

URGENT ACTION

OPPOSITION FIGURE JUDICIALLY HARASSED

Arbitrarily detained opposition figure, Abir Moussi, is facing criminal investigation for the legitimate exercise of her rights to freedom of expression and peaceful assembly in two separate judicial investigations. The Independent High Authority for Elections (ISIE) has submitted four complaints against Abir Moussi following her public criticism of the electoral process. She is being investigated under the draconian cybercrimes Decree-Law 54. Abir Moussi is also facing a separate investigation for exercising her right to freedom of assembly in relation to two protests organized by her political party, the Free Destourian Party (PDL). Abir Moussi has been unjustly detained since October 3, 2023, because she attempted to submit an appeal against presidential decrees ahead of local elections. 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.

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Second Urgent Action 114.23**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

President of the Republic Kais Saied

Route de la Goulette
Site archéologique de Carthage, Tunisie
Email: contact@carthage.tn
Twitter: [@TnPresidency](https://twitter.com/TnPresidency)

Tunisian Ambassador to the United States Her Excellency Mrs. Hanene Tajouri Bessassi

1515 Massachusetts Avenue,
NW, Washington DC 20005
Email: AT.Washington@Tunisianembassy.org

Your Excellency, or Dear Ambassador,

I urge you to immediately release **Abir Moussi** and cease all criminal investigations that are solely based on her legitimate exercise of her human rights. She is interested in participating in the next presidential elections scheduled in October 2024, [according](#) to a member of her political party. Abir Moussi's legitimate criticism of public processes and officials is protected under international law and she should not be prosecuted for voicing her opinion.

The High Independent Authority for Elections (ISIE) has filed four complaints before the Tunis court of first instance against Abir Moussi based on social media publications, including two [videos](#) posted on her accounts in January 2023 where she criticizes the electoral process and describes the legislative elections as "rigged". Another complaint is also based on an [open letter](#) shared by Abir Moussi on June 12, 2023 on her social media channels where she strongly criticizes President Saied's unilateral actions. On February 21, 2024, the investigative judge of the Tunis Court of First Instance ordered her pre-trial detention. In another case, Abir Moussi is facing two complaints in connection to protests organized by the political party she is leading, the Free Destourian Party (PDL). She is accused of spreading false information.

I urge you to immediately release Abir Moussi and drop all charges against her that stem from her peaceful political activism. Pending her release, she must have regular access to her family, lawyers, and adequate medical care.

Yours sincerely,

ADDITIONAL INFORMATION

Abir Moussi (48) is a lawyer and the president of the Free Destourian Party (PDL) and a vocal political opponent of President Kais Saied. She was a member of Parliament from 2019 to 2021. According to a [letter](#) shared on her social media page, Abir Moussi's health is deteriorating in detention as she suffers from head, neck, legs, shoulders, and back pain. She had started a 16-day hunger strike on November 28 and went on a two-day hunger and water strike from January 26 to 28, 2024 to protest her unjust detention. On October 3, 2023, 11 days after expressing her interest in running for the next presidential elections, security forces arrested Abir Moussi in front of the public administration office annexed to the Presidential Palace in Carthage, northeast of Tunis. Abir Moussi attempted to submit an appeal against presidential decrees to the relevant administration but was prevented from doing so.

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. 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 October 5, an investigative judge interrogated Abir Moussi 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. On January 30, the investigative judge dropped the charges under Article 72 [according](#) to Abir Moussi's lawyer.

According to international law, defamation should be treated as a civil, not a criminal, issue and never punished with a prison term. Public officials or others that seek redress on issues relating to defamation should do so in a civil court not criminal court. The only purpose of defamation, libel, slander, and insult laws must be to protect reputations and not to prevent criticism of governments. The use of defamation laws with the purpose or effect of inhibiting peaceful criticism of government or public officials violates the right to freedom of expression.

On July 25, 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 and several opposition figures have been targeted. Authorities opened criminal investigations against at least 74 opposition figures and other perceived enemies of the president.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French, English, or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: April 18, 2024

NAME AND PRONOUN: Abir Moussi (she/her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde30/7517/2023/en/>