

URGENT ACTION

OPPOSITION FIGURE ARBITRARILY DETAINED

On 3 October 2023, days after expressing her interest in running for the next presidential elections, security forces arrested opposition figure Abir Moussi. She had been trying to submit an appeal against presidential decrees related to the upcoming local elections claiming a lack of transparency in the electoral process. Security forces arrested Abir Moussi and drove her to an unknown location. On 5 October, she was questioned by an investigative judge related to a series of security-related allegations and the judge ordered her pre-trial detention. The Tunisian authorities must immediately release Abir Moussi and drop the charges against her as they are based solely on the peaceful exercise of her rights to freedom of expression, association and assembly.

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

President of the Republic Kais Saied

Route de la Goulette
Site archéologique de Carthage, Tunisie
Email: contact@carthage.tn
Twitter: @TnPresidency

Your Excellency,

I write to ask you to immediately release opposition figure Abir Moussi and drop all charges against her. Abir Moussi is being investigated for a range of offenses under the Penal Code and the Data Protection Law and is being held in Manouba's women prison.

On 24 September 2023, Abir Moussi shared a [press release](#) expressing her interest in running in the next presidential elections. Just days later, on 3 October 2023, police officers arrested her in front of a public administration office annexed to the Presidential Palace after she attempted to submit an appeal against presidential decrees to the relevant administration but was prevented from doing so. Abir Moussi protested the arbitrary denial by insisting on staying in front of the administration building and live streaming this on Facebook.

According to eyewitnesses and her lawyers, security forces detained her and took her to an undisclosed location for about two hours before her legal representatives traced her to a police station in La Goulette, a neighbourhood in the capital Tunis. Abir Moussi's lawyers also told Amnesty International that she sustained physical injuries after the police used excessive force during her arrest. The lawyers said that the authorities had denied them access to their client during police interrogation, in clear breach of her due process rights, and were only subsequently informed of the prosecution's decision to hold her in pre-trial detention after being in police custody for 48 hours. According to her lawyers, during her first night in custody, officers detaining Abir Moussi ignored her requests for medicine she is supposed to take at a precise time daily, which resulted in health complications that landed her in the hospital days later.

On 5 October, Abir Moussi was interrogated by an investigative judge at the Tunis Court of First Instance in relation to charges of seeking to "change the form of government", "inciting violence on the Tunisian territory", and "assault with the aim of provoking disorder" under Article 72 of the Penal Code, a conviction punishable by the death penalty, as well as under charges related to "processing of personal data without the consent of the data subject" and "interference with the freedom to work" under Articles 27 and 87 of the Data Protection Law. She was held in custody and after peacefully protesting the denial to access a public administration office annexed to the Presidential Palace on 3 October 2023.

Abir Moussi now faces the death penalty for exercising her right to freedom of expression and peaceful assembly. Increased use of criminal law to prosecute opposition political activists in retaliation for their peaceful political engagements has cast a chilling impact on the civic space. On 28 November 2023, Abir Moussi's lawyers announced that she started a hunger strike to protest her arbitrary detention.

I urge you to immediately release Abir Moussi and drop all charges against her as they stem from her peaceful political activism. Pending her release, she must be granted regular access to her family, lawyers and adequate medical care, and held in conditions that comply with international standards for the treatment of prisoners.

Yours sincerely,

ADDITIONAL INFORMATION

Abir Moussi (48) is a lawyer and the president of the Free Destourian Party (PDL) and a prominent opposition figure to President Kais Saied. She was a member of the Parliament from 2019 to 2021. According to her lawyers, Abir Moussi's health is deteriorating in detention and may continue to worsen after she started a hunger strike on 28 November.

On 5 October, Abir Moussi was interrogated by an investigative judge at the Tunis Court of First Instance under charges of seeking to "change the form of government", "inciting violence on the Tunisian territory", and "attack with the aim of provoking disorder" under Article 72 of the Penal Code, and "processing of personal data without the consent of the data subject" and "interference with the freedom to work" under Articles 27 and 87 of the Data Protection Law. She now faces the death penalty under Article 72 of the Penal Code for peacefully exercising her rights to freedom of expression, assembly and association.

On 25 July 2021, President Saied claimed emergency powers that he said were granted to him by Tunisia's 2014 Constitution. Since February 2023, the Human Rights situation in Tunisia has been [rapidly deteriorating](#) as several opposition figures have been targeted. Authorities opened criminal investigations against at least 74 [opposition figures and other perceived enemies of the president](#), including at least 44 people accused of crimes in connection with the peaceful exercise of their human rights. [This crackdown on opposition](#) threatens human rights including the rights to freedom of expression, association and peaceful assembly in Tunisia, rights protected under Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights and Articles 9, 10 and 11 of the African Charter on Human and Peoples' Rights to which Tunisia is a state party.

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

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [1 February 2024]
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Abir Moussi (she/her)

LINK TO PREVIOUS UA: N/A

ADDITIONAL TARGETS

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