Tunisian Authorities Face a Test of Their Commitment to Combating Racism: Human Rights Defender Saadia Mosbah Remains in Pretrial Detention Since 2024

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The next hearing in the case of human rights defender Saadia Mosbah is scheduled for 26 February 2026 before the Criminal Chamber of the Tunis Court of First Instance. The proceedings raise serious concerns about respect for fair trial guarantees and the right to liberty, as well as about the judiciary's adherence to the principle that pretrial detention is an exceptional measure and must not become a punitive tool.

HuMENA expresses deep concern over the continued pretrial detention of Saadia Mosbah, particularly in light of the legal and human rights issues raised by this case, including the principles of necessity and proportionality, the requirement to proceed within a reasonable time, and the impact of repeated extensions on the presumption of innocence and procedural safeguards. HuMENA stresses that any judicial process, regardless of the nature of the charges, must be governed by clear guarantees and supported by specific, well-reasoned judicial decisions.

On 6 May 2024, security forces raided and searched Saadia Mosbah's home before detaining her for five days, during which the custody period was extended pending investigation. On 16 May 2024, an investigating judge at the Tunis Court of First Instance issued a detention order following her questioning, marking the beginning of a prolonged period of pretrial detention accompanied by serious human rights concerns.

Saadia Mosbah, along with eight employees of the association "Mnèmty", including her son Fares Kbalaoui, and the owner of the organization's premises, was charged with "money laundering" under Law No. 26 of 2015, as well as other financial-related charges, in addition to the offense of forming a criminal conspiracy. The remaining employees were released pending proceedings. At an early stage, the investigating judge decided to dismiss the charge of forming a criminal conspiracy and certain other charges against her and the other employees. However, the Chamber of Indictment overturned that decision, allowing the prosecutions to proceed.

On 12 March 2025, during a hearing in the case, the court extended Saadia Mosbah's pretrial detention by an additional four months and rejected her request for release, despite the defense's submission regarding her critical health condition and chronic illnesses requiring special care. The defense team also requested the lifting of the freeze on her bank account so she could access her pension/benefit payments, which she has been deprived of since the start of her detention, in addition to seeking her release. However, the court declared itself not competent to rule on the

release request, as the case remained pending before the Court of Cassation following an appeal against the Chamber of Indictment's decision, according to the defense.

On 22 December 2025, the Criminal Chamber of the Tunis Court of First Instance postponed the trial of Saadia Mosbah and seven members of the association's staff to 26 February 2026, once again rejecting her request for release. As a result, her pretrial detention has now exceeded twenty months, raising serious questions about necessity and proportionality, as well as the sufficiency of the judicial reasoning justifying continued detention for such an extended period.

HuMENA affirms that exceeding the time limits for pretrial detention and maintaining it for a prolonged period contradicts the spirit of Article 85 of the Code of Criminal Procedure, which establishes the exceptional nature of this measure and sets out its conditions and time limits. Pretrial detention must not become a disguised punishment or an open-ended measure. It must remain subject to the principles of necessity and proportionality, and be supported by precise and specific judicial reasoning explaining why continued deprivation of liberty is warranted and why alternatives to detention would be insufficient.

According to information available to HuMENA and statements by the defense, no sufficiently detailed judicial justification has been provided to warrant the continuation of detention for such a prolonged period. This raises concerns about violations of the presumption of innocence and runs counter to Tunisia's obligations under the International Covenant on Civil and Political Rights, particularly regarding the right to liberty and security of person, the requirement to be tried within a reasonable time or released, and the guarantee of a fair trial.

The conditions of detention also raise serious concerns regarding compliance with international standards, particularly in relation to adequate healthcare, dignity, and humane treatment, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Moreover, the continued pretrial detention in this case appears, in principle, inconsistent with Article 35 of the 2022 Constitution, which stipulates that detention may occur only under strict legal controls and for a period defined by law, while guaranteeing the right to defense.

HuMENA considers that this case cannot be separated from the broader context affecting civil society since 2021, marked by an increase in financial and criminal prosecutions against civil society actors. When conducted without full respect for safeguards, such proceedings have a chilling effect on human rights and humanitarian work, undermine the oversight role of civil society, and weaken public confidence in the independence and fairness of judicial processes.

Saadia Mosbah is one of Tunisia's most prominent human rights defenders. Since the era of former President Zine El Abidine Ben Ali, she has campaigned against racial discrimination. After repeated attempts to establish a legal framework to combat racism, she founded the association "Mnèmty" in 2013. The organization played a pivotal role in advocating for the adoption of the anti-racism law passed on 9 October 2018 with broad parliamentary support. Her efforts also contributed to the designation of 23 January as Tunisia's National Day for the Abolition of Slavery in 2019.

These developments come amid a broader climate marked by extensive official and media debate on irregular migration, accompanied by rhetoric that many organizations have deemed discriminatory or inciting hatred. In such a climate, effective safeguards to protect human rights defenders (especially those working on issues related to the protection of migrants, refugees, and asylum seekers) are all the more essential, ensuring their safety and their right to speak out publicly without facing disproportionate judicial or procedural consequences.

HuMENA believes that the continued prosecution of Saadia Mosbah and the repeated extension of her pretrial detention raise serious concerns about the criminalization of human rights and humanitarian work, particularly in cases involving the protection of vulnerable groups. It also places the justice system before a genuine test of its commitment to constitutional guarantees, the rule of law, and international standards for the protection of human rights defenders.

HuMENA calls on the Tunisian authorities to respect the exceptional nature of pretrial detention and to ensure that it does not become a punitive measure outside the standards of necessity and proportionality. HuMENA urges the release of Saadia Mosbah pending the completion of judicial proceedings, unless the court provides clear and specific judicial reasoning justifying her continued detention. HuMENA also calls for the full protection of her defense rights, the provision of appropriate healthcare, and the restoration of her social rights, including addressing the consequences of the bank account freeze so that she may access her pension/benefit payments through available legal mechanisms. Furthermore, HuMENA urges an end to prosecutions or measures that undermine the freedom of civil society and human rights work through the instrumentalization of financial or criminal proceedings in a manner that produces a chilling effect.

Protecting human rights defenders is both a constitutional and international obligation, and an essential component of the rule of law, including the state’s duty to guarantee the right to liberty, a fair trial, and protection against arbitrary measures.

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