

Tunisia: Move to Dismantle Country's Largest Opposition Party

Prominent Leaders Arbitrarily Arrested; Party Headquarters Shut Down



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Police members walk outside the building of the Ennahda party headquarters, after police raided the headquarters and evacuated all present, Tunis, Tunisia, April 18, 2023. © 2023 Jihed Abidellaoui/Reuters

(Tunis) – [Tunisian authorities](#) have intensified their attack on opponents of President Kais Saied's 2021 power grab, moving to neutralize the country's largest political party, Ennahda, Human Rights Watch said today.

Since December 2022, the Tunisian government has arrested at least 17 current or former members of the party, including its leader, and shut its offices across the country. The authorities should immediately release all those arbitrarily detained and end restrictions on freedom of association and assembly.

The arrests have continued following [a wave](#) in mid-February that targeted figures of various political affiliations, bringing the number of public figures deemed critical of Saied behind bars to at least 30. Most have been accused of "conspiring against state security." The Ennahda-linked detainees include four former ministers and several former parliament members. The party President and former speaker of parliament Rached Ghannouchi and two party vice presidents, Ali Laarayedh and Nourredine Bhiri, are among them. None has been formally charged.

"After demonizing the Ennahda Party and making [serious accusations](#) without proof, President Saied's authorities have moved to effectively dismantle it," said [Salsabil Chellali](#), Tunisia director at Human Rights Watch. "Tunisian authorities' latest tactic to muzzle critical voices consists of tossing around conspiracy charges left and right against all those who challenge the president's increasingly authoritarian bent."

The authorities have accused most of the detainees of "conspiracy against state security" without clarifying the criminal acts that constitute the alleged conspiracy.

Seven Ennahda-related cases for which Human Rights Watch has been able to get additional information show the political nature of the arrests, the reliance on flimsy evidence, and disregard for due-process rights. At least four of these cases amount to barring peaceful expression.

Founded in 1981, Ennahda – formerly the Islamic Tendency Movement – was [legalized](#) only in 2011, after a popular uprising ousted the longtime authoritarian President Zine el Abidine Ben Ali. Ennahda played a central role in all government coalitions until 2019.

Ennahda President Ghannouchi has been a prominent opponent of Saied’s one-man-rule that followed his seizure of extraordinary powers on July 25, 2021. On April 17, plainclothes officers arrested Ghannouchi at his home. They did not show an arrest warrant, one of his lawyers told Human Rights Watch.

On April 20, an investigative judge issued a detention warrant for Ghannouchi on charges of attempting to “change the nature of the state” and “conspiring against internal state security,” crimes for which a death sentence is possible. The accusations are based on a [warning](#) by Ghannouchi on April 15 during a meeting that alienating opposition political movements, including Ennahda and “the left,” was a “project for civil war.”

Over the past 18 months, Ghannouchi, 81, has been questioned in relation to 19 different investigations, his lawyer Mokhtar Jemai [said](#) in a radio interview.

The police closed [Ennahda’s headquarters](#) in Tunis on April 18, without presenting any court decision or formal document, another lawyer said. Security forces have prevented members from accessing the offices of the party across the country, the lawyer said.

The same day, the authorities shut the Tunis headquarters of a party known as the [Tunisia Will Movement](#), which hosted activities of the National Salvation Front (NSF), an opposition coalition cofounded by Ennahda.

An unverified Interior Ministry memorandum invoking the state of emergency – which has continuously been extended since 2015 – ordering the closure of Ennahda’s offices and banning their meetings across the country, as well as the NSF’s gatherings in Tunis, has circulated online.

The two Ennahda vice presidents, Laarayedh and Bhiri, are being held in Mornaguia prison. [Laarayedh](#), 67, a former interior and prime minister, is facing prosecution for decisions he made in office between 2011 and 2014 that allegedly failed to combat fundamentalism and Islamic extremist violence “in the necessary way.” He has been held since December 19, without being brought before a judge.

Former Justice Minister [Bhiri](#) was arrested on February 13 for attempting to “change the nature of the state,” his lawyer, Amine Bouker, told Human Rights Watch, for a Facebook post urging, Tunisians to demonstrate against Saied on January 14, the anniversary of Ben Ali’s ouster. Bhiri’s lawyers said he did not write or post the call.

Said Ferjani, another Ennahda leader who was in the Parliament dissolved by Saied in March 2022, was arrested in Tunis on February 27 as part of an investigation into the digital content production company Instalingo, one of his lawyers said. The state prosecutor has accused the company, whose customers include Arabic-speaking media organizations critical of Saied, of inciting violence and slandering Saied.

Ferjani is accused of “money laundering,” attempting to “change the nature of the state,” “undermining external State security,” and inciting violence, among other charges – including under [the 2015 Anti-Terrorist law](#) – some of which are punishable by death. An investigative judge questioned Ferjani on March 1 about his relationships and finances. [His family](#) and lawyer told Human Rights Watch that he has no link with the company. He is in Sousse prison and he has not been further questioned by a judge.

At least two other Ennahda members are detained in the Instalingo case: the former Investment Minister Riadh Bettaieb, his lawyer told Human Rights Watch, and Ghannouchi, who was placed under a [detention warrant](#) in this case on May 9.

Mohamed Mzoughi, Ennahda's head of public relations in the city of Beja, was arrested on March 9. The following day, Mohamed Saleh Bouallagui, Ennahda's general secretary in Beja, was arrested. They remain in detention, accused of "conspiracy against state security" including through "contacts with a foreign power," "insulting the president" and terrorism-related charges for their alleged role in managing social media pages critical of Saied's rule, their lawyers said.

Documents filed by the state prosecutor indicate that Bouallagui and Mzoughi are being investigated under [the 2015 Anti-Terrorist law](#) for offenses punishable by up to 20 years in prison, including "membership in a terrorist organization," "using the Tunisian territory to commit terrorist offenses," "providing weapons" and money laundering. They are also being investigated under articles of the [Penal Code](#) and article 86 of the [Telecommunications Code](#). The investigative judge last questioned Mzoughi on March 24 and Bouallagui on March 28.

Mohamed Ben Salem, a former Ennahda leader and former minister of agriculture, was arrested on March 3, without a warrant, in the southeastern town of Bir Lahmar. He is being investigated for "forming an organization aiming to prepare and commit the crime of illegally leaving the Tunisian territory" under article 42 of [law 1975-40](#) on Travel Documents and "holding sums of money in foreign currency," under articles of the [foreign exchange code](#).

Ben Salem, detained in Sfax prison, has lost his ability to walk and suffered two strokes since his arrest, his lawyer, Abdelwahhab Maatar, told Human Rights Watch. He has had a heart condition and chronic diseases for years, his family said.

Ben Salem has been questioned by an investigative judge on March 8 while he was treated at a hospital in Sfax. He has not been questioned again regarding the investigation for which he is detained. However, the financial crimes police unit interrogated him on April 12 in a separate investigation into alleged corruption.

Four other people are detained in relation to the cases against Ben Salem, including former Ennahda parliament member, Ahmed Laamari, his lawyer told Human Rights Watch.

Ruling by decree, Saied has systematically [undermined judicial independence](#), raising fair trial concerns for these and other people accused after they criticized him. In February 2022, Saied dissolved the High Judicial Council, which was mandated to guarantee the independence of the judiciary, and appointed a temporary body over which he has broad control. In June 2022, he granted himself the authority to unilaterally dismiss magistrates and [fired 57](#). The authorities have refused to comply with an administrative court order to reinstate 49 of them.

Under [international law](#), a suspect should be held in pretrial detention only in exceptional circumstances when the court provides reasons for holding them that are compelling, individualized, and subject to periodic review and appeal. Pretrial detention is only to be imposed as "an exception" under article 84 of Tunisia's [Criminal Procedure Code](#).

The International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a party, protects the rights to freedom of opinion, expression, association, and assembly. Tunisia is also bound under the ICCPR and the [African Charter on Human and Peoples' Rights](#) to respect the right to a fair trial.

"The Tunisian authorities should stop their reprisal against Ennahda and other opponents and release all those jailed in the absence of credible evidence of crimes," Chellali said.

