

Release from the President of the Nice Bar Association - Visit to incarcerated Tunisian lawyers

Nice, August 7, 2023

Bar President Adrien VERRIER was in Tunis from July 26 to 28, 2023 to meet with three lawyers currently incarcerated: Ridha BELHAJ and Ghazi CHAOUACHI (incarcerated since February 25, 2023), and Nourredine BHIRI (incarcerated since February 14, 2023).

This mission was also an opportunity to organize a conference on the theme of "lawyer immunity" alongside Bar President Abdessattar BEN MOUSSA, President of the Tunisian League for Human Rights (LTDH) which, along with three other organizations (ONAT, UGTT, UTICA) making up the "National Dialogue Quartet", was awarded the Nobel Peace Prize in 2015.

To organize his visit to MORNAGUIA Civil Prison, Bar President Adrien VERRIER met with Mondher ALADAB, Public Prosecutor at the Tunis Court of Appeal, and Zouhaier BEN ABDALLAH, Public Prosecutor of the Republic of Tunis. These various steps made it possible to obtain the necessary authorizations for his visit, steps which were carried out with the invaluable support of the National Bar Association of Tunisian Lawyers (ONAT), its President, Maître Hatem MZIOU and his delegate, Maître Mohamed BEN SMIDA, Lawyer and Member of the Bar Council.

Bar President Adrien VERRIER visited the prison on July 27 from 11:30 a.m. to 3:00 p.m., where he was able to meet and talk freely with his three imprisoned colleagues.

Then, on July 28, 2023, Bar President Adrien VERRIER was received by the ONAT Order Council and its Bar President.

Although an exhaustive report was drawn up following the visit, Bar President VERRIER wishes to make it clear in this statement that it is not his role to interfere in a fragile and complex political and judicial situation, nor to comment on the merits of the cases under investigation or on the relevance of the charges brought against our colleagues.

However, since July 25, 2021, there has been a hardening of the current political regime and a loss of independence for the judiciary and magistrates, who have been under the authority of the executive since February 2022.

Furthermore, it should be noted that the so-called "anti-terrorism" law of 2015, as well as the decree-law n°2022-54 on the disclosure of false news on networks, seem to have been diverted from their purpose, in order to repress certain political opponents of the current regime. An increasing number of lawyers are themselves being prosecuted in the course of their defence work.

On several occasions, the French National Bar Council (CNB) has expressed its deep concern about the establishment in February 2022 of a provisional High Council of the Judiciary by Decree-Law, giving wide-ranging prerogatives to the President of the Republic and the executive in matters of magistrate appointments, disciplinary measures, management of magistrates' careers, and restrictions on magistrates' freedom of expression and association. At the time, it had firmly denounced the collective dismissal of magistrates that had followed, as well as the proceedings brought against the Tunisian lawyer Ayachi HAMMAMI, counsel for the dismissed magistrates, on the basis of article 24 of the Decree-Law of September 22, 2022, for remarks made during a radio interview.

The CNB, which, alongside the International Union of Lawyers and the International Union of Magistrates, jointly informed the United Nations Special Rapporteurs on the Independence of Judges and Lawyers and on Freedom of Opinion and Expression of the abuses against the judicial professions in Tunisia, remains vigilant to developments in the situation.

As for the imprisonment of Maîtres Ridha BELHADJ, Ghazi CHAOUACHI and Nourredine BHIRI, it should be noted that they have not been heard by their examining magistrate since their committal order was issued over 5 months ago. The conditions of their incarceration also prevent them from meeting their families in a satisfactory manner. Quite apart from the question of the relevance of the charges against them, it would seem possible to implement alternatives to their current incarceration (as was the case for Lazhar AKREMI, who has just been released and is subject to strict obligations).