

URGENT ACTION

OPPOSITION FIGURE HANDED TWO YEAR SENTENCE

On August 5, 2024, the Tunis Court of First Instance sentenced opposition figure, Abir Moussi, to two years in prison under Decree-Law 54 following a complaint filed by the Independent High Authority for Elections (ISIE) after she criticized the legislative elections process. Abir Moussi has been in arbitrary detention since October 3, 2023 under charges that include “attempting to change the form of government,” “inciting violence on Tunisian territory,” and “attacking with the aim of provoking disorder” under Article 72 of the Penal Code, following her attempt to submit an appeal against presidential decrees ahead of local elections. Abir Moussi is facing several other charges in separate investigations related to the exercise of her right to freedom of expression and peaceful assembly. The Tunisian authorities must immediately release Abir Moussi and drop the charges against her as they are based solely on the exercise of her rights to freedom of expression and peaceful assembly.

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 **Third 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
Mrs. Hanene Tajouri Bessassi**
1515 Massachusetts Avenue,
NW, Washington DC 20005
Email: AT.Washington@Tunisianembassy.org
Salutation: Dear Ambassador Mrs. Hanene Tajouri
Bessassi

Your Excellency, or Dear Ambassador,

I urge you to immediately release **Abir Moussi** and drop all criminal charges against her as they are based solely on the exercise of her human rights.

On August 5, 2024, The Tunis Court of First Instance sentenced Abir Moussi to two years in prison based on public statements she had made in November 2022 and January 2023, criticizing the legislative electoral process under Decree-Law 54 following a complaint filed by the High Independent Authority for Elections (ISIE). Abir Moussi is also facing a separate investigation for exercising her rights to freedom of peaceful assembly and expression based on protests that she led or statements that she made.

Criticism of the authorities is protected speech under Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights to which Tunisia is a state party.

I urge you to immediately release Abir Moussi and drop all charges against her as they stem solely from her peaceful political activism. Pending her release, she must be granted regular access to her family, lawyers and adequate healthcare, 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 president of the Free Destourian Party (PDL), known for her vocal opposition to President Kais Saied. She served in Parliament from 2019 to 2021. On August 5, 2024, the Tunis Court of First Instance sentenced her to two years in prison under Decree-Law 54 for criticizing the legislative elections, following a complaint by the ISIE. On October 3, 2023, shortly after expressing interest in the presidential race, Abir Moussi was arrested by security forces while trying to submit an appeal against presidential decrees at an office near the Presidential Palace in Carthage. According to eyewitnesses and her lawyers, security forces violently arrested Abir Moussi and held her in an undisclosed location for two hours before her legal team found her at a police station in La Goulette, Tunis. After 48 hours in custody, they were informed of her pre-trial detention. Additionally, police ignored her requests for necessary medication, leading to health complications that later required hospitalization.

On October 5, an investigative judge interrogated Abir Moussi at the Tunis Court of First Instance and ordered her pre-trial detention 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 Article 87 of the Data Protection Law and Article 136 of the penal code respectively. On January 30, the investigative judge decided to drop the charges under Article 72 but kept Abir Moussi in pre-trial detention under the two other charges. However, the prosecution appealed the judge’s decision. The charges are being re-examined.

Between December 2022 and March 2023, the Independent High Authority for Elections (ISIE) filed four complaints against Abir Moussi with the Tunis general prosecutor under Decree law 54. The complaints, based on Abir Moussi’s critical statements about ISIE’s handling of elections, accuse ISIE of election rigging. Abir Moussi’s lawyers argue that the four complaints should be consolidated into a single investigation as required by law but are instead being handled separately by different judges.

On July 5, 2024, an investigative judge questioned Abir Moussi over complaints by the ISIE regarding her statements from November 2022 and January 2023, where she alleged that legislative elections were “rigged” and the number of elected deputies was incomplete. The judge ordered her pre-trial detention and referred her to trial under Article 24 of Decree law 54 for “deliberately using information and communication networks and systems to produce, promote, publish, transmit, or prepare false news, statements, rumors, or documents that are artificial, falsely attributed to others with the aim of attacking the rights of others, harming public security or national defense, or spreading terror among the population.” On August 5, 2024, Abir Moussi appeared for trial, where her defense team’s requests for postponement and provisional release were denied. The court convicted her to two years in prison, violating her right to a fair trial and freedom of expression.

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

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: November 2, 2024

NAME AND PRONOUN: Abir Moussi (She/Her).

LINK TO PREVIOUS UA: <https://www.amnestyusa.org/urgent-actions/urgent-action-opposition-figure-judicially-harassed-tunisia-114-23/>