Tunisia | A life-threatening health emergency for lawyer and former administrative judge Ahmed Souab in detention, and the State's duty to ensure medical care and end the criminalisation of the right to defence and freedom of expression

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HuMENA expresses deep concern regarding the serious health developments affecting lawyer and former administrative judge Ahmed Souab inside Mornaguia Prison on 5 January 2026. On that day, Souab suffered acute nosebleeding in the morning, followed by more severe bleeding in the afternoon that led to loss of consciousness. On 6 January 2026, Saeb Souab (Ahmed Souab's son) published the details of the incident and noted his father's chronic heart conditions, as well as the need for specialised medical diagnosis to determine the causes of recurrent bleeding and to establish a clear treatment and medical follow-up plan. The association Taqattoua for Rights and Freedoms also confirmed the incident in a case-related statement.

HuMENA affirms that these facts impose immediate and specific obligations on the Tunisian authorities: ensuring the detainee's access to diagnostic examinations appropriate to his condition, specialist assessment where necessary, and referral to a civilian medical facility when adequate conditions for diagnosis or treatment are not available in prison, with medical interventions documented in a manner that enables review. This is not a "humanitarian measure", but a legal duty linked to the protection of the right to life and physical integrity, and to the prohibition of cruel, inhuman or degrading treatment where it results from medical neglect, unjustified delay, or denial of referral to specialised care.

Legally, Tunisia is bound to guarantee these rights under binding international and regional instruments, foremost the International Covenant on Civil and Political Rights, in particular the prohibition of torture or cruel, inhuman or degrading treatment (Article 7), the right to liberty and security of person and protection against arbitrary detention (Article 9), and fair trial guarantees and defence rights (Article 14). Tunisia is also obliged to prevent cruel, inhuman or degrading treatment under the Convention against Torture (Article 16), and under the African Charter on Human and Peoples' Rights, particularly as regards dignity and integrity (Article 5), liberty and security (Article 6), and fair trial (Article 7). The Nelson Mandela Rules further frame the State's duties regarding equivalence of healthcare in detention to that available in the community, the independence of medical decision-making, and the obligation to refer detainees to appropriate healthcare facilities when needed.

HuMENA does not view the health dimension in isolation from the context that led to Ahmed

Souab's detention. He was arrested on 21 April 2025 and referred to the Judicial Counter-Terrorism Pole following public statements in which he criticised the state of the judiciary and the pressures imposed on it, in a context linked to his work as a lawyer in the "conspiracy case". On 31 October 2025, a first-instance judgment sentenced him to five years' imprisonment, with three years of administrative supervision. This sequence raises a specific human rights issue: the limits of criminalising expression when it is made by a lawyer in a professional context related to judicial affairs, and how such criminalisation can, in practice, restrict the right to defence in politically sensitive cases.

HuMENA stresses that protecting the freedom of defence is not merely a professional demand, but a core guarantee of the right to a fair trial. The UN Basic Principles on the Role of Lawyers set a clear standard for State obligations: ensuring that lawyers can perform their professional functions without intimidation, hindrance, harassment, or improper interference, and that their relationship to clients' cases or their professional opinions related to the administration of justice are not turned into grounds for prosecution. Accordingly, prosecuting a lawyer on the basis of critical speech related to judicial independence, and continuing his detention amid serious health indicators, heightens the risks to his right to health and life, and simultaneously affects the broader environment for the practice of defence in cases that require the highest safeguards.

The confirmed developments of 5 January 2026 establish a practical, verifiable benchmark for the required response: specialised diagnosis, medical documentation, and healthcare referral when needed, without obstacles linked to the conditions of detention. They also underscore the need to address the broader framework that led to this situation: the use of accusation and punishment tools to restrict expression related to judicial affairs, with direct repercussions for the right to defence and fair trial guarantees.

Accordingly, HuMENA calls on the Tunisian authorities to:

- Ensure that Ahmed Souab is immediately granted diagnostic examinations appropriate to his condition at a specialised civilian medical facility where necessary, enabling determination of the causes of recurrent bleeding and the establishment of a treatment and follow-up plan, and ensure hospital referral outside prison whenever required or when adequate care cannot be provided within the prison facility.
- Provide the family and defence team with a written medical summary that includes the initial diagnosis, measures taken, the follow-up treatment plan, and the decision on referral (or non-referral) and its reasons, in a manner that respects medical confidentiality and ensures the right to information and follow-up.
- Take an immediate measure that removes the health risk linked to continued detention without guaranteed access to diagnosis and treatment, including the use of legal alternatives to imprisonment until his health condition stabilises, and ensure that he can access medical follow-up without obstacles.
- Guarantee the right to defence and a fair trial without arbitrary restrictions in all appeal stages or subsequent proceedings, including the effective participation of the defendant, the

full ability of the defence to perform its role, and respect for publicity and equality of arms.

- End the criminalisation of expression and the professional work of lawyers through the use of exceptional or overly broad legislation against critical speech related to judicial affairs or the practice of defence in political cases, and ensure that no lawyer is prosecuted because of their work or professional statements.
- Open an effective accountability process regarding the circumstances of what occurred in prison on 5 January 2026, including an assessment of compliance with the duty to provide appropriate medical care in a timely manner, and establish responsibilities where any shortcoming or negligence is confirmed.

HuMENA also urges the international community, UN, and regional mechanisms to:

- Request urgent written clarifications from the Tunisian authorities on Ahmed Souab's health status and the medical measures taken, and follow up the case through official communications as it relates to the right to health in detention, fair trial guarantees, and judicial independence.
- Activate the available avenues of UN Special Procedures relevant to the independence of judges and lawyers, the right to health, freedom of opinion and expression, and the prevention of torture and ill-treatment, to ensure independent and public follow-up focused on preventing irreparable harm.
- Integrate the impact of this case on the freedom of defence within dialogues, cooperation, and partnerships, and seek clear assurances that prosecutions will not be used as a tool to restrict or deter the legal profession.

HuMENA affirms that what this case tests, in its health and procedural dimensions, is the extent of the State's compliance with its legal duties towards detainees on the one hand, and the protection of the right to defence and the independence of the legal profession on the other. HuMENA will continue to follow the case on the basis of documented facts and binding standards, and to use available advocacy pathways to safeguard the right to health and the right to defence and to prevent this pattern from being entrenched as a precedent.

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