

URGENT ACTION

EX-MINISTER TO BE TRIED ON BOGUS CHARGES

On 16 April 2024, the Criminal Chamber of the Tunis Court of Cassation confirmed the indictment of ex-justice minister and senior Ennahdha leader Nouredine Bhiri who will now face trial on charges of “trying to change the form of the government.” He will be tried under Article 72 of the penal code, which is punishable by the death penalty. Nouredine Bhiri is accused based on a social media post he has denied writing, which was also confirmed by expert appointed by the accusation chamber. Since his arrest on 13 February 2023, Nouredine Bhiri has been held in pre-trial detention in the Mornaguia prison. The Tunisian authorities must immediately release Nouredine Bhiri and drop all politically motivated charges against him.

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

President of the Republic Kais Saied
Route de la Goulette
Site archéologique de Carthage, Tunisie
Email: contact@carthage.tn
Twitter: @TnPresidency

Your Excellency,

I write to you express my grave concern about the prolonged arbitrary detention of ex-justice minister and senior Ennahdha official Nouredine Bhiri, now held on politically motivated charges over a social media post he did not write. On 13 February 2023, security forces violently arrested Nouredine Bhiri while he was at his home in Tunis without providing an official warrant. According to his wife, who witnessed the incident, security forces subjected Nouredine Bhiri to beatings which led to grave injuries. On 15 February, he had to be transported to Charles Nicolle hospital in Tunis to undergo a surgical operation for over four hours on his shoulder according to a medical report consulted by Amnesty International. Following his arrest, Nouredine Bhiri also experienced respiratory issues and had to be transported to the Rabta hospital where was hospitalized for four days in the resuscitation service from 25 February 2023 to 1 March. Doctors discovered that he had four fractured ribs on his left side also according to a medical report shared with Amnesty International.

On 14 February, Nouredine Bhiri appeared before a Tunis court investigating judge who charged him with trying to "change the form of the government; or inciting people to take up arms against one another; or provoking disorder, murder, or pillage on Tunisian soil," punishable by death under Article 72 of the Penal Code. The charges are related to public remarks made on Facebook. When questioned by the investigative judge, Nouredine Bhiri repeatedly denied that he had written the social media post. Additionally, the technical expert requested by the accusation chamber concluded that the post was not written by the defendant. The Court of Cassation rejected his appeals and now he will stand trial for the social media post that he did not write. Yet even if Nouredine Bhiri had been the author of the post, he should have never been detained or prosecuted in the first place. The post, reviewed by Amnesty International, is a form of freedom of expression, which is protected under international human rights law, including Article 9 of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and political rights (ICCPR) to which Tunisia is a state party.

I urge you to immediately release Nouredine Bhiri and drop all bogus charges against him. Pending his release, I urge you to ensure that he receives any medical treatment he may require and continue to allow him regular visits from his family and lawyers. Moreover, I call on you to cease your targeted arrests of critics for the peaceful exercise of their human rights including the rights to freedom of expression, peaceful assembly.

Yours sincerely,

ADDITIONAL INFORMATION

Noureddine Bhiri (64) is a leading member of Ennahda and former Minister of Justice from 2011 to 2013 who served under a coalition government created following the ouster of long-time ruler Zine el Abidine Ben Ali on 14 January 2011. Noureddine Bhiri is a lawyer and standing member of the Tunisian Bar Association. He had also previously served as vice-president of Ennahdha, the main political party in Tunisia with a majority in parliament before President Kais Saied suspended it on 25 July 2021 citing emergency powers under Article 80 of the Constitution. The party has criticized President Saied's concentration of powers since the July 2021 suspension of parliament, calling it a coup.

The arrest of Noureddine Bhiri on 13 February 2023 and his subsequent detention stem from critical online remarks that the authorities claim he had posted on 8 January 2023 on his private Facebook page, around the time of a demonstration organized by members of the National Salvation Front, an opposition coalition. A copy of the Facebook post was shared with Amnesty International by a member of his defence team. In the post, he calls for "peaceful resistance against the coup". He says that "people shouldn't be afraid of the coup and that they need leadership". Additionally, Noureddine Bhiri denied being the author of the social media post. In any case, the speech in the Facebook post, which is no longer available online, is fully protected by international human rights law.

Noureddine Bhiri is currently held in Mornaguia prison under the accusation of "trying to change the form of government" and "inciting violence" under Article 72 of the Penal Code. If convicted, he could face the death penalty.

He has long suffered from diabetes and a high blood pressure, and normally takes regular medication for both ailments. His health is at risk. Under international human rights law, and specifically the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights to which Tunisia is a state party, everyone has the rights to freedom of expression and freedom from arbitrary detention.

Noureddine Bhiri had already experienced arbitrary arrest and house arrest when men in civilian clothing arrested [him and another man Fathi Beldi](#), a former Interior Ministry official, on 31 December 2021 and held them both at undisclosed locations for two days. Authorities subsequently placed both men under house arrest. On 7 March 2022, the Ministry of Interior lifted the house arrest and Tunisian authorities eventually filed no formal charges against both men. On 25 July 2021, President Saied claimed emergency powers that he said were granted to him by Tunisia's 2014 Constitution. Since then, authorities have opened criminal investigations against at least 74 opposition figures and other perceived enemies of the president, including at least 44 people accused of crimes in connection with the peaceful exercise of their human rights.

On 25 July 2021, President Saied claimed emergency powers that he said were granted to him by Tunisia's 2014 Constitution. Since then, authorities have opened criminal investigations against at least 74 opposition figures and other perceived enemies of the president, including at least 44 people accused of crimes in connection with the peaceful exercise of their human rights.

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

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 3 July 2024.

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

NAME AND PRONOUN: Noureddine Bhiri (he/him).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde30/7257/2023/en/>.