

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**An Open Letter from Hizb ut Tahrir to the Minister of Justice and Human Rights**  
**Subject: Escalation of Repeated Arrestment of Members of Hizb ut Tahrir /**  
**Wilayah Tunisia**

(Translated)

Assalamu Alaikum wa Rahmatullah wa Barakatahu,

We submit this petition of grievance to you regarding the repeated arrests that the representatives of the Public Prosecution Office have taken within the various courts in dealing with members of Hizb ut Tahrir, for this purpose, we can only remind you of the following facts:

**First:** It is well known that Hizb ut Tahrir is a political party whose ideology is Islam and works to resume the Islamic way of life by establishing the Khilafah Rashidah (rightly guided Caliphate) State on the Method of the Prophethood, in accordance with what it declared within its basic law. To achieve this end, it carries out its activities by relying on intellectual and political struggle and does not carry out any material actions at all. Rather, it criminalizes resorting to violence or seeking foreign support, given that this is forbidden by Sharia.

**Second:** Before the revolution, Hizb ut Tahrir was subjected to many unfair trials from 1983 to 2010, and all sentences issued against its members were for “belonging to an unauthorized association.” Conviction sentences ranged from one year to two years in prison, except for sentences involving military personnel.

**Third:** After the revolution, the sentenced members of Hizb ut Tahrir received a general amnesty and regained their civil rights. They also obtained a legal work visa in light of Decree No. 87 of 2011 of September 24, 2011 related to the organization of political parties. Despite this, its members remained subject to security hassling and continuous arbitrary arrests, which were quickly put to an end once they appeared before the member of the Public Prosecution office in charge of the research file.

**Fourth:** After July 25, 2021, the situation is no longer limited to police practices. Rather, the representatives of the Public Prosecution Office, despite their judicial status, have a negative role, and in most cases they go along with these random practices, even some members of the prosecution even refer the research reports to the judicial whip of terrorism, which constituted a dangerous turning point for a penal policy that is biased by restraining and besieging the activity of Hizb ut Tahrir and attempting to intimidate its members.

**Fifth:** In a serious development that reveals the transformation of that punitive policy, the head of the local office of Hizb ut Tahrir in the Kelibia region, Mr. Adel Al-Ansari, was arrested and referred to the case of submission to the attention of the First Instance of the Administrative Court, Third Circuit in Nabeul (case file No. 23/1846), which did not allow him to have the right of defense and refused his request to delay the assignment of a lawyer and immediately sentenced him to the conviction for "violating the emergency law and distributing leaflets that would disturb the peace

of public order" by imprisonment for a period of two years with immediate enforcement!!

**Sixth:** This unjust judicial ruling, which was partially overturned by the Court of Appeal in Nabeul (case of Appeal Decision No. 1363) and was satisfied with a conviction report for distributing leaflets and reduce corporal punishment to a term of three months in prison, reveals a clear setback to the approved penal policy which threatens to undermine the most important gains of the revolution - as it was said - in the independence of the judiciary and respect for basic rights which is approved by the laws of the country, especially the decree related to the organization of political parties, bearing in mind that this case has been repeated against many active members of the Hizb, but with lighter and less harsh condemnation sentences.

**Seventh:** This new judicial approach that condemns purely political activity and considers political statements as "publications that disturb the peace of public order" will cause devastating damage to the reputation of the judiciary, which you have assumed the responsibility of supervising, and makes it vulnerable to be a subject of contempt from everyone when it neglects the minimum standards of independence and violates the human rights legal texts that are still in effect, subject to unfair political dictates. Are laws made to be trampled upon?

**Eighth:** At a time when we raise these criticisms that reveal the failure of the judicial system in our country and its neglect of the lowest standards of independence and objectivity, we are certain that the judiciary cannot be independent and fair except under the Islamic legislative system within the framework of a righteous rule based on Islam; it is the rule that does not know favoritism or submission to an oppressor or tyrant, in implementation of the Almighty's saying: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ

“**O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah. Surely Allah is All-Aware of what you do.**” [Al-Ma'idah 5:8] and

﴿وَزِنُوا بِالْقِسْطِ الْمُسْتَقِيمِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾ “**and weigh with an even balance. That is fairest and best in the end.**” [Al-Isra 17:35].

This is our notice to you, hoping that you will understand it with a conscious ear.

**Wa Assalamu Alaikum wa Rahmatullah wa Barakatahu**

12 Dhul Qi`dah 1444 AH

01/06/2023 CE

**Hizb ut Tahrir**

**Wilayah Tunisia**