

URGENT ACTION

POLITICAL ACTIVISTS UNJUSTLY DETAINED

Since February 2023, Tunisian authorities have opened criminal investigations against at least 21 people including political opposition activists, lawyers, and businessmen on unfounded accusations of conspiracy. Authorities are currently detaining at least nine people under this investigation including opposition figures Chaima Issa and Jaouhar Ben Mbarek as well as politician Khayam Turki. Tunisia's anti-terrorism court is investigating them under 10 articles of the Penal Code – including Article 72, which mandates the death penalty for trying to “change the nature of the state”. We call on the Tunisian authorities to drop the charges against Chaima Issa, Jaouhar Ben Mbarek and Khayam Turki and immediately release them as they are detained for exercising their human rights through activism.

TAKE ACTION:

1. Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
2. [Click here](#) to let us know the actions you took on **Urgent Action 52.23**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

President of the Republic Kais Saied

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Site archéologique de Carthage, Tunisie
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Ambassador Hanan Al-Tajouri with Al-Sassi

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Your Excellency,

I write to you to express concern over the investigation and detention of opposition figures Chaima Issa, Jaouhar Ben Mbarek and politician Khayam Turki. Their arrest stems from the exercise of their rights to freedom of expression, to peaceful assembly, and to association all of which are protected under international human rights law binding on Tunisia.

Chaima Issa, Jaouhar Ben Mbarek and Khayam Turki are being investigated in relation to trumped up charges of conspiracy under 10 articles of the Tunisian Penal Code including Article 72, which mandates the death penalty for trying to “change the nature of the state”. They also face a dozen charges under a 2015 counterterrorism law including Article 32, which mandates up to 20 years of imprisonment for "forming a terrorist organization" according to judicial investigation files leaked online and authenticated by defense lawyers. None of the three have been involved in acts that would amount to recognizable crimes under international law, and the charges against them are therefore unfounded.

Security forces searched the houses of the three defendants and seized phones, laptops and written political essays and documentation. The defendants were not allowed access to lawyers during the first 48 hours as per the counter-terrorism law under which they are detained.

Chaima Issa, Jaouhar Ben Mbarek and Khayam Turki's arrest and investigation violates articles 19, 21 and 22 of the International Covenant on Civil and Political Rights related to the protection of the rights to freedom of expression, peaceful assembly and association respectively and ratified by Tunisia.

I urge you to immediately release Chaima Issa, Jaouhar Ben Mbarek and Khayam Turki and drop all charges against them.

Yours sincerely,

ADDITIONAL INFORMATION

Since February 2023, Tunisian authorities have opened criminal investigations against at least 21 people on unfounded conspiracy accusations. At least nine people are currently detained in relation to this investigation including politician Khayam Turki arrested on 11 February; prominent businessman Kamel Eltaief arrested on 11 February; dissident and politician Abdelhamid Jelassi arrested on 12 February; lawyer and dissident Lazhar Akremi arrested on 13 February; opposition activists Chaima Issa and Issam Chebbi arrested on 22 February; opposition activist Jaouhar Ben Mbarek arrested on 24 February; and finally lawyers Ghazi Chaouachi and Ridha Belhaj arrested on 25 February.

Chaima Issa is a prominent Tunisian activist and leading opposition figure in the National Salvation Front (NSF), one of the main opposition coalitions in Tunisia. She was arrested on 22 February 2023 while she was driving in Tunis with her sister and is currently detained in the Manouba prison, Tunis. In a separate case, a military court is also investigating Chaima Issa under Article 24 of the draconian cybercrimes Decree-Law 2022-54 for remarks about authorities made during a radio interview on 22 December 2022. The authorities have also barred her from travelling abroad. Under international human rights law, civilians should never be tried before military courts. If tried and convicted, she could face up to 10 years in prison under the decree-law.

Jaouhar Ben Mbarek is also a prominent Tunisian activist and one of the leaders of the National Salvation Front (NSF). Like Chaima, he is also one of the founders of "Citizens against the coup", a political initiative critical of President Saied's 2021 power grab. He was involved in the organization of several protests in Tunis calling for the removal of President Saied and his government. He was arrested on 24 February 2023 and taken to Bouchoucha detention centre after security forces raided and searched his house. Prior to his arrest, police also briefly arrested his father Ezzedine Hazgui who is also a vocal critic of President Saied. Jaouhar Ben Mbarek is currently detained in Mornaguia prison in Tunis.

Khayam Turki is a Tunisian politician and director of a think tank named Joussour (Bridges). He also was the Secretary General of the Ettakatol opposition party before stepping down in 2015. In 2020, Khayam Turki's name was suggested by several political parties to Tunisian president Kais Saied to become the next head of government. He was arrested on 11 February 2023 at his home in Tunis after security forces raided and searched his house. He is currently held in the Mornaguia prison in Tunis.

Since suspending parliament and claiming sweeping emergency powers on 25 July 2021, President Saied has issued decree-laws and overseen the adoption of a new constitution that grant him the final word on judicial appointments and the power to dismiss judges summarily. As of 11 February 2023, when the most recent wave of arrests began, courts have already investigated or prosecuted at least 32 people for the legitimate exercise of their right to freedom of expression amid a broader erosion of human rights since 25 July 2021.

On 14 February 2023, UN High Commissioner for Human Rights, Volker Turk expressed concern over the recent wave of arrests against civil society figures and perceived opponents as well as the Tunisian authorities' sustained attacks on the judiciary. A spokesperson for the commissioner specifically mentioned the criminal proceedings initiated against "perceived political opponents" charged with "conspiracy against State security". The commissioner called on the Tunisian authorities to "respect due process and fair trial standards in all judicial proceedings and to release immediately all those arbitrarily detained, including anyone detained in relation to the exercise of their rights to freedom of opinion or expression".

On 22 February 2023, President Saied declared that anyone who "dared to exonerate" what he described as "criminal networks" was, in essence, an "accomplice." This statement, coupled with the president's arbitrary dismissal of 57 judges in 2022, has contributed to a growing climate of intimidation of the judiciary.

On 30 March 2023, a Tunisian court refused a request for provisional release by lawyers of eight people detained under the "conspiracy" investigation, including Chaima Issa, Jaouhar Ben Mbarek and Khayam Turki.

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

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 July 2023

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

NAME AND PRONOUN: Chaima Issa (she/her), Jaouhar Ben Mbarek (he/him) and Khayam Turki (he/him)