



EDITO

More than two years after the Tunisian Revolution: The freedom of expression is threatened



The regime of the ousted president of Tunisia, Zine Elabidine Ben Ali was considered as one of the fiercest enemy of freedom of expression and the media .It used to maintain an iron grip on state-run media, threatening independent journalists or putting them in jail. Almost weekly, there used to be trials of political dissidents, journalists or trade union leaders.

A pro government press attacked opponents both abroad and inside the country without any ethics or respect of the law. The aim was to silence all independent voices so that Ben Aly and his corrupt regime would stay as long as possible in power. Meanwhile, Tunisians should know nothing about himself, his family and his inlaws, all of them, looting the country's wealth.

After 14 January 2011, political analysts agreed that the most important achievement has been that the Revolution has eased decades-old grip of state control over the media and previous « taboo » political topics have been dealt without fear or resentment. Also and after months of hesitations and reluctance, the High Commission for Audio-Visual Communication (HAICA) was set up, which was considered by Director General of UNESCO as « an important step in settling a free, independent and diversified media. »

But since the 23 October 2013 elections, there have been government attempts to control the media and limit its freedom scope. Journalists have been harassed, assaulted verbally and physically, threatened pursued legally and tried. Only few weeks after the newly-elected government took power, it began by appointing new officials at public media without consulting the real stakeholders, which led to the reaction of journalists. A nearly fifty- day general strike and sit-in was staged by "Dar Essabah" journalists to protest against the government's decision to impose a new management. Eventually the government stepped back. But again, the crackdown intensified. A nationwide general strike was held by journalists, on 17 October 2012, to demand transparency in media appointments and stop harassment against journalists. The strike was successful and showed that journalists are keen on their independence and freedom. But light has not been at the end of the tunnel yet. Far from that. The Tunisian Center for Press Freedom recorded the highest attacks against press freedom in July 2013, compared to the ten previous months, including death threats against journalists. ctlj.org/index.php/ar/rapports/163-july)

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Authorities deny discriminatory travel procedures against women:

Tunisian Ministry of Interior has denied taking measures not allowing women under 35 to travel to countries such as Algeria, Morocco, Jordan, Syria and Turkey without legal authorization from either father or husband <http://www.tunisienumerique.com/tunisie-interdiction-de-voyage-pour-les-femmes-de-moins-de-35-ans-le-mi-precise/191319>.

Meanwhile, a number of Tunisian women travelling alone, claim to have been harassed at Carthage airport by the police, asking them for parental or spousal permission. A Tunisian businesswoman travelling on her own said the police was so insistent about that authorization that she was about to miss her flight. <http://www.tunisie-tribune.com>

One explanation to this contradiction was given by Maher Boujeh, a lawyer at the cassation court, who alleged that those measures aren't usually displayed or written on purpose so that no one would be given the possibility of filing a complaint against the Ministry for interfering with personal freedom. "The main problem, lawyer Boujeh thinks, is that the police at the airport are often over-zealous about what they think is "right" to be done." (web manager center 04-09-2013)

Summary

- EDITO : More than two years after the Tunisian Revolution: the freedom of expression is threatened.
- Authorities deny discriminatory travel procedures against women:
- A first step towards recognizing minorities'?
- Still some reservations on CEDAW?
- Two rap singers sentenced in absentia:
- Cameraman arrested because filming a minister hit with an egg:
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Agenda

- The Euro-Mediterranean Human Rights Network (EMHRN) Maghreb opened its regional office on **October 1, 2013** at its new premises at 80 rue de Palestine, Lafayette, Tunis.
- The Tunisian Association of Democratic Women (ATFD) will hold its national convention **from 21 to 23 October 2013**.
- Human Screen Festival, **from 24 to 28 September 2013**. International Film Festival of Human Rights, devoted to films which defend and promote to human rights culture and democracy.



L'EDITO Part²

On 3 September 2013, national radio journalists went on strike to protest against the nominations of five directors at the head of five regional radios. Such nominations are against decree 116, which gives the High Independent Authority for Audio visual Communications (an authority set up after months of difficult negotiations and conflicts) the right to oversee the media sector and appoint responsible at the heads of stations. In fact, many media associations, including Reporters without Borders have asked the Tunisian Government to reconsider such biased appointments, "which violate the principles of democracy and media freedom." fr.rsf.org/tunisie-rsf . Moreover, Mohamed Meddeb, director of all public stations, was accused of constant interfering with the editorial line. By mid August, he issued an internal decree asking journalists to refrain from covering news that "could disrupt public order and peace." fr.rsf.org/tunisie-rsf

Samy Fehri, director of the private channel Ettounissia was being detained for more than a year despite decisions by the Court of Cassation to release him. Human Rights Watch considered "refusing to carry out a ruling by the highest court undermines the rule of law in Tunisia."

About the conflict of jurisdiction between the prosecutor who wanted to still hold M. Fehri and the Court of Cassation that decided recurrently to release him, Lawyer Abada Kefi, told HRW: "This is unprecedented. In my thirty years of practice I have never seen the decision of a Cassation Court being disregarded in this way." <http://www.hrw.org/news/2012/12/21/tunisia-stop-undermining-judicial-decision> . Many observers see that the real cause of his detention was political and has nothing to do with the main accusation of embezzlement .The real cause, they allege, was his satirical show in which he mocked leading politicians. M. Fehri said to have been under pressure from a leading Ennahda figure, Lotfi Zitoune, Who asked him to pull his show.

Although lately released, he still faces the same corruption charges. Tahar Ben Hassine, owner of channel ELHIWAR(dialogue), is an emblematic figure of the Tunisian opposition. His channel had played an important role during the six-month Mining Region Revolt against Ben Aly's rampant corruption in 2008.

He now faces charges of conspiring against internal security, calling for civil disobedience. Charges could be punishable by death penalty. They came after his recurrent calls for peaceful toppling of the government and his virulent criticism of Ennahda's performance in power. On 9th September, 2013, he was summoned to stand before the Gorjani Crime Brigade then before the investigating judge, who decides to delay the case for a week. Even police unions aren't safe from political harassment. Walid Zarrouk, a spokesperson for the Union of Republican Security Forces was arrested after being charged by the public prosecutor of "diffusing false information and making illegal accusations about a public officer"(decree 115 of the Press Code)

His arrest came after a press conference the Union held in which he accused the ruling party Ennahda of creating "a parallel police" within the Ministry of Interior, not telling the truth about security failures and allowing the release of alleged "terrorists" just after they'd been arrested. (see: Tanit Press 30-07-0-2013) The arrest of Zied EL Heni, a fierce critic of the ousted President Ben Ali and his security apparatus was considered by Reporters Without Borders as "disturbing increase in prosecutions of journalists and public figures" (Reporters without Borders, "Tunisia - Journalists' work hampered by abusive prosecutions and arrests" Tuesday 17-09-2013)

His arrest came after being summoned before the court on 13 September 2013. Three days later, he was released on bail. The charges against him stem from an interview in which he accused the public prosecutor of fabricating evidence to charge cameraman Mourad Meherzi, in an egg-throwing attack on the Culture Minister. Heni's lawyers showed many flaws in the court procedure. Among them, was the fact that he was sent to jail without being heard by the court. These and other abuse cases, becoming more conspicuous after 25 July 2013, date of the assassination of political leader, Mohamed Brahmi, do not only show that the Tunisian authorities aren't inclined to tolerate criticism and freedom of expression. They, also, show that the government is still keeping a grip on the judicial system to use it politically.

But according to some analysts, there is something more dangerous: the government wants to conceal a number of human rights violations when dealing with past public protests, security defects related to the political assassinations and also, its early permissiveness when dealing with violent and terrorist groups.



A first step towards recognizing minorities'?

Amazigh Nasroui, born on **23 August 2013**, is the first baby with an Amazigh name since the independence of Tunisia (1956). For the first time, the municipality of Sidi Bachir accepted a non-Arab name to be registered. In fact, that acceptance came after the father had threatened to sue the authorities would they not let him name the baby as his parents wished. <http://www.almaghribtoday.net>

According to some statistics, the Amazigh communities represent an important part of Tunisian population and many associations asked to clearly include their rights in the new constitution draft. However, that request doesn't seem to get much reaction within the constituent.

Cases of The Month

Still some reservations on CEDAW?

Hafidha Chekir, a law professor and a woman activist said to "Nawat", an online newspaper (nawat.org **04-09-2013**), that there are still some steps to be taken by the Tunisian government before claiming that it has fully ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

The Convention was ratified by the Tunisian government in 1985 under constant pressure from an active civil society. Still, the then Bourguiba regime expressed reservations over some of its articles.

A cabinet meeting held on **16 August 2011**- seven months after the fall of Ben Aly's regime- fully adopted the Convention. That was a turning point.

However, the troika government hasn't yet notified the United Nations about the elimination of reservations expressed before. A legal step that should be taken.

"This reluctance from the present government is not innocent and raises questions. Again, we need pressure from civil society," she added.

In a joint letter to François Hollande, the French President, on his maiden visit to Tunisia, the International Federation of Human Rights (FIDH), the French League of Human Rights (LDH) and the Euromed Human Rights Network (REMDH) insisted on the necessity that the Tunisian authorities formally notify International Organizations about lifting all restrictions on the CEDAW. (Letter to François Hollande, 1st July 2013)

Two rap singers sentenced in absentia:



Tunisian rap singers, **Wild Elkenz** and **Clay BB J** were sentenced in absentia to 18 months imprisonment for "assault on a public servant, harming public morals and defamation." Both of them claimed not to have been informed about the trial." (**France 24, 02-09-2013**).

« They have been sentenced without even being summoned to the court, » said their lawyer, Ghazi Mrabet. (Statement by the International Federation of Human Rights and Euromed Human Rights Network, **4 September 2013**)



Again according to their lawyer, some policemen had broken in the wings during the interlude of their show, on **22 July 2013**, in Hammamet, beat them hard, and then prosecuted them. <http://www.france24.com>, **02-09-2013**

One of the two rappers, Wild el Kenz, had been sentenced before because of a song he wrote, in which the police are described as "dogs".

The case of the two rappers has nourished criticism that the Tunisian government is targeting artists and limiting freedom of expression.



Cameraman arrested because filming a minister hit with an egg :



The Tunisian police arrested **Mourad Mehrezi**, a cameraman working for **Astorlab TV** on August 18, 2013, two days after catching on camera a film director, Nasreddine Sehili, throwing an egg on the minister of culture.

He is facing many charges, among them, "planning assaults and offence against public decency. If convicted, he faces up to seven years in prison.

Human Rights Watch asked for his immediate release as he was detained "for doing his job." "His prosecution is a bad precedent for media freedom in Tunisia," said Joe Stork, acting Middle East and North Africa director at Human Rights Watch.

In a joint statement, **4 September 2013**, the Federation of Human Rights (FIDH) and the Euromed Human Rights Network (REMDH) said that Mourad Meherzi "had nothing to do with the incident and was no more than a witness." Also, his job, as a cameraman, required filming all that was happening around.

Nasreddine Sehili, the film director was arrested four days after the incident. The public prosecutor accused him of "assault on a public servant, drunkenness and disturbing public peace and tranquility;"

Ahmed Amine Ben Saad, director of Astrolabe TV, showed Human Rights Watch a written mission order to the cameraman (see Human Rights Watch statement, September 2, 2013, Drop Charges against cameraman).

Meherzi has been released later pending trial and the case has been delayed, while Sehili is still in custody.

Seven and a half years in prison and a fine for "mocking Islam":



On **28 March 2012**, The court of appeal in Monastir, centre east of Tunisia, confirmed a primary court sentence of seven and a half years and a fine of **1200 dinars (about \$ 800)** against **Ghazi Mejri and Jabeur Béji**, both 28 and from Mahdia.

The sentence came after a lawyer, **Foued Cheikh Zouali**, had complained accusing Mejri of "attacks on Prophet Mohamed through satiric manuscripts and caricature."

When investigated, Mejri said that the manuscripts on his page facebook expressed his personal conviction as an atheist, adding that his friend, Beji, handed him the caricatures.

While Jabeur Mejri is in prison, serving his sentence despite calls for his freedom from national and international human rights organizations, Ghazi Beji fled the country, risking if coming back prison sentence and death as he said he received constant life threats through his mobile phone.

The Committee supporting the two young men considered their sentence as "a transgression of international conventions and a step backward on the freedom of expression, an important component of the Tunisian Revolution." (jabeurghazifree.blogspot.com/p/dossier-de-presse.html)

Just for information, freedom of expression and freedom of belief are guaranteed by the International Convention on Civil and Political Rights (1993), which stipulates the protection of monotheistic and non monotheistic beliefs and the right of any individual to embrace any religious or non religious ideas.

Press releases of associations

Human Rights organizations urge islamists and army to end violence in Egypt:

Beginning of September, thirty- five Arab and Egyptian human rights organizations issued a common statement urging to end up violence in Egypt, fix a road map for the transitional period and investigate on the responsibility for over 1000 deaths and thousands of Egyptians injured (see <http://www.cihrs.org>).

The statement holds both sides responsible: The Muslim Brotherhood who target churches, state establishments, police offices and who preach a language of hatred and violence in mosques. And, also, the army that has used excessive force, ignoring International human rights conventions when dealing with demonstrations and sit-ins.

The statement deplores life losses, insisting that such bipolarization (army/islamists) and the recurrent use of violence are going to threaten any possibility of a democratic transition, leaving Egypt with no other options but that of fanaticism, violence and terrorism. Eventually, for those who are arrested among the islamists, the statement calls for a fair trial with respect of international human rights standards.