to this request and for your kind cooperation.

Yours sincerely,

Lama Fakhri  
Director  
Middle East and North Africa Division  
Human Rights Watch

## **Questions to the General Directorate of Prisons and Rehabilitation**

### **Conditions of Detention**

Human Rights Watch has documented multiple cases in which detainees said they did not have access to adequate medical care in detention, including some with chronic or serious medical conditions requiring attention. Some prisoners said they have been arbitrarily denied access to medication, medical records, or the doctors of their choice. Several said their health condition has severely deteriorated since their detention.

6. What steps does the Ministry of Justice take to ensure that detainees have access to adequate medical care while in detention?
7. What mechanisms are in place allowing detainees to appeal denial of care?
8. How many such complaints has the Ministry received, if any, and what action has it taken to address them?
9. What specific actions will the Ministry take in response to allegations that detainees are not receiving adequate medical care?
10. Does the Ministry employ alternatives to detention in cases where detainees require significant, ongoing medical treatment? How many cases has this been used in since 2023?

Human Rights Watch documented a case in which a detainee filed a complaint to the authorities for acts of torture and rape after being subjected to a strip search. The manner in which such searches are conducted could constitute a serious human rights violation.

3. Does the Ministry of Justice employ strip searches of detainees, male and female? And in what cases are they used? What measures are in place to ensure the dignity and protection of detainees in any such searches?

4. Has the Ministry received complaints of abuse regarding strip searches, and what measures has it taken in response?

Human Rights Watch received allegations that detainees in Mornaguia and Messadine prisons are subject to video monitoring in their cells, which would violate their right to privacy, as well as constant exposure to artificial light, which could amount to ill-treatment.

3. Does the Ministry of Justice use video surveillance of detainees inside their cells? If so, under what conditions is this used, and what measures are in place to protect the right to privacy?
4. Does the Ministry of Justice employ the use of nonstop artificial light in detainees' cells? If so, what steps are in place to ensure it does not amount to ill-treatment in detention?

# “All Conspirators”

## How Tunisia Uses Arbitrary Detention to Crush Dissent

Following President Kais Saied’s takeover of Tunisia’s state institutions on July 25, 2021, the authorities have dramatically intensified their repression of dissent. The Tunisian government has turned arbitrary detention into a cornerstone of its repressive policy, aimed at depriving people of their civil and political rights

*The report, “All Conspirators”: How Tunisia Uses Arbitrary Detention to Crush Dissent, documents the government’s increased reliance on arbitrary detention and politically motivated prosecutions to intimidate, punish, and silence its critics. It documents the cases of 22 people detained on abusive charges, including terrorism, in connection with their public statements or political activities. They include lawyers, political opponents, activists, journalists, social media users, and a human rights defender. Twelve detainees could face capital punishment if convicted. Over 50 people were being held on political grounds or for exercising their rights as of January 2025.*

The report calls on authorities to end their crackdown against perceived critics and release all those arbitrary detained, in many cases merely for exercising their human rights. And it calls on Tunisia’s international partners to urge the government to end its crackdown and protect space for freedom of expression, association, and assembly.



*Protest of the National Salvation Front opposition coalition in downtown Tunis, Tunisia, on March 5, 2023, against the arrest of several public figures, including its leaders.  
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