


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. 005/2023

Maher Ben Mohamed Taher Zayd
(Applicant)

v.

The Republic of Tunisia
(Respondent State)

Summary of the Application

I. The Parties

1. The Applicant, Mr. Maher Zayd, a member of the House of Representatives dissolved on 30 March 2022, is a citizen of the Republic of Tunisia (Respondent State). He alleges that the President of the Respondent State violated the oath he took on 23 October 2019, after winning the presidential elections. He dissolved the Assembly of the Representatives of the People, the government, the Provisional Authority for the Control of the Constitutionality of Laws, the Supreme Judicial Council, and the Anti-Corruption Authority, and declared the establishment of the "New Republic."

II. Subject of the Application

A. Facts of the Matter

2. The Applicant alleges that the President of the Republic's declaration of the "New Republic" had come outside any constitutional or legal framework, as ruled by this Court in its decision in the application No. 17/ 2021. The President of the Respondent State abolished the 2014 Constitution, according to which he had assumed the presidency and sworn to respect it. Contrary, he imposed another constitution of his own, which no one knows who wrote. It became the Constitution of the "New Republic" on 25 July 2022. The Applicant therefor alleges that the Respondent State is run by the President of the Republic under a constitution he himself drafted, while he assumed the presidency under another constitution which he swore to respect and protect as a condition of becoming President of the Republic.
3. The application is filed against the Republic of Tunisia, a state that became a party to the African Charter on Human and Peoples' Rights on 21 October 1986, and to the Protocol establishing the Court on 5 October 2007. The Republic of Tunisia also made the declaration recognizing the Court's jurisdiction to accept applications from individuals and non-governmental organizations and had deposited it before the Chairperson of the African Union Commission on 2nd June 2017.
4. The application was filed with the Court's registry on 23 June 2023.

B. Alleged Violations

5. The Applicant alleges violations of the following provisions:

1. The unconstitutional change the Constitution (coup d'état against the Constitution) of (2014) on 25 July 2021;
2. Violation of Article 20(1) of the Charter and Article 1(1) of the International Covenant on Civil and Political Rights, in so far as the right of the people to existence, self-determination, and the right to choose a political system most favorable to their economic and social development are concerned.

III. PRAYERS OF THE APPLICANT

6. The Applicant prays the court to:

A. Declare that it has jurisdiction to hear the Application

B. Declare the Application admissible, meets the admissibility requirements, since there is no competent constitutional court in the Respondent State to rule on this case as well as for the remaining grounds for your Court's jurisdiction in this case, as stated in this Court's judgment of 22 September 2022 against the Respondent State in the Application No. 017/2021;

C. On the merits:

1) Declare the illegitimacy of the current president, elected in 2019 under the 2014 Constitution, which was repealed, as this Court ruled on this matter in Application No. 017/2021;

2) Declare the expiration of legitimacy of the President of the Republic, by issuing an order to the Respondent State to hold presidential elections within a maximum period of 90 days from the date of notification of the ruling, in accordance with Articles 84, 85, and 86 of the Tunisian Constitution of (2014) to fill the vacancy in the presidential office.