|  |  |  |
| --- | --- | --- |
| MDE 30/7893/2024 - Tunisia - Date: 28 March 2024 | | |
| URGENT ACTION |  | UA 027/24 |
| Artist jailed for criticizing president | | |
| TUNISIA | | |

On 31 January 2024, the Monastir court of appeals in Tunisia sentenced artist Rached Tamboura to two years in prison on bogus charges for the peaceful exercise of his right to freedom of expression. Rached Tamboura painted a series of graffiti denouncing President Kais Saied’s racist comments against sub-Saharan migrants. Police forces arrested Rached Tamboura late during the night between 17 and 18 July 2023, a few hours after he painted the last one. On 4 December 2023, the Monastir Court of First Instance convicted and sentenced him to two years in prison for «committing an offensive act against the president» and «producing and promoting false news with the aim of infringing on the rights of others, harming public security or national defence, or spreading terror among the population» under article 67 of the penal code and article 24 of Decree law 54 respectively. ****Rached Tamboura is currently imprisoned in the Zaghouan prison**** (*not Monastir prison as formerly noted*) ****where he is actively protesting his arrest.**** Tunisian authorities must immediately release Rached Tamboura and quash his conviction and sentence as it is based solely on the peaceful exercise of his right to freedom of expression.

ADDITIONAL INFORMATION

Rached Tamboura (28) is an artist and student in Tunisia’s Arabic Calligraphy University in Tunis.

The police arrested him on the night between 17 and 18 July 2023 after being alerted by the delegation representative in Monastir and detained him for 2 days pending investigation for a series of graffiti drawings that he painted criticizing President Kais Saied after racist remarks he made targeting sub-Saharan migrants in February 2023 which sparked a wave of hatred and racism leading to mass expulsions and attacks against black migrants and Tunisians.

According to his lawyer, upon arresting him, the police interrogated Rached Tamboura without legal representation. Around 4 am on 18 July, the prosecution ordered that Rached Tamboura stays in police custody for 48 hours. Rached Tamboura appeared before an investigative judge in the Monastir court of first instance on 20 July 2023 and was interrogated in relation to charges stemming from article 67 of the penal code and decree law 54. The judge issued a pre-trial detention order against Rached Tamboura. On 26 July 2023, the investigative judge concluded the investigation and referred Rached Tamboura to trial for «committing an offensive act against the president» and «producing and promoting false news with the aim of infringing on the rights of others, harming public security or national defence, or spreading terror among the population» under article 67 of the penal code and article 24 of Decree law 54 respectively. On 4 December 2023, the Monastir court of first instance convicted Rached Tamboura on both counts sentencing him to two years in prison. On 31 January 2024, the Court of Appeals confirmed the initial sentence.

Since President Saied’s power grab on 25 July 2021, he 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 as several opposition figures, dissidents, perceived enemies of the president and critics of the government have been targeted and harassed. The crackdown on opposition and critics threatens human rights including the rights to freedom of expression, association and peaceful assembly in Tunisia, rights protected under Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights and Articles 9, 10 and 11 of the African Charter on Human and Peoples’ Rights to which Tunisia is a state party.

Following President Saied’s discriminatory remarks in February 2023, hundreds of migrants and refugees were assaulted, evicted, or arbitrarily arrested in total impunity. Since July, security forces rounded up and conducted mass arbitrary expulsions of several thousands of migrants, asylum seekers and refugees, including children, to Libya and Algeria. At least 28 people died in the desert region along the Libyan border between July and August.

TAKE ACTION

* Write an appeal in your own words or use the **model letter** on **page 2**.
* Please take action before **23 May** 2024.
* Preferred language: **Arabic, French, English**. You can also write in your own language.
* **INFO POSTAGE**: Post delivery is possible to almost all countries. Please check at the Swiss Post whether letters are currently being delivered to the destination country.   
  If not, please send by email, fax or social media and/or via the embassy with the request for forwarding to the named person. Thank you !

|  |  |
| --- | --- |
| APPEALS TO | COPIES TO |
| President of the Republic Kais Saied  Route de la Goulette, Site archéologique de Carthage, Tunisie  **Best way to reach the target**:  Facebook: <https://www.facebook.com/Presidence.tn/>  Twitter/X: @TnPresidency Email: [contact@carthage.tn](mailto:contact@carthage.tn)  **Additional targets**:  1) Kamel Feki Email: [boc@interieur.gov.tn](mailto:boc@interieur.gov.tn) Fax: +216 71 347 929 Twitter/X: https://twitter.com/interieurtn?lang=en Facebook: <https://www.facebook.com/ministere.interieur.tunisie>  2) Minister of Justice Leila Jaffel Email: [info@e-justice.tn](mailto:info@e-justice.tn) Fax: +216 71 568 106 Facebook: <https://www.facebook.com/ministere.justice.tunisie> | Botschaft von Tunesien / Ambassade de Tunisie Kirchenfeldstrasse 63 3005 Bern  Fax: 031 351 04 45 E-Mail: [at.berne@diplomatie.gov.tn](mailto:at.berne@diplomatie.gov.tn) |
| ⭢ **Social media guidance** and **additonal targets** see online: [amnesty.ch](https://www.amnesty.ch) 🔍**UA 027/24** or **MDE 30/7893/2024** | |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

President of the Republic

Kais Saied

Route de la Goulette, Site archéologique de Carthage

Tunisie

**Facebook:** [**https://www.facebook.com/Presidence.tn/**](https://www.facebook.com/Presidence.tn/) **Twitter/X: @TnPresidency  
E-Mail:** [**contact@carthage.tn**](mailto:contact@carthage.tn)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your Excellency,

**I write to you to express my grave concern over the ongoing arbitrary detention of artist Rached Tamboura solely for peacefully voicing his critical opinion through art.** His conviction is in contravention of international human rights treaties including 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.

On 18 July 2023 security forces arrested Rached Tamboura after he painted a series of graffiti drawings of yourself, President Kais Saied, on the wall of the local authorities building. The series of graffiti meant to denounce comments made by yourself on 21 February during a National Security Council meeting, along with the Memorandum of Understanding signed with the European Union on migration, which triggered an upsurge in anti-Black racist violence in the country.

People have the right to express their dissent and should not be arbitrarily detained for exercising their rights.

On 31 January 2024, the Monastir Court of Appeals confirmed Rached Tamboura’s two-year sentence after a preliminary sentencing in December 2023 for «committing an offensive act against the president» and «producing and promoting false news with the aim of infringing on the rights of others, harming public security or national defence, or spreading terror among the population» under article 67 of the penal code and article 24 of Decree law 54 respectively.

**I therefore urge you to immediately release Rached Tamboura and to quash his conviction and sentence as it is based solely on the peaceful exercise of his right to freedom of expression and activism. Pending his release, ensure that he has access to adequate healthcare, in compliance with international standards and medical ethics, including the principles of confidentiality, autonomy, and informed consent. Moreover, I call on you to cease your targeted arrests of critics for the peaceful exercise of their right to freedom of expression.**

Yours sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Copie**

Botschaft von Tunesien / Ambassade de Tunisie, Kirchenfeldstrasse 63, 3005 Bern

Fax: 031 351 04 45 / E-Mail: at.berne@diplomatie.gov.tn