

The African Court on Human and Peoples' Rights' judgment of 22 September 2022: A clear rebuke of Tunisia's authoritarian drift



ICJ's questions and answers:

It has been more than a year since the African Court on Human and Peoples' rights issued its [judgment in case No. 017/2021](#), "*Ibrahim Ben Mohamed Ben Brahim Belguith v. Republic of Tunisia*", of 22 September 2022. The case was brought by Mr. Belguith, a national of Tunisia and a lawyer, who complained of violations of his rights under the African Charter on Human and Peoples' Rights and other human rights instruments as a result of the promulgation of several Tunisian presidential decrees adopted under the "state of exception" pursuant to article 80 of the 2014 Constitution since 25 July 2021. In this judgment, the African Court ordered Tunisia to repeal these decrees, to return to constitutional democracy within two years and to ensure the establishment and operation of an independent constitutional court within the same period.

What does this judgment mean and why is it important for the rule of law and human rights in Tunisia? The ICJ provides answers in the Q&A below.

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1. What is the African Court on Human and Peoples' rights?

- The African Union:

The African Union (AU) is a regional intergovernmental organization consisting of the 55 Member States that make up all the countries on the African Continent. It was officially launched in 2002 as a successor to the Organization of African Unity (OAU, 1963-1999). The organization aims to promote and maintain unity, solidarity, economic development, peace, security and stability in Africa. The AU is guided by its vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.” Its headquarters are in Addis Ababa, Ethiopia.

- The African Charter on Human and Peoples' Rights

One of the aims of the AU is to “promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments”. The African Charter on Human and Peoples' Rights, also known as the “Banjul Charter” (“the Charter” or “the African Charter”), is a legally binding treaty intended to promote and protect human rights in Africa, enshrining civil, political, economic, social and cultural rights, as well as the rights of peoples. The Charter was adopted in Nairobi, Kenya, on 1 June 1981 and came into force on 21 October 1986.

⇒ 54 of the 55 Member States of the African Union, with the exception of Morocco, have acceded to or ratified the Charter, thus committing themselves to guaranteeing the human rights set out in the treaty.

- The African Commission on Human and Peoples' Rights:

The African Commission on Human and Peoples' Rights is responsible for protecting and promoting human and peoples' rights in Africa, including through its interpretation of the African Charter when considering individual complaints alleging violations of the Charter. The African Commission has created subsidiary mechanisms, such as the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrant in Africa; and the Committee for the Prevention of Torture in Africa.

- The African Court on Human and Peoples' Rights:

The African Court on Human and Peoples' Rights (“the Court” or “the African Court”) complements the work of the African Commission in protecting human rights in Africa and interpreting the African Charter. As a judicial body, it delivers binding judgments on Member States' compliance with their human rights obligations under the Charter. The Court was established pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (“the Protocol”), which was adopted by Member States of the then OAU – now AU – in Ouagadougou, Burkina Faso, in June 1998 and came into force on 25 January 2004. The Court is located in Arusha, Tanzania.

⇒ To date, only 34 Member States of the AU are parties to the Protocol.

- ⇒ At the time of writing, out of those 34 Member States, only eight (namely: Burkina Faso, Gambia, Ghana, Guinea Bissau, Mali, Malawi, Niger and Tunisia) have accepted the optional jurisdiction of the Court by depositing a declaration under Article 34(6) of the Protocol.
- ⇒ This declaration allows individuals and NGOs with observer status before the African Commission to file complaints of human rights violations to the African Court.
 - In accordance with Article 5(3) of the Protocol, the African Court only accepts human rights complaints from NGOs with observer status before the Commission. NGOs can register with the African Commission to obtain observer status.
 - *Composition:*
- ⇒ Eleven judges, hailing from Member States of the African Union, are elected from among nominees of States Parties to the Protocol, by the Assembly of Heads of State and Government of the AU. No two judges serving on the African Court may be nationals of the same State at any given time.
- ⇒ Judges are elected in their personal capacity and do not represent any government.
- ⇒ All judges of the African Court shall be “jurists of high moral character and of recognized practical, judicial or academic competence and experience in the field of human and peoples’ rights”.
- ⇒ If a judge is a national of any State that is a party to a case submitted to the Court, that judge shall not hear the case.

Justice Rafaâ Ben Achour, a native of Tunisia, was elected Judge of the African Court in 2014, for a six-year term. He was re-elected in 2021 for a second six-year term.

- *What does the Court do?*

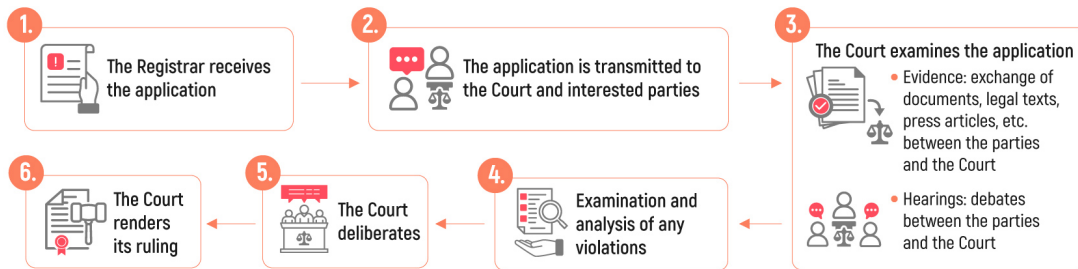
The Court has jurisdiction over “all cases and disputes submitted to it concerning the interpretation and application of the Charter, th[e] Protocol and any other human rights instruments ratified by the States concerned.”

In addition, the Court may, at the request of an AU Member State, the AU, any of its organs or any African organization recognized by the AU, issue advisory opinions on “any legal matter relating to the Charter or other relevant human rights instruments...”

- *Proceedings:*

Proceedings before the Court are, in principle, public. They involve a written phase (application, response, reply) and may also include an oral phase at which the parties may make oral submissions as well as present evidence and call witnesses. Once a case has been heard, the Protocol requires that the Court issue a decision within 90 days of completing deliberations.

THE AFRICAN COURT'S EXAMINATION OF AN APPLICATION



Source: The International Federation for Human Rights

○ Remedies:

If the Court finds that the human rights of an applicant have been violated, it can order remedial measures, such as compensation or reparations. The Court may also order provisional measures, if a case is of “extreme gravity and urgency, and when [such measures are] necessary to avoid irreparable harm.”

○ Implementation:

- ⇒ Member States subject to the Court’s jurisdiction must comply with judgments in any case to which they are parties, within the time given by the Court.
- ⇒ The State concerned is to send an ‘execution report’ to the Registry of the Court indicating how it has given effect to the Court’s judgment.
- ⇒ The Court will then make an assessment, drawing upon other sources, on the level of implementation of its judgment.
- ⇒ If a State fails to comply, this failure is noted in the Court’s report to the Assembly of Heads of State and Government.
- ⇒ The Executive Council of the AU has been entrusted with monitoring the execution of the judgments of the Court.

- Tunisia’s adherence to the African Human Rights System:

Tunisia became a party to the African Charter on 21 October 1986 and to the Protocol on 5 October 2007. On 2 June 2017, Tunisia deposited the Declaration by virtue of which it accepted the jurisdiction of the Court to receive complaints of human rights violations from individuals and NGOs. At the time, Tunisia was among the only eight States of the African Union that had deposited such a Declaration, which placed Tunisia as a human rights champion among the African States. Tunisia also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 23 August 2018.

This was part of a historic wave of ratifications of international law by Tunisia, including of international human rights instruments, in the wake of the Revolution and the ensuing democratic achievements. In 2011, Tunisia ratified or acceded to the following treaties:

- ✓ The Rome Statute of the International Criminal Court (24 June 2011);
- ✓ The Optional Protocol to the International Covenant on Civil and Political Rights (29 June 2011);
- ✓ The Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (29 June 2011); and
- ✓ The International Convention for the Protection of All Persons from Enforced Disappearance (29 June 2011).

2. Why was the African Court seized of the situation in Tunisia? Contextual overview

- President's power grab of 25 July 2021:

On [25 July 2021](#), invoking article 80 of the 2014 Constitution on exceptional measures, which was in force at the time, President Kais Saied declared himself the head of the executive branch and suspended the Parliament. On the basis of the “state of exception”, he adopted the following Decrees:

- No. 69 of 26 July 2021, terminating the duties of the Head and members of Government;
- No. 80 of 29 July 2021, suspending the Parliament and lifting the immunity of its members for one month, starting from 25 July 2021;
- No. 109 of 24 August 2021, extending the exceptional measures on the suspension of the Parliament and lifting the immunity of its members until further notice;
- No. 117 of 22 September 2021 on exceptional measures, ‘suspending’ most of the 2014 Constitution, giving himself full executive and legislative powers, including to rule and legislate by decree, and removing the Provisional Instance, which had been pursuant to the 2014 Constitution to verify the constitutionality of draft laws until the establishment of a Constitutional Court; and
- Nos. 137 and 138 of 11 October 2021, pertaining to the appointment of the Head and members of Government, respectively.

On 13 December 2021, the President announced a ‘roadmap’ for Tunisia with the stated aim of taking the country out of its economic and political crisis. Among other things, the roadmap provided a further suspension of the Parliament until 17 December 2022 and a referendum on a new constitution on 25 July 2022. Drafted in secret, following a [process](#) which was devoid of legal basis and violated Tunisians’ rights to participate in constitution-making, the new constitution [codifies autocracy](#), weakening the powers of the legislature and judiciary, on the one hand, and strengthening the role and the powers of the President without any checks or balances, on the other. It was adopted on 25 July 2022, following a [rigged referendum](#), with no participation threshold provided for, and in which just over a quarter of the eligible electorate cast their vote. In the meantime, President Kais Saied dissolved the Parliament by Decree No. 2022-309 of 30 March 2022 and legislative elections were held in late 2022 under the auspices of the new constitution. Both elections’ rounds, the first one held in December 2022 and the second one in January 2023, saw an extremely low turnout with only about 11 per cent of voters casting their ballot.

- The absence of a Constitutional Court:

○ *What is the Constitutional Court?*

Under the 2014 Constitution, the Constitutional Court is the judicial body in charge of ensuring that the actions of public authorities are in line with the Constitution. Such Court reviews and rules on the constitutionality of, among other things:

- Draft laws before their promulgation;
- Laws already entered into force, upon requests by courts, where one of the parties to a case raises a claim of unconstitutionality;
- Cases of impeachment of the President of the Republic;
- Disputes over competencies between the President of the Republic and the Prime Minister; and
- Whether the “exceptional circumstances” invoked for the declaration of “the state of exception” still exist one month after such declaration.

○ *Why wasn't the Constitutional Court established?*

Pursuant to the 2014 Constitution, the Court should have been established within a year following legislative elections, held in October 2014, and thus the Court should have been established by October 2015. Yet, as of 25 July 2021, no real progress had been made in establishing a Constitutional Court. Article 118 of the 2014 Constitution provided that three bodies would each be responsible for appointing four out of the 12 members of the Constitutional Court: the Assembly of the People's Representatives (“the APR”), the High Judicial Council (“the HJC”) and the President of the Republic. The delay in establishing the Court has been caused mainly by the APR's failure to attain the required majority to elect four members of the Court.

○ *Why was the absence of a Constitutional Court critical in the situation in Tunisia?*

An independent and impartial Constitutional Court plays a key role in ensuring enhanced respect for the rule of law and human rights. In the absence of a Constitutional Court, the authorities can abuse their powers and violate the Constitution with no judicial body ultimately capable of holding them in check. The Provisional Instance, which was in charge of reviewing the constitutionality of laws, but which was ultimately dissolved by Decree 2021-117 in September 2021, was only entrusted with the review of draft laws before their promulgation and did not fulfill the other functions of a Constitutional Court.

Although article 80 of the 2014 Constitution allowed the President of the Republic to take “any measures necessitated by the exceptional measures”, if ever taken, such measures would be taken within the framework of a number of substantive and formal conditions according to which the Constitutional Court would play a significant role pursuant to the 2014 Constitution. In the absence of a Constitutional Court, President Kais Saied failed to meet the formal condition of informing the President of the Constitutional Court before taking any measures purportedly in the face of exceptional circumstances. Moreover, and in light of President Kais Saied's decision to suspend the Parliament, neither the Speaker of the APR nor 30 of its members could request the Constitutional Court – which, in any event was never established – to review substantively whether the circumstances remained “exceptional” after 30 days of President Saied's declaration. As a result, the purported exceptional

nature of the circumstances invoked to justify the President taking such measures, and consequently their constitutionality, has never been verified. Having arrogated all legislative and executive powers to himself, President Saied has all the prerogatives to decide whether the circumstances have remained “exceptional” and, consequently, to justify the prolongation of the measures he has adopted.

WHAT is the Tunisian Constitutional Court?

The body in charge of ensuring that the actions of public authorities are in line with the constitution.

It reviews and rules on the constitutionality of laws before their promulgation; laws, on their submission by courts, where one of the parties to a case raises a claim of unconstitutionality; cases of impeachment of the President of the Republic; disputes over competencies between the President of the Republic and the Prime Minister, and whether “exceptional circumstances” necessary to the declaration of a state of exception are continuing.

Each of these bodies appoints 4 of the 12 members of the Constitutional Court:

- Assembly of the People's Representatives (APR)
- High Judicial Council (HJC)
- President of the Republic

Should be established within a year after legislative elections.

Plays a key role in ensuring enhanced respect of the rule of law and human rights.

WHY has it not been established yet?

Only one member has secured the two-thirds majority of APR required for the election of Constitutional Court judges.

The APR passed a bill that reduced the number of votes required from two-thirds to three-fifths.

In 2021, President Kais Saied refused to ratify the bill, arguing that parliament was five years too late.

HOW does its absence affect the situation in Tunisia?

The Constitutional Court is the highest court in the country when it comes to **interpreting and upholding the Constitution**, and to ensuring that authorities act within the boundaries of the constitution and in compliance with constitutional provisions and principles.

Only the Constitutional Court is competent to review:

- the decision of the President of the Republic to declare the state of exception,
- the constitutionality of the decrees and other measures undertaken by the President under the state of exception,
- the actions of the armed forces under the state of exception and their compliance with the principle of “total neutrality” provided for by article 18 of the Constitution; and whether the “exceptional circumstances” necessary to such a declaration are continuing.

In the absence of a constitutional court, authorities can abuse their powers and violate the constitution with no judicial body being able to hold them in check.

TIMELINE OF EVENTS

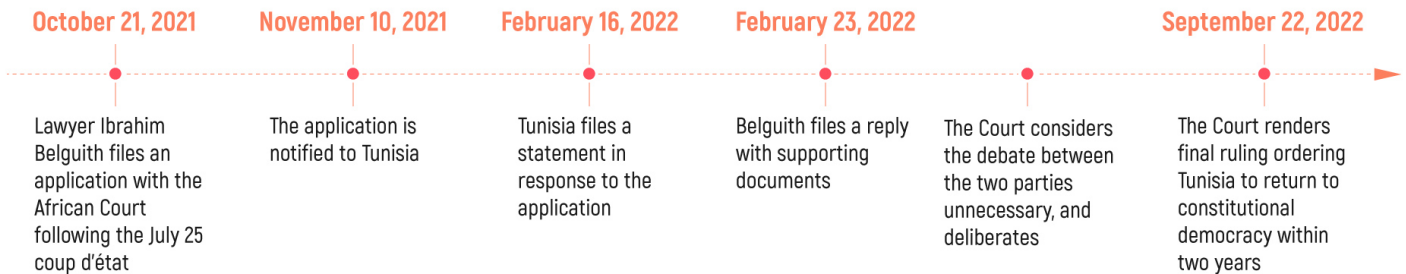
26 January 2014	October 2014	October 2015	3 December 2015	March 2017	March 2018	2018–2019
Adoption of the Constitution	Tunisia's first democratic legislative elections	Date on which the court was supposed to be established	Adoption of Organic Law No. 2015-50 on the establishment of the Constitutional Court	First call for nominations by the APR to elect members of the Constitutional Court	Election of one of the four candidates to the Court	Second and third call for nominations
14 October 2019	March 2020	March 2021	April 2021	25 July 2021	23 August 2021	22 September 2021
Election of Kais Saied as president of Tunisia	Fourth call for applications	Adoption of bill allowing 3/5 of Parliament's votes to be sufficient for the election of a member of the Court	Refusal of the President to ratify the bill	President dismisses government, suspends Parliament, and strips its members of their immunities	President extends exceptional measures until further notice	President issues Decree 117, suspending most of the Constitution

3. What did the 22 September 2022 judgment rule?

- How the African Court came to rule on the matter: the application:

The case was brought on 21 October 2021 against the Republic of Tunisia by Mr. Ibrahim Ben Mohamed Ben Ibrahim Belguith, a national of Tunisia and a lawyer, who complained to the African Court of certain violations of his human rights guaranteed under the Charter and other human rights instruments – including the International Covenant on Economic and Social Rights, the International Covenant on Civil and political Rights, the Universal Declaration of Human Rights and the Tunisian Constitution of 2014 – as a result of President Kais Saied’s abrogation of the Constitution, his halting of the democratic process and arrogation of powers through the promulgation of the above-mentioned presidential decrees adopted under “the state of exception” in 2021.

KEY DEVELOPMENT IN THE "BELGUITH VS. THE REPUBLIC OF TUNISIA" APPLICATION



Source: Ibrahim Belguith vs. Republic of Tunisia, no. 017/2021, ACHPR 2022

- What the judgment ruled:
 - o Findings:
 - Violation of the right to have one's cause heard

What is the right to be heard?

Article 7 of the African Charter

1. Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defence, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 26 of the African Charter

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

- The Court concluded that *"the absence of the Constitutional Court ... created a vacuum in [Tunisia]'s judicial system in relation to resolution of constitutional disputes..."*, which resulted in the inability for the Applicant [that is, Mr. Ibrahim Ben Mohamed Ben Ibrahim Belguith] to challenge the constitutionality of the presidential decrees. *"This in effect left him with no legal avenue to seek a remedy for his grievances and deprived him of his right to be heard"*.

- In view of the foregoing, the Court held that Tunisia violated the Applicant’s right to be heard contrary to article 7(1)(a) of the Charter as read together with article 26 of the Charter.
 - Violation of the right to political participation

What is the right to participate in the conduct of public affairs?

Article 13 of the African Charter

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

- Analyzing the decrees adopted under article 80 of the 2014 Tunisian Constitution on “the state of exception”, the Court noted that “*there is nothing on record showing that the substantive conditions of an imminent danger to the nation’s institutions or the security and independence of the country or the abovementioned procedural requirements* [referring to the duty to consult with the Head of Government and the Speaker of the APR and to inform the President of the Constitutional Court mandated by article 80] *were met before the President issued the decrees in question*”. Furthermore, the Court found that the decrees in question disproportionately disrupted the work of the government, including that of elected institutions such as the APR. In light of the above, the Court found that Tunisia’s restrictive measures were neither adopted in accordance with the law nor were they proportionate for the purpose for which they were adopted.
- Consequently, the Court held that Tunisia had violated the right of the people [including Mr. Ibrahim Ben Mohamed Ben Ibrahim Belguith] to participate in the conduct of public affairs contrary to article 13(1) of the Charter.

- Violation of guarantees of human rights and freedoms

What are the guarantees of human rights and freedoms?

Article 1 of the African Charter

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

- The Court recalled its established position that “*a violation of any of the rights contained in the Charter results in a violation of Article 1 of the Charter*”.
- Given that Tunisia has failed to establish a Constitutional Court to give effect to its citizens’ right to be heard by enabling them to challenge the constitutionality of Presidential decrees, their

right to participation in political affairs of their country directly and through their freely chosen representatives has been violated.

- Consequently, the Court found that Tunisia also violated Article 1 of the Charter.

- Order and remedies:

The Court, unanimously, ordered Tunisia to:

- Repeal Presidential Decrees No. 2021-117 of 22 September 2021, Decrees Nos. 69, 80 and 109 of 26, 29 July, 24 August 2021, Decrees Nos. 137 and 138 of 11 October 2021, and to return to constitutional democracy within two years from the date of notification of the judgment;
- Take all measures necessary for the operationalization of an independent Constitutional Court and remove all legal impediments thereto within two years from the date of notification of this judgment; and
- Report to the Court, within six months from the date of notification of this Judgment, on the implementation of these orders and every six months thereafter until the Court considers that there has been full implementation thereof.

4. What are the next steps?

- Implementation:

In this case, Tunisia was to report to the Court on the implementation of the judgment within six months, that is, by 22 March 2023, and every six months thereafter until the Court considers that there has been full implementation of its decision. In considering the question of implementation of its judgment, the Court will likely probe the following questions:

- ✓ *Are all the President's actions taken on the basis of the "state of exception" and Decree 2021-117, including decree-laws and the new Constitution, to be considered null and void?*
- ✓ *Can the promulgation of the new Constitution in August 2022 and the holding of legislative elections in December 2022 be considered as a return to constitutional democracy?*
- ✓ *Can the future Constitutional Court under in the 2022 Constitution be considered as independent?*

- Other pending complaints against Tunisia before the African Court:

There have been a growing number of complaints against Tunisia filed by individuals since 25 July 2021. Many of these complaints target presidential decree-laws adopted on the basis of Decree 2021-117, which the African Court has ordered to be rescinded and which, accordingly, should be considered as null and void by the Court.

- Complaint on the dissolution of the High Judicial Council (HJC):

On 4 April 2022, Mr. Belguith lodged a second complaint (Application 002/2022) challenging Decree 2022-11 of 12 February 2022 dissolving the High Judicial Council and establishing a Temporary High Judicial Council in its place, stating that the decree violates the right of the people to self-determination

and the right to participate in the conduct of public affairs, in addition to violating the rule of law principle.

- *Complaint on Decree-Laws 2022-54 against “cybercrime” and 2022-55 on elections*

On 25 October 2022, another Tunisian national, *Salaheddine Kchouk*, lodged a complaint (Application 006/2022) challenging Decree-Laws 2022-54 and 55, alleging violation of the rights to non-discrimination, equality, fair trial and participation in the conduct of public affairs, as well as violation of the 2022 Tunisian Constitution. The applicant alleges that Tunisia, in adopting the abovementioned decrees, violated the rights of equality between men and women, equality of opportunity, freedom of expression, inviolability of the home and confidentiality of correspondence.

- *Complaint on the violation of the 2014 Constitution and the dissolution of the APR*

On 7 November 2022, another Tunisian national, *Maher Ben Mohamed Taher Zayd*, who is member of the dissolved APR, lodged a complaint (Application 005/2022) regarding his arrest on 30 July 2021 and his prosecution before a military court and his travel ban, as well as the exceptional measures adopted by the President alleging violations of the rights to non-discrimination, equality, life, dignity, security and liberty, fair trial, freedom of movement, and of the right of the people to self-determination, and of the independence of the courts.

- *Complaint on elections and referendums*

On 6 January 2023, three Tunisian nationals, *Ayadhi Fathi and others*, lodged a complaint (Application 001/2023) challenging Decree-Law No. 2022-55 amending and supplementing Organic Law No. 2014 of 26 May 2014 on elections and referendums, alleging violations of the right to participate freely in the government of their country, of the right to non-discrimination, and of the right to freedom of association.

- *Complaint on the human rights violations arising from presidential decrees on elections and the new Constitution of 2022*

On 25 January 2023, four Tunisian nationals, *Beshr Ben Saeed al-Shabi and Others*, lodged a complaint (Application 002/2023) challenging a series of presidential Decree-Laws and orders issued pursuant to Decree 2021-117 of 22 September 2021 on exceptional measures, which related to the organization of elections and referendum as well as the adoption of the new 2022 Constitution and the holding of the 2022 legislative elections, alleging that they were aimed at centralizing power in the hands of the President, while restricting the right to participate in the public affairs of the country and violating the State’s duty not to discriminate and to organize fair and transparent elections.

- *Complaint on the pre-trial detention of political dissidents*

On 24 May 2023, five Tunisian nationals, *Moadh Kheriji Ghannouchi, Saida Akremi, Elyes Chaouachi, Seifeddine Ferjani and Seifeddine Bouzayene*, lodged a complaint (Application 003/2023) challenging the detention of and the criminal proceedings against their relatives, *Rached Ghannouchi, Nouredine Bhiri, Ghazi Chaouachi and Said Ferjani*, who have all been arrested and detained in the context of the so-called “[conspiracy case](#)”, as well as *Ridha Bouzayene*, who was hospitalized and a couple days later died

in circumstances that are disputed and subsequent to his participation in a demonstration of 14 January 2022 in Tunis.

On 28 August 2023, the African Court [ordered](#) the Tunisian authorities to implement the following provisional measures:

- "allow the [four] detainees and their families access to doctors and lawyers of their choice to follow up on their legal and health issues and to communicate freely with their families", noting that *"the danger faced by the [detainees] is real and not hypothetical, as it relates to their health and access to services of lawyers"*.
- "furnish the four detainees, their lawyers, and their families with adequate information and facts relating to the legal and factual basis for the detention", noting with respect to Nouredine Bhiri, Ghazi Chaouachi and Said Ferjani, that there was no information provided on the circumstances of their arrests and that *"it also does not appear, from the record, that they were actually tried or charged"*.

On the same day, another complaint was filed by the son of Judge Bechir Akremi, who was arrested on 12 February 2023 amid a wave of arrests of Tunisian businessmen, journalists and opposition leaders, and remains detained. No details are yet publicly available on this complaint.