


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

Application No. 003/2023

Mohamed Aziz El-Akrimi

(Applicant)

v.

The Republic of Tunisia

(Respondent State)

Summary of the Application

I. The Parties

1. The Applicant, Mr. Mohamed Aziz El-Akrimi (The Applicant), is a national of the Republic of Tunisia (the Respondent State). He is represented by Counsel Rodney Thomas Dixon, QC. The Applicant alleges violations of the human rights of his father, Judge Bechir El-Akrimi, following the latter's dismissal and imprisonment.

II. Subject of The Application

A. Facts of the Matter

2. The Applicant alleges that his father, Judge El-Akrimi, was unlawfully dismissed from his functions and arbitrarily arrested by the Respondent State. Judge El-Akrimi is an expert in counter-terrorism and has previously collaborated with the United Nations. He had held the position of Public Prosecutor. He challenged his dismissal before the Administrative Court which annulled the dismissal by a decision on 31 December 2020. The Court of Appeal upheld the decision of the Administrative Court on 13 April 2021, however, the decision was never implemented.
3. The Applicant further alleges that on 29 July 2021, Judge El-Akrimi was placed under house arrest by order of the Minister of Interior and the President of the Republic. This order was annulled on 2nd June 2022 but not executed. On 1st June 2022, Judge El-Akrimi was dismissed again by the President of the Republic.
4. The Applicant asserts that his father was arrested on 12 February 2023, went on a hunger strike, and was subsequently transferred to a psychiatric hospital, where he was subjected to torture. He was later re-arrested and taken to the Judicial Counter-Terrorism Centre based on an old case previously dismissed by a court.

5. The Applicant contends that the plight of his father occurred against the backdrop of public statements made by the President of the Respondent State, who described detainees as terrorists and denounced judges who acquitted them as accomplices.
6. The Application was filed with the Registry of the Court on 1st June 2023.

B. Alleged Violations

7. The Applicant alleges violations of the following rights:
 - i. The human rights and freedoms right guaranteed under Article 1 of the African Charter and Article 2 of the International Covenant on Civil and Political Rights (ICCPR);
 - ii. The right to equality before the law and equal protection of the law – under Article 3 of the Charter, due to the non-implementation of judgments rendered in favour of Judge El-Akrimi;
 - iii. The right to protection from torture and degrading treatment – under Article 5 of the Charter and Articles 7 and 10 of the ICCPR;
 - iv. The right to liberty and security of person – in relation to the arrest of Judge El-Akrimi, under Article 6 of the Charter and Article 9 of the ICCPR;
 - v. The right to access to justice – under Article 7 of the Charter and Article 14 of the ICCPR;
 - vi. The right to health – in relation to the conditions of arrest of the Applicant's father, under Article 16 of the Charter and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

III. PRAYERS OF THE APPLICANT

8. The Applicant prays the Court to:

- a) Declare that it has jurisdiction to hear the Application;
- b) Declare that the Application admissible;
- c) On the merits:
 - 1. Declare that the Respondent State has violated the provisions of the aforementioned articles;
 - 2. Order the cessation of detention and judicial proceedings against the Applicant's father;
 - 3. Order the annulment of convictions resulting from such detention;
 - 4. Order the reinstatement of the Applicant's father to the judiciary in accordance with the judgments rendered in his favour;
 - 5. Order the Respondent State to pay compensation for the moral damage suffered by the Applicant's father in an amount to be determined by the Court;
 - 6. Order the Respondent State to provide guarantees of non-repetition concerning the violations established by this Court in the present case;
 - 7. Order the Respondent State to bear the costs of these proceedings.