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AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

APPLICATION NO. 004/2026

NOUREDDINE BHIRI

V

REPUBLIC OF TUNISIA

CASE SUMMARY

I. THE PARTIES

1. On 16 February 2026, Mr. Noureddine Bhiri (hereinafter referred to as "the Applicant") filed an application at the Court against the Republic of Tunisia (hereinafter referred to as "the Respondent State").

II. SUBJECT OF THE APPLICATION

A. Facts of the Matter

2. The Applicant alleges that he has been detained since 31 December 2021, that he was subjected to torture and ill-treatment and that his medical condition is severely deteriorating.

3. The Applicant faced criminal charges primarily within two distinct proceedings. The first case arose from the publication of a social media post by the Applicant. He was committed for trial before Tunis Court of First Instance, on charges of committing acts of violence with the intent to overthrow the government, in violation of article 72 of the Respondent State's Penal Code. On 18 October 2024, he was convicted of these charges and sentenced to ten years' imprisonment. This judgment was subsequently upheld by the Tunis Court of Appeal on 6 March 2025.

4. In the second case, before the Judicial Counter-Terrorism Unit of Tunis, the Applicant was charged with issuing Tunisian nationality and travel documents to a Syrian national during his tenure as Minister of Justice. An investigation was opened in July 2021 on the basis that the individual was a classified terrorist; however, the National Counter-Terrorism Committee confirmed in February 2022 that the person had been removed from the UN Sanctions List in 2009 and was not on the National List.

5. The Applicant contends that the Examining Magistrate, in the 10 January 2025 decision to close the investigation and to refer the matter, misrepresented this evidence in order to maintain the impression that he was issuing documents to a terrorist. This decision was upheld by the

Indictment Chamber and the Court of Cassation, which dismissed the appeal on 20 October 2025. Consequently, the Applicant filed criminal complaints against the judicial officers involved for alleged fraud and distortion of records. However, the Applicant alleges that the Public Prosecutor's Office of the Tunis Court of First Instance has to date failed to provide either an acknowledgment of receipt or a case number for these complaints, or provide any information on the progress of their processing. This failure, the Applicant argues, risks undermining his right of appeal.

B. Alleged violations

6. The Applicant alleges the violation of the following rights:

i. The right to equal protection of the law, protected under Article 3(2) of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter");
ii. The right to physical and moral integrity, in accordance with Article 4 of the Charter and Articles 7 and 10(1) of the International Covenant on Civil and Political Rights (hereinafter referred to as "the ICCPR");
iii. The right to liberty, in accordance with Article 6 of the Charter and Article 9 of the ICCPR;
iv. The right to a fair trial, in accordance with Article 7(1)(a), (c), (d) and 7(2) of the Charter, and Articles 2(a) and (b), 6(2), 14 and 15 of the ICCPR;
v. The right to life, protected under Article 4 of the Charter and Article 6(2) of the ICCPR;
vi. The right to freedom of opinion, within the meaning of Article 9(2) of the Charter and Article 19 of the ICCPR;
vii. The right to non-discrimination, within the meaning of Article 2 of the Charter and Articles 2(1) and 26 of the ICCPR;

viii. The right to the enjoyment of the rights and freedoms recognized in the Charter, in accordance with Article 1 of the Charter.

III. PRAYERS OF THE APPLICANT

7. The Applicant prays the Court to:

i. Declare his application admissible in form and with respect to the Court's jurisdiction and admissibility of the case.
ii. Declare that the Respondent State has violated the earlier-mentioned human rights.
iii. Order the Respondent State to cease using the judiciary for political purposes and persecuting opponents of the current regime, and to protect crimes committed by judges to achieve these purposes.
iv. Order the Respondent State to respect the requirements of Article 46 of Decree No. 79 of 2011 concerning the legal profession before prosecuting lawyers, by emphasizing the necessity of specifying that the notification to the head of the relevant regional branch was issued by the Attorney General of the competent Court of Appeal personally, stating the acts or charges for which the prosecution is based.
v. Order the Respondent State to amend the Penal Code to consider the issuance of a detention order without strong and corroborating evidence, before interrogation or before the technical examinations that allow for it, and without justification related to the security of the person or society, as arbitrary detention.
vi. Order the Respondent State to amend the Penal Code to consider the refusal to allow an examination or to present a person detained, held, or in the custody of security or judicial authorities for a medical examination as a separate crime.
vii. Order the Respondent State to amend Article 72 of the Penal Code to conform with the principle of legality of crimes and punishments, with regard to the precision of the wording, the description of the form, and the right to life and freedom of opinion in substance.

viii. Order the Respondent State to take measures to ensure that the Public Prosecutor's Office provides proof of receipt of any complaint and automatically informs the complainant of the registration number and date, without consulting any other party, in respect of the right of access to justice.

ix. Order the Respondent State to take all necessary legislative measures to ensure the institutional and individual independence of the judiciary by establishing a Constitutional Court and a Supreme Judicial Council, the majority of whose members are elected.

x. Order the Respondent State to take legal measures to ensure the accountability and prosecution of crimes committed by judges in the course of their duties, such as fraud and unlawful detention, which clearly deviate from objective judicial practice.