

The Cases Continue Against the Tunisian Government Before the African Court

It is a matter of deep regret that the present Government of Tunisia has further repudiated Tunisia's democratic progress and the protection of human rights by withdrawing the declaration that gives individuals and non-governmental organisations the right to institute cases against Tunisia before the African Court on Human and Peoples' Rights.

This comes in the wake of the Government having defied the order of 22 September 2022 of the African Court in the *Ibrahim Ben Mohamed Ben Ibrahim Belguith* case to return to constitutional democracy.

The withdrawal will, however, only take effect after one year, in accordance with the well-established jurisprudence of the African Court.

Importantly, the withdrawal does not affect pending cases against the Government including the *Moadh Kheriji Ghannouchi and Others* and *Mohamed Aziz Akremi* cases. They will proceed. The Applicants in these cases will continue to seek justice for their relatives who are unlawfully detained and being ill-treated, and for the death of a protestor in violation of the African Charter on Human and Peoples' Rights.

The provisional measures to guarantee the rights of the detained political prisoners as ordered by the African Court in August 2023 in *Moadh Kheriji Ghannouchi and Others*, which the Government has failed to implement, remain in force: <https://www.african-court.org/cpmt/storage/app/uploads/public/64f/5e6/ae7/64f5e6ae700b7001409381.pdf> Indeed, in its latest ruling in *Moadh Kheriji Ghannouchi and Others* notified yesterday on 3 April 2025, the African Court has rejected Tunisia's application to revoke these provisional measures. The measures remain in place and must be implemented by the Government. The Court made clear in this ruling that the withdrawal has no effect on the case.

Tunisia's withdrawal will not stop the pending cases before the African Court and only reiterates that it is vital for these cases to proceed to uphold the rule of law and to hold the Government to account.

Rodney Dixon KC
Counsel for the Applicants before the African Court on Human and Peoples' Rights
Temple Garden Chambers
London and The Hague
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LONDON
1 Harcourt Buildings
Temple
London EC4Y 9DA

THE HAGUE
Lange Voorhout 82
2514 EJ The Hague
Netherlands

T +44 (0)20 7583 1315
E clerks@tgchambers.com
W tgchambers.com
DX 382 London Chancery Lane