



# Last Days of Freedom

Annual Report on Human Rights Violation  
in Tunisia for The Year 2023

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Intersection Association for Rights and Freedoms

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## Executive Summary:

This report highlights the human rights violations witnessed in Tunisia throughout 2023, which targeted a large number of Tunisian citizens regardless of their occupations and fields of activities, particularly the criticizing and opposing voices of the ruling regime. Most of the violations were aimed at freedom of expression, negatively impacting the reality of rights and freedoms in Tunisia.

In this regard, Intersection Association for Rights and Freedoms has been monitoring and collecting violation cases, ranging from arbitrary arrests to mere summons for interrogations under various laws, including the Penal Code, Communications Code, and Decree No.54, alongside arbitrary arrests that targeted several politicians. In addition, this report addressed the legal pursuit of journalists, which increased in comparison with the previous years. This reveals that the policy adopted by the ruling authority to impose its dominance on several fields by using its various judicial and executive bodies to restrict freedom of expression and yielding the set of rights and gains, which were among the main goals of the Tunisian revolution in the past and represented an essential component of Tunisian democracy since 2011.

## Introduction:

Since 25<sup>th</sup> July 2021, and upon the set of extraordinary measures announced by the Tunisian President, Kais Saied, the frequency of violations in Tunisia and the number of cases related to violating freedom of speech has been increasing. Consequently, 2023 witnessed many arrests of political opponents of the President's policy and decisions. Arrest warrants were issued against 8 leaders of opposition political parties to the post-2025 regime. Furthermore, there was a restriction on the free press and pursuit of journalists, activists, and human rights defenders due to the exercise of their right to freedom of speech and criticism of the President's decisions and policies pursued by the members of his government. These arrests were not limited to politicians and activists only, but also targeted citizens from different governorates of the Tunisian Republic, who expressed their opinions regarding the situation Tunisia has been undergoing for years.

In this context, the annual report covers the human rights violations committed by the Tunisian state against its citizens throughout the 12 months of 2023, where most of the arrests and legal pursuits are related to freedom of speech. The wave of targeting freedom of expression has continued since the beginning of this year, following what Tunisia witnessed in the previous years, 2021 and 2022. The period of President Kais Saïd's rule in the last three years is considered one of the periods in which Tunisia experienced an unprecedented increase in opinion-related issues that targeted political opponents of Kais Saïed. This reflects the fact that the current government continues to violate rights, restrict freedom, and impose its dominance on freedom of expression via its oppressive bodies and arsenal of laws that restraint freedom of expression and impose unjust regulations and disciplines that do not align with the essence of the Tunisian constitution being a guarantor of these rights, or the conventions and charters that stipulate respecting all human rights, which the Tunisian state is a party to and bound to respect.

This report tackles the violations Tunisia witnessed throughout 2023, especially the violation by the state of the right to freedom of expression and various related rights, such as the right to freedom of media, press, political, and union work. It also examines the extent to which the Tunisian states directs its compass to limit these rights by tightening them from various aspects, particularly arbitrary trials and imposing false charges on citizens, as well as imprisoning them for extended periods to imbue fear among them and deter them from engaging in political, rights-related issues and public affairs.

Moreover, the report addresses the arrests, assaults, and violations within detention centers, as well as the transgression of the right to a fair trial by breaching legal procedures and infringing upon the rights of detainees, especially politicians arrested in the conspiracy case. Additionally, it highlights the authority's large campaign to subject and coerce the Tunisian press by trying journalists due to performing their journalistic duties under penal texts

beyond the scope of Decree No.115 regulating journalism. Alongside the prosecution of activists and citizens, all issues fall within the framework of “freedom of opinion.”

The report contains a chronological narrative of the violations that were monitored from January until the end of December. Then, it addresses the violations of freedom of opinion and expression and violations against journalists during 2023.

## Methodology:

To prepare this report, Intersection Association for Rights and Freedoms relied on several sources to collect data and information related to the violation cases that occurred in 2023. These resources include:

- Data exclusive to the association, which contains documentation of the human rights violation cases
- The association’s platform, “Freedom Faces,” which contains the documentation of human rights violations.
- Reports and studies issued by local and international human rights organizations
- Journalistic articles and official statements from government officials
- Official data and statements issued by the concerned authorities
- Interviews conducted with the violation victims or their relatives and lawyers, and collecting and documenting their testimonies to verify and confirm the accuracy and comprehensiveness of the information to a large extent.

## Background:

Since 2021, Tunisia has experienced many changes on the political level, in particular following President Kais Saied’s initiative taken on 25<sup>th</sup> July 2021 to suspend the parliament’s activities and dissolve the government, in addition to issuing several extraordinary decrees that led to the transformation of the political scene through his self-interpretation of Article 80 of the previous Tunisian constitution and declaration of a state of exception.

This has impacted human rights in Tunisia, especially through decrees and orders issued by Tunisian President Kais Saied, most notably Presidential Decree No.117, issued on September 22, 2021, related to the exceptional measures. This was followed by Presidential Decree No.11 of 2022, related to the dissolution of the Supreme Judicial Council, then Decree No.516, dated June 1, 2022, through which the Tunisian President dissolved the Supreme Judicial Council and dismissed several judges.

Subsequently, the executive authority has started extending its hand over the rest of the authorities and state institutions, including independent constitutional bodies. On September 13, 2022, the authority directed its compass toward the right to freedom of expression by imposing new restraints and eradicating the essential gains of the Tunisian revolution. The President of the Republic issued Decree No.54 related to preventing crimes relevant to information and communication systems, which was the most prominent and effective for the authority, for it serves as a sword hanging over the heads of anyone who criticized the President's decisions. Following that, a new constitution for the country was drafted by the President individually and presented for a referendum in July 2022. This led to the election of a new parliament in December 2022 after excluding women indirectly by retreating from the principle of equality, which reflected negatively on Tunisia's democratic process.

Since that period, human rights violations have witnessed an unprecedented increase compared to previous years. The year 2023 was filled with "opinion" trials that targeted various Tunisian groups, among them journalists, politicians, human rights defenders, and even union activists, who were imprisoned or faced legal action due to their activities and expressing their opinion in a country, which guarantees freedom of expression to all of its citizens. Moreover, there was an arrest campaign in February of the same year, which targeted several political leaders, involving them in what became known in the media as "the conspiracy case."

The authority did not stop at violating freedom of opinion and expression; in addition to this, these violations included the right to organize and form associations and parties. Consequently, there were attacks on the civil space, such as associations and parties accused of treason and slandered in the President's speeches on more than one occasion. This was until the authority expressed its intention to change Decree No.88 relevant to regulating associations, which in turn was another gain of the revolution. Today, the authority is aiming to revoke and replace it with another law that allows the ruling authority to extend its hands over associations and organizations and restrict the area of their activities. These violations are tangible indicators of the current political authority's orientation and its adoption of a policy that restricts human rights alongside committing violations against citizens. This constituted a noticeable regression from democracy and the gains achieved by the Tunisian people after the revolution of 14<sup>th</sup> January 2011.

# Toll of Violations in January:

The beginning of 2023 witnessed a new start of human rights violations. On January 2, 2023, the coordinator of the Association for The Defense of Dismissed Judges and president of the National Association for The Defense of Freedoms and Democracy, Attorney “**Ayachi Hammami**<sup>1</sup>” was referred to the judiciary because of a complaint filed by the Minister of Justice, Laila Jaffel. He was accused of spreading false rumors and endangering public security due to his statements<sup>2</sup> in which he criticized the current authority and defended the judges dismissed by President Kais Saied, some of whom were referred to the anti-terrorism pole.

On 4<sup>th</sup> January, the young man **Hamza Abidi**<sup>3</sup> was arrested due to a post in which he spontaneously expressed his opinion about the economic and social situation in Tunisia during that period. He was referred under Decree No.54 and then released on January 5, 2022. On **January 18, 2023**, politician **Chaima Issa**<sup>4</sup> was summoned to appear before the Central Unit for Crimes Prevention affiliated with the National Guard in Ben Arous for questioning. This is based on charges such as inciting military personnel not to obey orders and committing heinous acts against the president, as well as spreading false news and rumors via information and communication networks and systems with the aim of endangering public security and national defense after she participated in a radio program, in which the President of the Republic had been criticized.

On January 31, 2023, **Anis Kaabi**<sup>5</sup>, the general secretary of the Union for Highways, was arrested due to a complaint filed by the General Directorate of Highways Tunisia in which the Secretary-General had been accused of causing financial losses because of his radio statement regarding an upcoming strike and several posts he published on his personal social media page, as well as the General Union’s for Transportation’s official page<sup>6</sup>, denouncing the issues within the public transportation sector in Tunisia. He found himself imprisoned due to a complaint filed by the Minister of Transportation per the provisions of Articles 96 and 107 of the Penal Code.

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1 Phone call with Attorney Ayachi Hammami on January 4, 2023.

2 Ultra Tunisia. Because of a Radio Statement...Ayachi Hammami is referred to interrogation according to Decree No.54. February 2, 2023. Last access: February 15, 2024 (AR Reference):

<https://ultratunisia.ultrasawt.com/%D8%A8%D8%B3%D8%A8%D8%A8-%D8%AA%D8%B5%D8%B1%D9%8A%D8%AD-%D8%A5%D8%B0%D8%A7%D8%B9%D9%8A-%D8%A5%D8%AD%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D8%B9%D9%8A%D8%A7%D8%B4%D9%8A-%D8%A7%D9%84%D9%87%D9%85%D8%A7%D9%85%D9%8A-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%88%D9%81%D9%82-%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-54/%D8%A7%D9%84%D8%AA%D8%B1%D8%A7-%D8%AA%D9%88%D9%86%D8%B3/%D8%B3%DB%8C%D8%A7%D8%B3%D8%A9/%D8%A7%D9%94%D8%AE%D8%A8%D8%A7%D8%B1>

3 Phone call with Hamza’s friend on January 4, 2022. Examination of the post subject to judicial monitoring. Social media posts.

4 Phone call with Politician Chaima Issa on January 19, 2023

5 Phone call with a leader in the General Union for Transportation on February 2, 2023.

6 Tunisian General Labor Union website. Statement of the Executive Bureau following the arrest of Brother





## February 2023, Mass Arrests Among Opposition Figures:

In February 2023, 25 individuals were arrested in different cases. On 11<sup>th</sup> February, politicians **Abdelhamid Jlassi** and **Khayem Turki**, alongside other 3 businessmen, were arrested in what is known as the conspiracy case. In addition, on 12<sup>th</sup> February, judges **Bachir Akremi** and **Tayeb Rached**<sup>7</sup> were arrested and imprisoned after facing charges related to their roles as judges. Former parliamentarian and Minister of Justice **Noureddine Bhiri** was also arrested on the grounds of tampering with judicial rulings and documents, as well as granting citizenship to foreigners involved in international terrorism cases, while being kept in custody in Mornagia Civil Prison. The next day, February 13, 2023, politician **Lazher Akremi** was arrested as his name was included in the conspiracy case, alongside the Director of Mosaïque FM, Noureddine Boutar, after being accused of using the station's editorial line to defame the highest authority and state symbols and incite public unrest<sup>8</sup>.

Furthermore, Tunisian authorities referred 16 unionists for investigation. On 15 February

7 France 24 Tunisia: The authorities arrest former judges Bechir Akremi and Tayeb Rached. February 2023. Last access February 16, 2024 (AR Reference): <https://www.france24.com/ar/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1-%D8%A7%D9%84%D9%85%D8%BA%D8%A7%D8%B1%D8%A8%D9%8A%D8%A9/20230213-%D8%AA%D9%88%D9%86%D8%B3-%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D8%AA-%D8%AA%D8%B9%D8%AA%D9%82%D9%84-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D9%82%D9%8A%D9%86-%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D9%83%D8%B1%D9%85%D9%8A-%D9%88%D8%A7%D9%84%D8%B7%D9%8A%D8%A8-%D8%B1%D8%A7%D8%B4%D8%AF>

8 Intersection Association for Rights and Freedoms: Freedom Struggles and Repression. January 19, 2023. Last Access, ss (AR Reference):

2023, the Secretary-General of the Union for Transportation, **Wajih Zidi**<sup>9</sup>, was summoned to appear before the Third Brigade of the National Guard in Ben Arous for investigation. This was following a complaint filed by the minister of transportation at that time, accusing him of attacking and inciting against official state institutions, defaming them, and violating the inviolability of the administration after he participated in a strike within the ministry alongside other unionists affiliated with of the Tunisian General Labor Union.

On February 22, 2023, Tunisian authorities arrested then detained the leader at Salvation Front, **Chaima Issa**, after including her name in the conspiracy case. Subsequently, other politicians were detained in the case. On February 24, 2023, politician **Jawher Ben Mbarek** and Attorneys **Ghazi Chaouachi** and **Ridha Belhaj** were arrested for investigation and then placed at the Mornagia Civil Prison, which has been almost a year since their imprisonment<sup>10</sup>.

On 27<sup>th</sup> February, the same day, 4 individuals were arrested, including 3 activists from the Republican Party, namely Wissem Sghaier, Oussama Ghoulem, and activist **Bouthaina Khelifi**. Their arrest was due to writing several political slogans on walls condemning the arrest of the Secretary-General of the Republican Party, "Issam Chebbi." They were detained for two days and accused of damaging public property and insulting a public official before being released on March 1, 2023. On the same date, police forces arrested the leader of the Ennahdha Movement, Sayed Ferjani, after including his name in a case named "Instaligo," where an arrest warrant was issued against him on 1<sup>st</sup> March, and he has remained in prison since that date without any significant developments in his case.

## March 2023 Violations:

The arrest campaign that began in Tunisia in 2023 continued until March as political leaders in Tunisia known for their opposition to President Kais Said's regime had been arrested. On March 2, 2023, the leader of the Ennahdha Movement, **Habib Ellouze**, was arrested by the judicial police in Gorjeni by virtue of an order issued by the public prosecution following including his name in several cases such as the case known as "Instaligo." Habib Ellouz has been imprisoned for more than 300 days.

During the same week, the former leader of the Ennahdha Movement, Mohammed Ben Salem, was arrested in Gabes governorate on charges of facilitating the crossing of an individual across the borders along with the Ennahdha activists **Ala Ellefi** and **Ahmed Laamari**. It was decided in September 2023 to keep them in a state of release with the condition that they remain in Gabes governorate, where they reside. On March 13, the director of Al-Fajr newspaper, **Mohamed El Fourti**, was arrested, followed by the arrest of **Abdel Fatteh Taghouti**, a member of the Executive Bureau and Communication Officer in the Ennahdha

<sup>9</sup> Freedom Faces Platform: Intersection Association for Rights and Freedoms: Violation Case "Wajih Zidi": <https://intersection.uno/freedom-faces/%d9%88%d8%ac%d9%8a%d9%87-%d8%a7%d9%84%d8%b2%d9%8a%d8%af%d9%8a>

<sup>10</sup> Database about political arrests in 2023, prepared by Intersection Association for Rights and Freedoms [https://docs.google.com/spreadsheets/d/1LvMIIGL\\_DcnU\\_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212](https://docs.google.com/spreadsheets/d/1LvMIIGL_DcnU_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212)

movement, to investigate them in several cases before they were released days later.

## April 2023, the authorities continue to target political opponents:

In the first week of April, Tunisian police summoned journalists **Monia Arfaoui** and **Mohamed Boughaleb** due to a complaint filed by the Ministry of Religious Affairs. This was under Decree No.54 of 2022, related to combating crimes related to information and communication systems and the Penal Code. This follows the interrogation of **Monia Arfaoui**<sup>11</sup>, a journalist with “Al Sabeh” newspaper, in March of the same year due to two complaints from the same minister. **Mohamed Boughaleb**<sup>12</sup> was summoned on Friday, April 7, 2023, because of his comments regarding exploiting the Ministry of Religious Affairs’ services using a vehicle under legal pursuit. Consequently, he found himself accused of spreading false news in addition to being accused of offending religious rituals and endangering the life of the Minister of Religious Affairs, as well as attributing illegal actions to a public official<sup>13</sup>.

After being presented for investigation, journalist Mohamed Boughaleb, along with his lawyers, waited for the verdict for more than five hours, despite his health condition requiring some rest and access to his medication. At four in the afternoon, Boughaleb was kept on provisional release, with a second session scheduled for Wednesday, April 12, 2023.

On the previous day, **Mohamed Boughaleb** went again to El Gorjani to be heard in another complaint where he was accused of forming a criminal accord with journalist Monia El Arfaoui and coordinating to defame the Minister of Religious Affairs. It was later decided to keep them on provisional release. Journalist Mohamed Boughaleb was then informed to attend on May 2nd for hearing his statements in previous complaints filed against him, the reasons for which were not disclosed.

On the seventeenth of the same month, Tunisian police forces arrested leaders from the Ennahda Movement, including its leader and former President of Parliament, **Rached Ghannouchi**<sup>14</sup>. His residence in the capital was raided following an arrest warrant issued by the

11 Phone call with Monia Arfaoui in April 2023

12 Interview with the violation victim’s lawyer, Attorney Anas Kaddousi on February 12, 2023

13 Mosaique FM : The Journalists Union protests against the trial of Arfaoui and Boughaleb per Decree No.54. April 12, 2023. Last access: 15<sup>th</sup> February 2024 (AR Reference) <https://www.mosaiquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/1152467/%D9%86%D9%82%D8%A7%D8%A8%D8%A9-%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A%D9%8A%D9%86-%D8%AA%D8%AD%D8%AA%D8%AC-%D8%B9%D9%84%D9%89-%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D9%81%D8%A7%D9%88%D9%8A-%D9%88%D8%A8%D9%88%D8%BA%D9%84%D8%A7%D8%A8-%D9%88%D9%81%D9%82-%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-54>

14 France 24: The Ennahdha Movement announces the arrest of its president, Rached Ghannouchi after raiding his house. April 17, 2023. Last access: February 15, 2024 (AR Reference): <https://www.france24.com/ar/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1-%D8%A7%D9%84%D9%85%D8%BA%D8%A7%D8%B1%D8%A8%D9%8A%D8%A9/20230417-%D8%AD%D8%B1%D9%83%D8%A9-%D8%A7%D9%84%D9%86%D9%87%D8%B6%D8%A9-%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A%D8%A9-%D8%AA%D8%B9%D9%84%D9%86-%D8%AA%D9%88%D9%82%D9%8A%D9%81-%D8%B1%D8%A6%D9%8A-%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-54>

public prosecutor's office due to his statements the Interior Ministry described as incendiary.

Ghannouchi was accompanied by leaders of the movement who were detained the next day: **Mohammed El Goumani, Belgacem Hassan, Mohammed Chniba, and Ahmed Mechergui**<sup>15</sup>.on the grounds of a video that was posted on social media websites where Ghannouchi criticized the current ruling authority. After the investigation, the public prosecutor decided to release Mohamed El Goumani, **Belgacem Hassan**, and **Mohamed Chniba** but issued an arrest warrant <sup>16</sup>for the rest of the detainees, accusing them of intending to change the state's structure or incite armed conflict among the population, as well as provoking chaos, murder and looting with potential penalties that could go as far to the death penalty under **Article 72** of the Penal Code<sup>17</sup>. This act was merely a political meeting within one of their bases where they discussed the current political affairs and criticized the ruling authority, which falls under their rights as Tunisian citizens for free expression and engagement in political issues, regardless of their status as politicians or former officials in state institutions.

On Sunday, April 30, 2023, the former member of the Independent High Electoral Commission, **Zaki El Rahmouni**,<sup>18</sup> was heard in accordance with a judicial order from the investigating judge at the Court of First Instance in Siliana regarding three of his posts and two posts by the former member of the Commission, Sami Ben Slama, which he republished in October 2022. He was accused of spreading fake news, inciting hatred, harming public security, and other acts criminalized by Decree No. 54.

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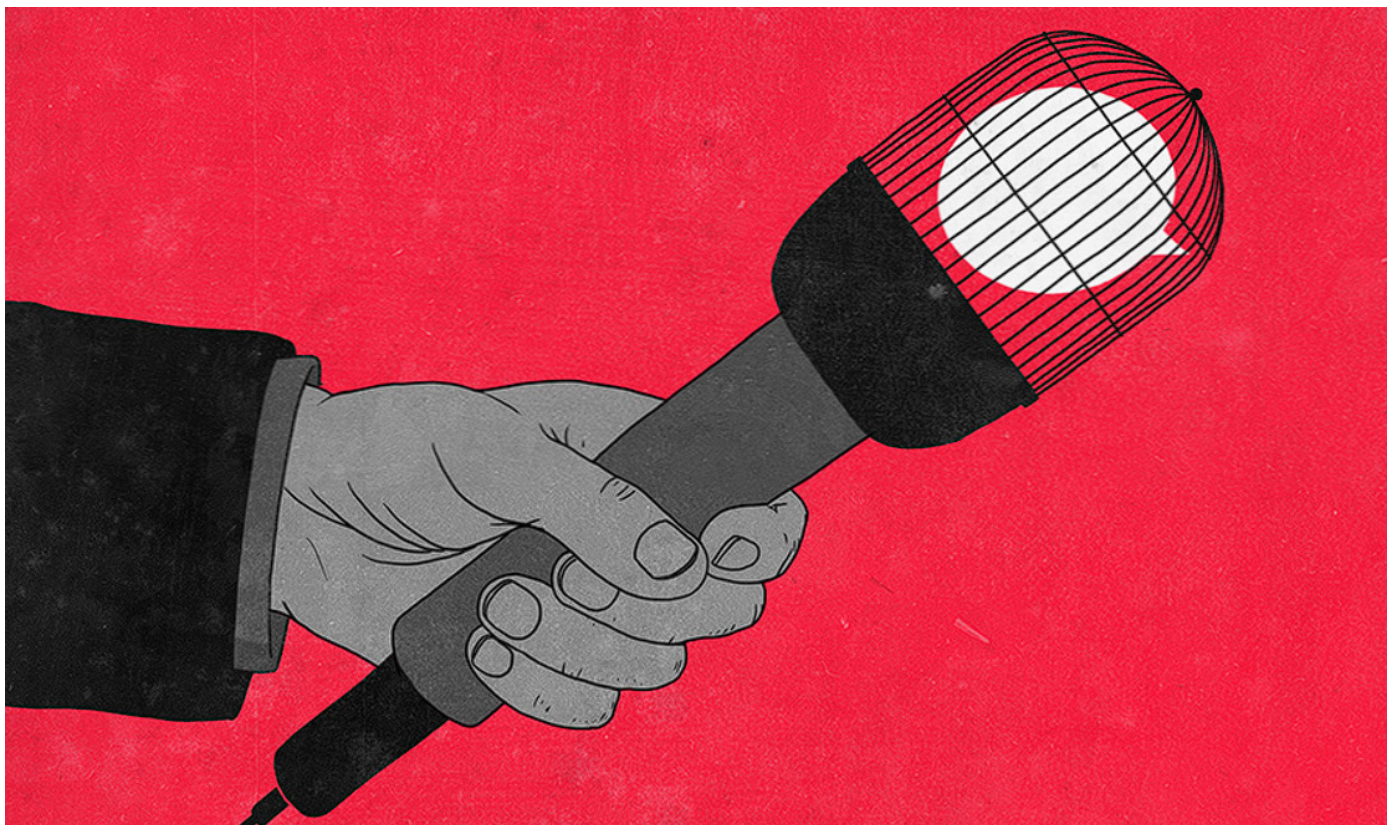
[https://docs.google.com/spreadsheets/d/1LvMIIGL\\_DcnU\\_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212](https://docs.google.com/spreadsheets/d/1LvMIIGL_DcnU_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212)

15 Intersection Association for Rights and Freedoms: Database about political arrests since February 2023. [https://docs.google.com/spreadsheets/d/1LvMIIGL\\_DcnU\\_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212](https://docs.google.com/spreadsheets/d/1LvMIIGL_DcnU_WQ-hM-UAn2phPpD7Cvo/edit#gid=1183484212)

16 Al Shourouk Newspaper. Arrest of Mohammed Goumani, Belgacem Hassan, and Mohammed Cheniba. 18<sup>th</sup> April. Last access: February, 6, 2024. (AR Reference): <https://www.alchourouk.com/article/%D8%A7%D9%84%D8%BA%D9%86%D9%88%D8%B4%D9%8A-%D8%A8%D8%B9%D8%AF-%D9%85%D8%AF%D8%A7%D9%87%D9%85%D8%A9-%D9%85%D9%86%D8%B2%D9%84%D9%87>

17 Article 72 of the Penal Code (AR Reference): <https://legislation-securite.tn/ar/law/43760>

18 Almaghreb Newspaper; Investigating Zaki Rahmouni under Decree No.54. February 30, 2023. Last access: January 22, 2023 (AR Reference): <https://ar.lemaghreb.tn/%D9%82%D8%B6%D8%A7%D8%A1/item/79160-%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%85%D8%B9-%D8%B2%D9%83%D9%8A-%D8%A7%D9%84%D8%B1%D8%AD%D9%85%D9%88%D9%86%D9%8A%D8%8C-%D8%B9%D9%84%D9%89-%D9%85%D8%B9%D9%86%D9%89-%E2%80%9D-%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-54%E2%80%B3>



## May 2023, A 5-Year-Sentence Against the Tunisian Journalist:

In 2023, the Tunisian authorities enforced restrictions against freedom of opinion and expression by arresting more citizens. On May 5, 2023, a man in the Kef governorate was detained by plainclothes police officers who went to the house of violation victim **Hassan Abidi** and took him from his home in front of his family without any explanation. It was later revealed that he was arrested for sharing a video on Facebook that humorously depicted an actor alongside an image of President Kais Saied in a satirical manner criticizing the post-July 25, 2021, regime. He was later presented to the public prosecutor on May 8, 2023, who decided to detain him in the Civil Prison in Kef. On May 9, 2023, the Court of First Instance sentenced him to 8 months in prison for committing a heinous act against the President per Article 67 of the Penal Code.

May 2023 was a challenging period for Tunisian journalism, as on Monday, May 15, 2023, the specialized chambers for terrorism issued an appellate verdict against journalist **Khalifa Guesmi**<sup>19</sup> sentencing him to 5 years in prison per the anti-terrorism and money laundering law of 2015. This is on the grounds of the publishing in 2022 of an article talking about the detection of a terrorist cell in Kairouan. It is worth mentioning that he was previously arrested in connection with this case in March 2022. He was detained for 5 days pending an investigation into the content of the press release according to Article 34 of the anti-terrorism and

<sup>19</sup> Tunisian National Union for Journalism. Freedom for Khalifa Guesmi, October 26, 2023. Last access: February 15, 2024: <https://intersection.uno/freedom-faces/%d8%ae%d9%84%d9%8a%d9%81%d8%a9-%d8%a7%d9%84%d9%82%d8%a7%d8%b3%d9%85%d9%8a>

money laundering law of 2015. Khalfia is now serving his prison sentence in total violation of his rights as a journalist and as a Tunisian citizen.

In May, the authority continued to direct its compass towards the Tunisian press, especially media professionals in political affairs. On May 22, 2023, journalists **Elyes Gharbi**<sup>20</sup> and **Haythem Makki**<sup>21</sup> at Mosaique FM Radio were summoned for investigation by the sub-Department for Crimes in El Gorjeni due to a complaint filed by a police officer in his personal capacity alleging defamation, indecent assault, and insulting security forces during an episode of the “midi show” program, in which some of the practices of police officers were criticized. After they were presented to the investigation, the public prosecution decided to keep them in a provisional release after reviewing the case.

In addition, the Defense Body for Political Detainees in the case known in the media as the “conspiracy” case, announced the expansion of the circle of defendants in the case, only to find out later that there were complaints filed per Decree No. 54 against politician and lawyer **Abderraouf Ayadi** and Attorney **Lamia Farhani**<sup>22</sup>. Furthermore, the investigating judge at the Court of First Instance in Ariana issued three arrest warrants against the former leader of the Ennahdha Movement, **Essahbi Atigue**,<sup>23</sup> and two other individuals after their interrogation on May 12, 2023. This was on charges related to forming an accord for the purpose of money laundering by using facilities for professional and social activities, possessing foreign currency illegally, and providing false testimony. He was placed in prison in a public rights case after being accused of forming an accord for the purpose of money laundering. Meanwhile, his wife stated it had been a malicious case against her husband. Consequently, the 64-year-old Sahbi Atigue announced going on a hunger strike on May 16, 2023, to protest against the injustice he is subjected to, according to his opinion, to remain in that state for more than 60 days. This has led to a constant deterioration of his health, which required transferring him to the hospital since he started his strike and offering him the necessary medical care due to his health condition and age. However, he was admitted to the hospital on July 4, 2023, after his health had deteriorated entirely, which almost put his life in danger. Sahbi Atigue has been imprisoned for more than 9 months without further developments or verdict in the case.

On May 16, 2023, the police forces arrested both young men, **Dhia Nasir** and **Youssef Chalbi**<sup>24</sup>, on charges of filming a video containing a satirical song criticizing police practices. The footage had circulated on social media platforms and was shared by many people, due to which they found themselves subjected to legal pursuit and facing sentences exceeding one year in prison. This was after they were referred to the crimes department after being

20 Phone call with Journalist Haythem Makki on May 3, 2023

21 The same previous source

22 Intersection Association for Rights and Freedoms. Database about the cases related to Decree No.54. [https://docs.google.com/spreadsheets/d/1Q5GPWuKgPgCalsQro7v-LbT-\\_H0aOMO5\\_0FL756hzNA/edit#gid=1537875035](https://docs.google.com/spreadsheets/d/1Q5GPWuKgPgCalsQro7v-LbT-_H0aOMO5_0FL756hzNA/edit#gid=1537875035)

23 Intersection Association for Rights and Freedoms. “Behind Walls” Report.

24 Al Shourouk Newspaper. Dhia Nasir and Youssef Chelbi. May 23, 2023. Last access: February 21, 2024 (AR Reference): <https://www.alchourouk.com/article/%D8%A7%D9%84%D8%AD%D9%83%D9%85-%D8%A8%D8%B9%D8%AF%D9%85-%D8%B3%D9%85%D8%A7%D8%B9-%D8%A7%D9%84%D8%AF%D8%B9%D9%88%D9%89-%D9%81%D9%8A-%D8%AD%D9%82%D9%91-%D8%B6%D9%8A%D8%A7%D8%A1-%D9%86%D8%B5%D9%8A%D8%B1-%D9%88%D9%8A%D9%88%D8%B3%D9%81-%D8%B4%D9%84%D8%A8%D9%8A>

accused of insulting others through communication networks in accordance with the requirements of Article 86 of the Journal of communications, as well as due to defaming a public official according to Article 128 of the Penal Code. It was also decided to keep them in a suspended state pending their appearance before the judiciary. After that, the case was dismissed by the court, and they were released. However, their name was added to the list of many young people who were prosecuted for expressing their opinions or being harassed within police stations and court halls, aiming to discourage them from exercising their rights and engaging in public issues freely.

On the 29th of the same month, the police forces arrested the young man **Mohammed Rayen Hamzaoui**<sup>25</sup>, the President of the dissolved Municipal Council in Ezzahra, by virtue of an arrest warrant issued against him on charges of conspiring against the internal security of the state. In a statement by his father to one of the private radio stations, he reported the violations that his son is exposed to inside the prison and entered a hunger strike in protest against the injustice he is subjected to by being deprived of his freedom due to malicious charges related to him. Rayan Al-Hamzaoui has been imprisoned for more than seven months without his case being looked into by the judiciary.

## June 2023:

On June 5, 2023, the police forces arrested the young man **Abderrahman Ben Said**<sup>26</sup> due to publishing a video on his personal social media page, in which he addressed the daily harassment he was facing during his work and complained about the practices of policemen in the region. According to him, they visit him on a daily basis in order to blackmail him and unpack his goods without providing any legal justification. He had been detained for 12 days, and on June 15, then brought before the judiciary to look into his case, where he was accused of insulting a public official while they were performing their duties under Article 125 of the Penal Code. He was initially sentenced to six months in prison, which constitutes a flagrant violation of his right to freedom of expression.

On June 9, 2023, political activist and member of the National Council of the Democratic Current Party, **Elyes Chaouachi**, was summoned to appear for investigation on Monday, June 12, 2023 before the Fifth Central Brigade for Combatting Information and Communication Technology Crimes affiliated with the National Guard in L'Aouina. This comes in light of charges due to a phone call intervention he made on June 7, 2023, on the program "Rendez-vous 9" on Channel Attesia. It was within the context of exercising the right to respond to what the official spokesman of the General Directorate for Prisons and General Authority for Prisons and Corrections had said about the direct visit permits issued by the first investigating judge, which was later denied by the prison administration. The permissions for his family were in order to enable them to visit his father, Ghazi Chaouachi, who has been imprisoned since last February in what is known as the conspiracy case.

<sup>25</sup> Diwan FM. Conspiracy case against state security victim Rayen Hamzaoui enters a hunger strike. August 21, 2023. January 23, 2023. <https://www.youtube.com/watch?v=1rnxljrJOaw>

<sup>26</sup> Phone call with the violation victim's father in June 2023

On June 16, after the Court of First Instance had sentenced **Hassan Labidi**<sup>27</sup> to 8 months in prison in May on charges of committing a heinous act against the president of the Republic per Article of the Penal Code, the Appellate Court, during the appellate phase, decided to maintain the same term of the penalty prescribed, refusing to reduce it or take into consideration the health and social conditions of Hassan and his family.

In another context, on June 16, 2023, Tunisian lawyer, politician, and leader of the Salvation Front Coalition, **Ahmed Najib Chebbi**, was summoned to appear before the investigating judge of the judicial pole for combating terrorism to hear him in the framework of what is known as the case of “conspiracy against state security.”<sup>28</sup> He was investigated due to the nature of his political activity and his relationship with the other detainees in the same case.

On June 20, journalist **Zied El Hani**<sup>29</sup> was summoned before the Brigade for Combatting Information Technology and Communication Crimes on charges of committing a heinous act against the president of the Republic due to a radio comment on Radio IFM. On June 22, 2023, the public prosecution decided to release journalist Zied El Hani after he had been detained for two days.

On Wednesday, June 21, 2023, member of the Defense Body, Attorney **Islem Hamza**<sup>30</sup>, was interrogated due to a case filed against her under Article 24 of Decree No.54, following a complaint filed by the General Directorate for Prisons and Rehabilitations regarding two media statements made by the lawyer about the transportation Vehicle that transfers political prisoners from the Civil Prison in Mornaguia to the court for their hearings. The vehicle is known as a “torture car.” This case comes within the same context as the conspiracy against state security case, highlighting the harassment exercised on the defense team representing political prisoners involved. They face legal action based on their media statements or comments they made in relation to the case and reported violations against prisoners, either within prison conditions or legal proceedings.

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27 Intersection Association for Rights and Freedoms. Freedom Faces Platform. Violation Victim, Hassan Labidi. <https://intersection.uno/freedom-faces/%d8%ad%d8%b3%d9%86-%d8%a7%d9%84%d8%b9%d8%a8%d9%8a%d8%af%d9%8a/>

28 Al Jazeera, Tunisia...Nejib Chebbi, leader of the opposition Salvation Front, is under investigation accused of conspiring against the state security. June, 16, 2023. Last access February, 21, 2024 (AR Reference) <https://www.aljazeera.net/news/2023/6/16/%D8%AA%D9%88%D9%86%D8%B3-%D9%86%D8%AC%D9%8A%D8%A8-%D8%A7%D9%84%D8%B4%D8%A7%D8%A8%D9%8A-%D8%B2%D8%B9%D9%8A%D9%85-%D8%AC%D8%A8%D9%87-%D8%A9-%D8%A7%D9%84%D8%AE%D9%84%D8%A7%D8%B5#:~:text=%D9%88%D9%85%D8%AB%D9%84%20%D9%86%D8%AC%D9%8A%D8%A8%20%D8%A7%D9%84%D8%B4%D8%A7%D8%A8%D9%8A%20%D8%B-5%D8%A8%D8%A7%D8%AD%20%D8%A7%D9%84%D9%8A%D9%88%D9%85,%D8%AD%D9%83%D9%85%D9%87%D8%A7%20%D9%84%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85%20%D9%88%D8%B7%D8%A7%D9%84%D8%AA%20%D8%B9%D8%B4%D8%B1%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A%D9%8A%D9%86.>

29 Tunigate, Journalist Zied El Hani Under Investigation. June 20, 2023. Last Access (AR Reference): <https://tunigate.net/posts/%D8%A7%D9%84%D8%A5%D8%B9%D9%84%D8%A7%D9%85%D9%8A-%D8%B2%D9%8A%D8%A7%D8%AF-%D8%A7%D9%84%D9%87%D8%A7%D9%86%D9%8A-%D8%A3%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82/>

30 Statement of the Defense Body for The Political Detainees,





## July 2023 Violations:

On Sunday, July 9, 2023, former MP **Zied Ghanney**<sup>31</sup> was banned from traveling after heading to Tunis-Carthage airport for the purpose of traveling and returning to his home and family. He found himself forbidden from leaving the territory of the Republic without previous warning or notification. It later turned out that there was a travel ban order issued against Zied Ghanney by the investigating judge on June 25, 2023. This was after including his name alongside several former MPs in a case filed by the executive authority, where he was accused of conspiring against state security due to his participation in the plenary session of the People's Deputies Council, which was held virtually by the end of March 2022.

On July 13, 2023, the judiciary decided to hold a hearing session to look into the demands for releasing political detainees. This was where politician Chaima Issa and Attorney Lazher Akremi were released while rejecting the rest of the demands for the other political detainees in the conspiracy case, who have been imprisoned for almost an entire year without any conviction.

The arrests and summonses of a number of politicians, who are known for their opposition to the current regime, continued in order to investigate them. On July 14, 2023, the former minister of education, former parliamentarian and politician **Mohammed El Hamdi** was summoned to appear before the National Brigade for Investigating Terrorist Crimes in Bouchoucha<sup>32</sup>. After being interrogated and heard, he was released on the same day.

<sup>31</sup> Phone call with Zied Ghanney on July 10, 2023.

<https://intersection.uno/freedom-faces/%d8%b2%d9%8a%d8%a7%d8%af-%d8%a7%d9%84%d8%ba%d9%86%d8%a7%d9%8a>

<sup>32</sup> Al Shourouk Newspaper 2023. Summons of Mohammed El Hamdi to appear before The National Brigade for Investigating Terrorist Crimes. July 13. Last access: February 21, 2024 (AR Reference) <https://www.alchourouk.com/artic>

On July 17, 2023, **Rached Tamboura**,<sup>33</sup> a young man originally from the Monastir Governorate, was stopped on his way to work inside a taxi by the internal security forces, where he was taken to the Investigation Brigade in Monastir to stay for 4 days pending investigation due to a mural criticizing the President in relation with the wave of racism and hatred witnessed by Tunisia against migrants from sub-Saharan Africa. Consequently, Rached remained detained under investigation for 4 days without his family knowing. Later, an arrest warrant was issued against him. As a result, he remained in prison for about five months until the court of First Instance in Monastir sentenced him to two years in prison on charges of a mural. Considering that the mural had been conditioned as committing a heinous act against the head of State in accordance with the requirements of Article 67 of the Penal Code.

On July 22, 2023, journalist **Chadha Haj Mbarek**<sup>34</sup> was arrested on the background of listing her name during the investigation of the case known in the media as the case of conspiracy against state security, and she has been in prison for a period exceeding 6 months. Initially, the judiciary issued a sentence to release Chadha on June 19, 2023, after she had been imprisoned since last October 2021. However, another arrest warrant against her was re-issued, and she remains imprisoned until now in political cases, which she considers to be vindictive due to her stances regarding the current political situation in Tunisia.

## August 2023:

In August 2023, an arrest warrant was issued against the poet **Sami El Dhibi**<sup>35</sup> due to a complaint filed by the Minister of Culture Hayat Ktat because of publishing a post on his personal Facebook page criticizing the concerned minister and the way she conducts the ministry. Subsequently, he was imprisoned in the Civil Prison in Mornaguia until September 26, 2023.

On 15<sup>th</sup> August, another case of violation against political prisoner **Abdelhamid Jlassi**<sup>36</sup> was monitored. His daughter was informed that her father was taken to the hospital to check his health condition as it deteriorated due to the prison conditions that contributed to the poor state of his health. It was reported that he was sharing a cell with smoking inmates while his health situation could not bear it. Furthermore, passive smoking is also considered dangerous, especially for a 60-year-old man who is still recovering from cancer. Moreover, all laws concerned with detention centers stipulate the need to protect prisoners and provide them

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[le/%D8%A7%D8%B3%D8%AA%D8%AF%D8%B9%D8%A7%D8%A1-%D9%85%D8%AD%D9%85%D8%AF-%D8%A7%D9%84%D8%AD%D8%A7%D9%85%D8%AF%D9%8A-%D9%84%D9%84%D9%85%D8%AB%D9%88%D9%84-%D8%A7%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D9%81%D8%B1%D9%82%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D8%A8%D8%AD%D8%AB-%D9%81%D9%8A-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8-%D8%A8%D8%A8%D9%88%D8%B4%D9%88%D8%B4%D8%A9](https://www.aljazeera.net/news/human-rights/2023/7/23/%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D8%AA%D8%A2%D9%85%D8%B1-%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A%D8%A9)

33 Phone call with the violation victim's sister on January 1, 2024.

34 Aljazeera in a "Conspiracy" case. Tunisian police forces arrest journalist Chadha Ben Mbarek.

July 23, 2023. Last access: February 21, 2024. (AR Reference): <https://www.aljazeera.net/news/human-rights/2023/7/23/%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D8%AA%D8%A2%D9%85%D8%B1-%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A%D8%A9>

35 Diwan FM, Poet Sami Dhibi arrested because of a publication criticizing the Minister of Culture. August 1, 2023. Last access: January 23, 2024 [https://www.youtube.com/watch?v=s\\_LcSysqT9I](https://www.youtube.com/watch?v=s_LcSysqT9I)

36 Phone call with the violation victim on August 15, 2023

with all the appropriate conditions.

On Monday, August 21, 2023, the president of the Tunisian Judges Association, Anas Hammadi, appeared before the investigating judge of the Court of First Instance in Kef after the interim Supreme Judicial Council lifted his impunity. The appearance of Mr. **Anas Hammadi**<sup>37</sup> to the judiciary comes within the context of an investigation of him on charges of disrupting freedom of employment. He was accused of this due to the judges' strike and performing his role as the elected president of the Judges' Association in June 2022. Following the association's protest against the interference of the executive authority in the judiciary through the decision to dismiss 57 judges by presidential order.

On August 23, 2023, the president of the Republic held a meeting<sup>38</sup> that included the Minister of Justice, the Minister of Interior, the Minister of Communication Technologies, the Director General of National Security, the Director General of the National Guard and the First Adviser to the president of the Republic in charge of national security, to discuss the topic of "cyber-crimes." Additionally, it is necessary to coordinate with several countries to put an end to the chaos on social media. What is meant by "chaos" is anyone who criticizes the President's policy or one of his government's ministers. This is what we infer from the nature of the individuals who are being prosecuted in such cases since all of them had expressed their opinions towards the current authority, which made them accused either per Article 86 of the Communications Code or **Decree No. 54**.

## September, continued arrests and further restrictions on freedom of expression:

By the beginning of September, on Sunday, September 3, 2023, police forces arrested journalist **Khalifa Guesmi**<sup>39</sup>. This is in implementation of the appellate verdict issued against him on May 15, 2023, by the special department for terrorist cases of the Tunis Court. This led to sentencing him to five years in prison under the anti-terrorism and money laundering law of 2015 accused of "participating in the deliberate disclosure of information related to the interception operations and the data collected from them." The suspension was carried out despite the defense team's request to suspend the execution of the sentence pending the decision of the Court of Cassation. Khalifa Guesmi is serving his sentence in the Civil Prison in Mornaguia pending the decision of the court of Cassation regarding his case. His imprisonment is a flagrant violation of his right as a journalist to freedom of journalistic work and his

<sup>37</sup> Almaghreb Newspaper. Anas Hammadi before the judiciary next Monday. August 17, 2023. Last access January 24, 2023 (AR Reference): <https://ar.lemaghreb.tn/%D9%82%D8%B6%D8%A7%D8%A1/item/93557-%D8%A3%D9%86%D8%B3-%D8%A7%D9%84%D8%AD%D9%85%D8%A7%D8%AF%D9%8A-%D8%A7%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%A7%D8%AB%D9%86%D9%8A%D9%86-%D8%A7%D9%84%D9%85%D9%82%D8%A8%D9%84>

<sup>38</sup> Africa News Agency. The most important news of August 2023. Last access: January 24, 2023 (AR Reference): <https://www.tap.info.tn/ar/Portal-AR-%D8%A3%D9%87%D9%85-%D8%A7%D9%84%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB-%D8%A7%D9%84%D9%88%D8%B7%D8%A8%D9%8A%D8%A9/16588020-%D8%A3%D9%87%D9%85-%D8%A7%D9%84%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9>

<sup>39</sup> Insight into the previous source

right as a citizen to freedom of expression.

On Saturday, September 21, 2023, Carica **Tawfik Omran**<sup>40</sup> was arrested in front of his house without informing him of the charges against him, without his rights, and especially his right to defense and the presence of a lawyer with him during the investigation. It was decided to keep him in custody for 48 hours and transfer him to the detention center in Bouchoucha. Around 2 AM, he was transferred back to the police station to find out that there was a case against him in the Ben Arous Court of First Instance, in connection with his caricatures' criticism. of the head of government under Chapter 86 of the Communication Code, which stipulates that anyone who intentionally offends others or disturbs their comfort through public communication networks is punished with imprisonment for a period ranging from one to two years and in a fine from one hundred to one thousand dinars. He was then kept on provisional release after being detained for more than 7 hours to investigate his drawings and their intended purpose.

## October 2023:

In October, Tunisia witnessed the arrest of politician **Abir Moussi**<sup>41</sup>, head of the Free Constitutional Party. On October 03, 2023, after she headed to the presidential palace in Carthage with the aim of filing a petition to appeal against the decisions of the presidency of the Republic related to local elections, determining the territory of the regions, dividing the districts and determining the number of seats. After a long wait, she was informed that the Registry Bureau had rejected these demands. Subsequently, she took videos in protest against this refusal. This led her to be taken to the police station in La Goulette and placed in the detention center in Bouchoucha. Later an arrest warrant against her was issued against her on charges of assault intended to replace the state body or to force the population to attack each other with weapons, stir up commotion, murder and looting on Tunisian territory, As well as disrupting the freedom of work and the processing of personal data without the permission of its owner.

Abir Moussi has been in prison for more than four months. In addition to the violations she is subjected to inside the prison, such as interrogating her without informing her defense team, and preventing her daughter from visiting her during the first days of her imprisonment in the Civil Prison for women in Manouba.

On October 4, 2023, the investigating judge of the Court of First Instance in Kairouan issued an arrest warrant against Tunisian journalist **Yassine Romadhani**<sup>42</sup> after referring him under Article 24 of Decree No.54 due to publishing a post on his personal Facebook page in which

40 Phone call with the violation victim on September 26, 2023

41 Phone call with Attorney Nafaa Laaribi, lawyer of the violation on November 10, 2023

42 Pubnet. Journalist Yassine Romdhani Faces Charges Leading to 10 Years in Prison. October 5, 2023. Last access January 25, 2024.

<https://www.babnet.net/rttdetail-274489.asp>

he criticized the performance of Mr. Taoufik Charfeddine, the interior minister at that time.

Subsequently, the public prosecution of the Court of First Instance in Kairouan issued an order to keep him in custody after he was investigated by the judicial police in Kairouan due to a complaint filed by the same concerned minister. The arrest of Romdhani is one of the episodes of prosecutions the series and monitoring of journalists by the current government authorities. Therefore, they find themselves between the hammer of Decree No. 54 and the anvil of the Penal Code's punitive articles that further tighten the grip on freedom of the press in Tunisia.

In the last week of October 2023, the former member of the High Electoral Commission, **Sami Ben Slama**<sup>43</sup>, was informed by his lawyer that he was being searched due to a default judgment issued against him by one of the criminal chambers of the Court of First Instance in Tunis dating back to last February. As a result, he has been serving 8 months in prison with a fine of three thousand dinars. This case comes in light of the exercising of his right to opinion and expression in general and his political stances regarding the current body in particular.

These events come within the context of the victim not receiving any summons to attend any hearing in this case. In addition, his name is listed in approximately 16 cases, either as an accused or suspect. There are 3 cases due to complaints under Decree No.54 and another under Article 86 of the Communications Code, along with a number of separate charges. He was summoned to appear before the Fifth Central Brigade of the National Guard on Wednesday, October 26, 2023, as a suspect. Still, he refused, considering that he was on the run, due to the refusal to accept the objection request submitted by his lawyer in order to keep him on provisional release. He has not received any response yet, which has made his appearance a threat to his freedom due to the effective provisions against him that require his imprisonment.

## November 2023 Violations:

On Monday, November 13, 2023, the researcher in the philosophy of law, **Youssef Chedli Attia**<sup>44</sup>, was stopped at Tunis-Carthage International Airport. He was taken directly to the Civil Prison of Messaadine in Sousse due to default judgements that require him serving a 4-year prison term with immediate effect. This is on charges of forming an accord with the intent of damaging others' property and individuals using children under 18 years of age, disobedience committed by more than ten unarmed individuals, as well as deliberately damaging others' property, violating curfew, and other similar charges.

The events occurred in the context of not informing or summoning him officially for investigation as a suspect or accused. The charges against Youssef date back to the night between January 17 and 18, 2021, due to a complaint filed by an official from the Free Constitutional Party following the break-in of the party headquarters in Hammam Sousse by a group of citizens. His involvement in the case is due to his protest during the security pursuits to raid

43 Phone call with Sami Ben Slama on October 27, 2023

44 Phone call with the lawyer of the violation victim, Nedja Ouerghi, on November 13, 2023

the residence of one of his neighbors without legal justification and his subsequent mistreatment along with his son by the internal security forces. This led to the arrest of the victim of the violation along with his two neighbors, who were then led away and assaulted inside the internal security vehicle. This resulted in physical injuries requiring rest for several days, as indicated by the medical certificate issued by Farhat Hached Hospital on January 19, 2021. Following the medical examination of the detainees after their release at the Hammam Sousse Security Center on the night between January 17 and 18, 2023, the detainees subsequently filed a complaint at the Sousse Court of First Instance on January 26, 2021. However, the proceedings to look into it have not started as of writing this documentation. Since Monday, November 13, 2023, Mr. Youssef Chedli has been in prison pending the formal acceptance of the objection to the primary judgment on November 16, 2023, or the objection to the appellate judgment on December 8, 2023. After being brought before the judiciary, the case was ruled not to be heard, and he was released.

On the morning of Tuesday, November 14, 2023, police forces stopped the politician and general coordinator of the Pole party **Riadh Ben Fadhl**<sup>45</sup> at Carthage International Airport, following his return from outside Tunisian soil. Subsequently, he was taken to L'Aouina barracks for investigation until evening. It was then decided to keep him for 5 days pending investigation at the Bouchoucha detention center. Later, an arrest warrant was issued against him alongside a number of charges per the terrorism and money laundering law in connection with his commercial activities.

It is noteworthy that Riadh Ben Fadhl, the general coordinator of the Al-Kotb party, which is part of the current political opposition against the state's orientations and policies post July 25, 2021, akin to his call along with several other opposition parties to boycott the constitutional referendum on July 25, 2022, and the recent parliamentary elections.

On Saturday, November 18, 2023, the Kairouan Governorate witnessed a case of torture inside one of the detention centers<sup>46</sup>. It is what citizen **Mohammed**<sup>47</sup> was subjected to in the Bouhajla area after he was stopped by a security brigade affiliated with the National Guard. He was subjected to verbal abuse and assault on his physical integrity, which led to him losing consciousness several times.

In addition, his right, which is guaranteed by law, was also violated, as he was forced to sign the research report using his fingerprint without his consent. Later, the victim of the violation was kept for 48 hours without receiving any medical examination for his health condition after all the violence he was subjected to, which constitutes a flagrant violation of his right to health. On November 20, 2023, he was transferred at night to the Bouhajla Regional

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45 Mosaique Fm. Arrest warrant against Riadh Ben Fadhl. November 24, 2023. Last Access (AR Reference): January 26, 2024. <https://www.mosaiquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/1214241/%D8%A8%D8%B7%D8%A7%D9%82%D8%A9-%D8%A5%D9%8A%D8%AF%D8%A7%D8%B9-%D8%A8%D8%A7%D9%84%D8%B3%D8%AC%D9%86-%D9%81%D9%8A-%D8%AD%D9%82-%D8%B1%D9%8A%D8%A7%D8%B6-%D8%A8%D9%86-%D9%81%D8%B6%D9%84>

46 Phone call with the lawyer of the violation victim on December 12, 2023

47 The identity of the victim was kept hidden and a pseudonym was used instead to protect his physical safety

Hospital, where the doctor gave him sedatives and then returned to the detention center. On Wednesday, November 22, 2023, he appeared before the public prosecutor, who opened an investigation into the violence suffered by the victim of the violation and presented it to the forensics pathologist on the same day, who confirmed the existence of damage to the victim's body caused by violent acts while acknowledging the existence of serious damage to the victim's left ear. He was then sent to testify at the police station in Kairouan on Thursday, November 23, 2023, and then referred to the investigating judge at the Court of First Instance in Tunis on Friday, November 24, 2023, with the investigation continuing against him as an accused in the crimes that were the subject of investigation.

On November 22, the anti-terrorism judicial pole banned the broadcast of the "midi show" program on Mosaique FM radio, after they announced the hosting of the defense lawyer in the conspiracy case, Mr. Abdelaziz Essid. The judge based his decision on the ruling issued on June 18, 2023, which banned media coverage of the case known as "**conspiracy against state security**." The investigating judge justified his decision as "ensuring the proper conduct of investigations and the preservation of the investigation's confidentiality." This further reinforces prior censorship of journalistic work and continues the official media blackout, especially regarding the developments of the case, which is considered a matter of public interest due to its connection with freedom of expression, freedom of organization, and the freedom to participate in political life.

## December 2023, an entire year between judicial pursuits and imprisonment:

The beginning of December witnessed the referral of Professor and member of the defense body of the detained leaders, **Dalila Msaddek Ben Mbarek**<sup>48</sup>. On Tuesday, December 5, 2023, she was interrogated, where she appeared before the investigating judge of office number 35 in the Court of First Instance in Tunis in order to interrogate her due to a case filed by the public prosecution against her under Decree No.54 because of her participation in a television program, which she considered harassment conducted by the current authority.

On Tuesday, December 12, 2023, political activist **Chaima Issa**<sup>49</sup> appeared again before the Criminal Chamber of the Permanent Military Court of First Instance in Tunis due to the case related to her charges of her presence on a radio program on December 22, 2022, in which she criticized the president of the Republic regarding the integrity of the previous parliamentary elections. Consequently, she was charged with several accusations, such as inciting

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48 Phone call with the violation victim's lawyer on December 12, 2023

49 Alaraby Aljadid. Tunisian opposition figure, Chaima Issa appears before the judiciary again. "I am tried for my ideas." December 12, 2023. Last access: February 2024. (AR Reference) <https://www.alaraby.co.uk/politics/%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D8%A7%D9%84%D8%A%D9%88%D9%86%D8%B3%D9%8A%D8%A9-%D8%B4%D9%8A%D9%85%D8%A7%D8%A1-%D8%B9-D9%8A%D8%B3%D9%89-%D8%A3%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%85%D8%AC%D8%AF%D8%AF%D8%A7%D9%8B-%D8%A3%D8%AD%D8%A7%D9%83%D9%8E%D9%85-%D8%B9%D9%84%D9%89-%D8%A3%D9%81%D9%83%D8%A7%D8%B1%D9%8A>

the military by any means to disobey orders, committing a heinous the head of state, and promoting and spreading false news and rumors through information and communication networks and systems with the aim of harming public security and national defense. She was previously summoned on January 18, 2023 to appear before the Anti-Crime Central Brigade of the National Guard in Ben Arous for a hearing. It was decided to keep her on provisional release with a travel ban. This is in addition to preventing her from appearing in the media because of the inclusion of their name in the case, which is known in the media as the conspiracy case.

At the end of December 2023, referrals were issued in new cases against political detainee **Jawher Ben Mbarek** and **Ghazi Chaouachi**<sup>50</sup>, all under Decree No. 54. The case of politician Jawher Ben Mbarek is due to a complaint filed by the Supreme Electoral Commission Against him on charges of statements he made on televisions in which he said that the elections held in 2022 is a farce coup station and not a political station, according to the statement. The public prosecutor at the Court of First Instance in Tunis referred the political activist Jawher Ben Mbarak to the criminal division to prosecute him in accordance with the provisions of Decree No. 54 for combating crimes related to information and communication systems. The second case of violation is a new case filed by Justice Minister Leila Jaffel against Ghazi Chaouachi at the Indictment Department. This is despite the fact that they were arrested and sent to Civil Prison in Mornaguia for a year due to the inclusion of their names in the conspiracy case against the security case.

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50 Almaghreb Newspaper. "According to Decree No.54", new referrals for Jawher Ben Mbarek and Ghazi Chaouachi. January 19, 2024. Last access: February 15, 2024 (AR Reference): <https://ar.lemaghreb.tn/%D9%85%D9%82%D8%A7%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%BA%D8%B1%D8%A8/item/104931-%D8%B7%D8%A8%D9%82-%D8%A7%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-54-%D8%A5%D8%AD%D8%A7%D9%84%D8%A7%D8%AA-%D8%AC%D8%AF%D9%8A%D8%AF%D8%A9-%D9%84%D8%AC%D9%88%D9%87%D8%B1-%D8%A8%D9%86-%D9%85%D8%A8%D8%A7%D8%B1%D9%83-%D9%88%D8%BA%D8%A7%D8%B2%D9%8A-%D8%A7%D9%84-%D8%B4%D9%88%D8%A7%D8%B4%D9%8A>



## 2023, a new year of violation against freedom of speech:

The right to freedom of expression is recognized as a fundamental human right under Article 19 of the Universal Declaration of human rights and is recognized within international human rights law in the International Covenant on civil and political rights. Regional charters have also reiterated or expanded the provision on guaranteeing and protecting freedom of expression. Article 9 of the African Charter on Human and Peoples' Rights also guarantees it. Article 13 of the American Convention for the Protection of Human Rights stipulates that everyone has the right to freedom of thought and expression. This right includes the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, whether orally, in writing, in print, in the form of art, or through any other medium of their choice.

The Tunisian state is obliged to respect these international conventions to which it is a party, as most of the constitutions of the Republic of Tunisia stipulate freedom of expression as a fundamental right. Among them, we mention the Constitution of January 2014, the first constitution after the revolution of 2011, which included a whole section dedicated to rights and Freedoms, where it was presented in Article 31 on freedom of opinion, thought, and expression, and Article 32, which stipulated freedom of information and access to information. This Constitution was considered one of the most guaranteeing constitutions of freedoms and rights in the Republic of Tunisia, even after July 25<sup>th</sup> and the writing of a new constitution for the country by President Kais Saied. The Constitution of 2022 did not differ much from its predecessor in terms of rights and freedoms, especially regarding freedom of expression, where Article 37 of the second section came under the title "rights and freedoms to stipulate that" Article 37 - freedom of opinion, thought, expression, media, and publication are guaranteed. No prior censorship of these freedoms shall be exercised." This is considered an important guarantee and rooting of a fundamental right such as freedom of opinion and expression.

However, this was not enough to protect citizens from the whims of the ruling authority and its proceedings, with the suppression of this right and the many violations committed against Tunisian citizens over the years. This is based on a political context in which the president of the Republic and his regime believe that every critic of his policy and decisions in the management of State Affairs should be imprisoned and nothing else, alongside the adaptation of the legal system, which in turn enables everyone in power to confiscate the opinions of his opponents and other citizens and intimidate them with harsh and unjust freedom-depriving penalties. The year 2023 marked a major setback in the field of human rights in general and the right to freedom of expression in particular, which in Tunisia has become threatened in the face of the abuses carried out by the authorities. The year 2023 was a year of ebb and flow, between an authority attempting to return to the square of repression by extending its reach and restricting all domains that enjoy a degree of freedom, such as the media, civil

society, and the political scene, as well as between the progressive forces and the various components of civil and political society that are trying to move forward and preserve the most important achievements of democracy and defend human rights.

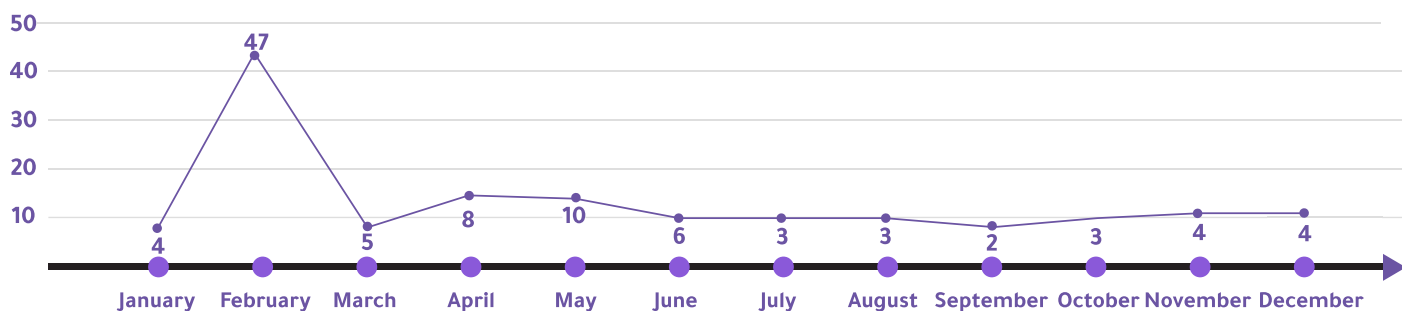
In 2023, Intersection Association monitored 19 cases of judicial pursuit under Decree No.54, with the number of cases distributed among 4 journalists, 7 lawyers, 3 politicians, 2 activists, and 3 others.

## Cases Under Decree No.54 Monitored by Intersection Association for Rights and Freedom



For an entire year, Intersection Association monitored 99 violations distributed as following:

## Distribution of the number of violations occurring in 2023 by months



# Journalists Before the Judiciary Due to Their Journalistic Work:

The journalism sector had been one of the sectors most exposed to violations throughout 2023. The National Union of Journalists has registered 237 cases of assault up to October 2023, and the violations committed against journalists have not stopped preventing them from practicing their work freely or the violence against them when performing their duties in the field. It even went so far as to pursue and prosecute them for freely exercising their journalistic work. According to the reports of the monitoring unit of the Occupational Safety Center affiliated with the National Union of Journalists, there were 26 cases of judicial pursuit, which were on 10 occasions per the Penal Code alongside 7 referrals under Decree No. 54. Meanwhile intersection Association in 2023 monitored 4 referrals of journalists under Decree No. 54, namely, both journalists **Monia Arfaoui** and **Mohammed Boughalleb**. In addition to journalist **Nizar Bahloul**, who received a warning about an article that had been issued by Business News and promised to pursue him under Decree No. 54. An official summons was issued to journalist **Haithem Makki** and his colleague **Elyes El Gharbi** on charges of degrading the morale of the forces carrying weapons. Journalist **Yassine Romdhani** was arrested due to a blog post that criticized the former Interior Minister “ Taoufik Cherfeddine.” In addition to the appeal sentence, which calls for the imprisonment of journalist **Khalifa Guesmi** for 5 years on charges of publishing a news story in 2022 about the detection of a terrorist cell in Kairouan. In the last month of 2023, a summons was issued to journalist **Zied El Hani**, where he was charged with insulting others in accordance with Article 86 of the Communications Code, with his placement in Civil Prison of Mornaguia and a date of 10<sup>th</sup> January to be brought before the judiciary.

<b>Journalist</b>	<b>Trial</b>	<b>Reason</b>	<b>Legal Status</b>
<b>Mohammed Boughalleb</b>	<b>Article 24 of Decree No.54</b>	<b>Criticizing Religious Affairs Minister</b>	<b>Released</b>
<b>Monia Arfaoui</b>	<b>Article 24 of Decree No.54</b>	<b>Criticizing Religious Affairs Minister</b>	<b>Released</b>
<b>Yassine Romdhani</b>	<b>Article 24 of Decree No.54</b>	<b>Criticizing Interior Minister</b>	<b>Arrested then released</b>
<b>Nizar Bahloul</b>	<b>Article 24 of Decree No.54</b>	<b>Criticizing the Higher Electoral Commission</b>	<b>Released</b>
<b>Haythem Makki</b>	<b>Degrading the morale of the forces carrying weapons</b>	<b>Criticizing Security Forces</b>	<b>Released</b>
<b>Elyes Gharbi</b>	<b>Degrading the morale of the forces carrying weapons</b>	<b>Criticizing Security Forces</b>	<b>Released</b>
<b>Chadha Haj Mbarek</b>	<b>Conspiring against the security state</b>	<b>Listing her name in the conspiracy case against state security</b>	<b>Imprisonment</b>
<b>Zied El Heni</b>	<b>Offending others via social media</b>	<b>Criticizing the Minister of Commerce</b>	<b>Released</b>

## Conclusion:

The year 2023 represented a continuation of the authority's efforts, led by the Presidential institution, to assert its dominance over the political and rights sphere. This was achieved by mobilizing all state bodies, including the executive and judicial authorities, to restrict freedom of expression, which the authority considers an encroachment on the state and its symbols. The authority also believes that the political activity and opposition are conspiracies against the state's internal security. This is a context that Tunisia has previously experienced during the regime of 7<sup>th</sup> November, which has long been an example of the repression of political freedoms and a complete break from them in order to cling to power exclusively.

After the arrest campaign in February that affected several businessmen and politicians, some of whom have been detained in Tunisian prisons for almost a year, Tunisia has witnessed a serious number of human rights violations affecting Tunisians in various statuses and fields of activity or work. After the ruling authority turned to the judiciary and intervened in it through the dismissal of 57 judges and the appointment of a Higher Judicial Council by the president of the Republic, Decree No. 54 came in, which has been reaping its victims right and left. In addition, the case of conspiracy against state security constituted a severe blow to the freedom of political activity in Tunisia, especially the arrest of political leaders, whose prison term is almost a year.

Moreover, the right to freedom of expression had the largest share of violations, and this is only evidence of the continuation of the power in the same authoritarian approach with the aim of eliminating all opposing voices and re-imposing the prestige of the state from its perspective by opening the prison's doors and monitoring all activists, politicians, and journalists. The violations did not stop at that; they also impacted citizens who had expressed their opinions about the situation in Tunisia either by posting on their Facebook Pages, re-sharing posts, or painting graffiti to meet the same fate between accusing them of committing a heinous act against the president or spreading rumors and pursuing them by virtue of Decree No. 54.

The succession of such violations has escalated between isolated cases to become a pattern. This shows to what extent the Tunisian state has regressed from the most important gains and achievements of the Tunisian people post-January 14 revolution in the hope of breaking with repressive practices, restricting freedoms, and criminalizing political and trade union activities. It is not possible to build a democratic state without respecting human rights and guaranteeing all rights to all citizens without any discrimination or exception







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