

النفابة الوطنفة للصفففة الفونصفن  
Syndicat National des Journalistes Tunisiens 

**Annual Report on the Safe Conduct of Journalism**

**National Tunisian Journalists' Syndicate**

**Monitoring Unit**

**March 2017-February 2018**

## **The Unit's Team**

Khaoula Shabeh

Mondher Cherni

Feten Hamdi

Mahmoud Rouissi

Multimedia

Tarak Ghourani

## Preface

The Tunisian government failed to comply with the commitments it undertook upon taking office. These commitments pertain to the respect of the freedom of press and support to the media. Over one year of the work of the monitoring unit at the occupational safety center of the Tunisian journalists' Syndicate, we noted that the authoritarian culture that leaves little room to criticism and protest is still alive. Evidence to this are the attempts to have control over the media, notably public media, through the appointment of parachuted managers. Government promises to ensure an adequate and safe environment for journalists have remained a dead letter. Even worse, we have noted many attempts to interfere with journalistic content and sometimes journalists were assaulted by government officials. Circular 04 on the organization of information and communication cells in the ministries and in public institutions and facilities remained in force despite the presidency of the government having officially declared the circular suspended.

These government practices have sent negative signals because they show no respect for the principle of immediate access to information as public officials, including press attachés, continue to receive instructions to make statements without the prior permission of the entity to which they belong. These practices breach the Tunisian constitution and the principle whereby the administration should be at the service of citizens. As a result, journalists could not do their job on many occasions and the citizen was denied the right to obtain and have access to information.

Other evidence to this policy show in the failure of the government's executive bodies, including the ministries' of interior, justice and foreign affairs, etc... to assume their legal responsibility to protect journalists during the exercise of their profession. This failure took various forms, including the direct involvement of government agents in assaults and harassment against journalists as well as the authorities' systematic ignorance of the perpetrators' acts and their failure to prosecute them, which entrenches the principle of impunity.

Along similar lines, the government has sought to enact laws that represent a blatant threat against the freedom of press as evidenced by

the draft law on “reprimanding aggressions against armed forces” and the draft laws on the organization of the audiovisual sector. These steps, which are in contradiction with the State’s international commitments, could be a gateway to setting serious limitations on the freedoms of press, opinion and expression.

In the face of these looming threats to the freedoms of press, opinion and expression and the right to have access to information, the National Union of Tunisian Journalists (SNJT) managed to establish an early warning system through the unit to monitor and document aggressions against journalists which operates in close collaboration with HCHR and UNESCO since March 2017. This unit is the first milestone in the project to set up the Center for Occupational Safety at SNJT.

Through this unit, SNJT seeks to:

- Monitor and document aggressions and abuses against journalists based on international standards and the best practices in this area.
- Provide counseling and adequate legal support to journalists victims of aggressions or of serious threats to their professional safety, security and freedom.
- Support the work of the national and international human rights organizations with respect to the freedom of expression and press through reporting on serious aggressions against journalists.
- Build indicators relating to the safety of journalists and make them available to the public.
- Publish monthly, half-yearly and annual reports to raise awareness among citizens, the civil society, and government and non-government stakeholders, of the serious nature of aggressions against journalists and of the need to fight impunity.

This mechanism makes it possible to prepare proactive strategies, action plans and steps to support the freedom of press and expression for the benefit of journalists. SNJT advocates the implementation of strategies to lay an obligation on all stakeholders to respect the principles underpinning the freedom of press and media independence and to ensure that there is political will to provide more

safeguards in relation to the safety and independence of journalists in the exercise of their profession.

**Neji Bghouri**

**President of SNTJ**

## **Introduction**

One year after it became operational, the Monitoring Unit presents its first annual report on the safety of journalists in Tunisia. The first part describes the aggressions to which journalists in Tunisia are subject to in terms of type, gender, media institutions, geographical scope and the perpetrators.

In the second part, the indicators related to aggressions against journalists and the question of impunity are dealt with. These indicators include the number of complaints filed by journalists victims of violations, the percentage of these complaints out of the overall number of aggressions that could be prosecuted, the outcome of the complaints filed, the percentage of journalists having filed complaints out of the total number of journalists victims of aggressions, outcomes of the prosecution of perpetrators, as well as the indicator on cooperation with the Ministry of Interior (Mol).

All cases of aggression against journalists regardless of nationality or any other variables were monitored. Exceptionally, aggressions against Tunisian journalists operating in Libya were monitored for preventive purposes and because of the dangerous risks these journalists could be exposed to in an unsafe working environment. The Unit also monitored the aggressions against Tunisian journalists temporarily working abroad on official missions to place greater responsibility on Tunisian authorities with respect to the protection of journalists on duty.

The report presents facts relating to the degree of commitment of the various media actors to contribute to curbing aggressions against journalists and fighting impunity.

The report's annexes (section III) present an academic study carried out by the Unit to design professional safety indicators for journalists operating in Tunisia- February 2018 as well as a list of all litigation cases against journalists and the Unit's publications for the months of September, October, November and December 2017.

## Section I: Aggressions against journalists in Tunisia<sup>1</sup>

The situation of press freedoms has been uneven. Aggressions against journalists exercising their profession during the months of July, August and September 2017 declined while the months of March, April and June 2017 witnessed a rise in the number of aggressions to reach over 20 cases per month. The highest figure was recorded in June 2017 with 24 cases of aggression against 33 journalists.

Table: Evolution of cases of aggressions and number of victims

Month	Number of cases	Number of victims
March 2017	20	41
April 2017	22	41
May 2017	17	17
June 2017	24	33
July 2017	9	15
August 2017	8	7
September 2017	6	9
October 2017	15	32
November 2017	10	11
December 2017	17	25
January 2018	18	22
Februar8	17	22

### 1. Aggressions aggregated by gender:

245 journalists were subject to 183 aggressions across the country. The abuses targeted 68 female journalists and 177 male journalists, respectively.

#### a. Aggressions against male journalists:

---

<sup>1</sup> The Unit used a monitoring methodology based on an extended definition of the concept of “journalist” in line with the UNHRC definition presented in the General Comment n°. 34 on article 19 of ICPPR “Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere”. This definition is broader in scope than the one provided in article 7 of Decree 115 of 2011 on the freedom of press, print and publication. The Unit’s aim is to broad the scope of monitoring and protection in relation to press freedom abuses.

177 journalists were subject to aggressions as follows:

- 35 cases of harassment.
- 28 cases of verbal or material assault.
- 13 cases of prevention from work.
- 10 cases of prosecution.
- 5 cases of arrest.
- 8 cases of censorship.
- 3 cases of threats.
- One case of detention.
- One case of imprisonment

The Unit identified cases of frequent aggressions against male journalists as follows:

- One journalist was subjected to 5 aggressions
- One journalist was subjected to 4 aggressions
- One journalist was subjected to 3 aggressions
- 27 journalists were subjected to two aggressions each
- 147 journalists were subjected to a single aggression each

**b. Aggressions against female journalists**

- c. 40 cases of prevention from work.
- d. 17 cases of harassment.
- e. 7 cases of verbal assault.
- f. 3 cases of physical assault.
- g. 4 cases of prosecution.
- h. 4 cases of censorship.
- i. 4 cases of threats.

The Unit identified cases of frequent aggressions against female journalists as follows:

- One journalist was subjected to 5 aggressions
- One journalist was subjected to 4 aggressions
- One journalist was subjected to 3 aggressions
- 6 journalists were subjected to two aggressions each
- 59 journalists were subjected to a single aggression each

**2. Aggressions aggregated by media organization:**

**a. Aggressions aggregated by type of media organization:**

- 28 Radio
- 25 TV channels



- 19 websites
- 1 Newspaper
- 2 news agencies
- 1 print journal

**b. Aggressions aggregated by nature of media organization:**

- 45 private organizations
- 17 foreign organizations
- 13 public organizations
- Community media
- Confiscated organizations

**3. Types of aggressions against journalists**

Journalists were subjected to 183 aggressions in different governorates across the republic, as follows.

**a. Prevention from work:**

Any act, practice, or measure which would prevent the journalist of his right to obtain information from various sources is considered prevention from work as per the monitoring methodology used by the Unit<sup>2</sup>. The monitoring unit recorded 53 cases of prevention from work for which the following were responsible:

- Public agents and servants in 26 cases
- Security officers in 15 cases
- Members of committees and bodies organizing sports and cultural events in 6 cases
- Citizens in 2 cases
- A government official and a public prosecutor in one case each

The highest rates of prevention from work related cases were recorded in the Governorates of Greater Tunis, Kairouan, Tataouine, Sousse and Nabeul as follows:

- 21 cases in the Governorates of Greater Tunis.
- 5 cases in both Kairouan and Tataouine.
- 4 cases in Sousse.

---

<sup>2</sup> The monitoring methodology is based on article 10 of Decree 115 on the freedom of press, printing and publishing: "Every citizen has the right to access information, news, data and statistics from various sources in accordance with the conditions and procedures stipulated in Decree No. 41 of 26 May 2011 on access to administrative documents of the public structures amended by Decree No. 54 of 11 June 2011.

Journalists may ask the mentioned authorities for information, news and statistics in their possession, unless such material is confidential by law

- 3 cases in Nabeul.
- 2 cases in Monastir, Zaghouan, Sfax and Mednine.
- 1 case in Kasserine, El-Kaf, Mahdia, Jendouba, Sidi Bouzid, Kebili and Gafsa each

**b. Harassment:**

Within the meaning of the monitoring methodology used by the Unit<sup>3</sup>, harassment is any act, behavior or measure by any private person or public entity that leads to impeding the journalist's effort to obtain information without this necessarily leading to preventing him from this right. Examples include limiting the geographical space for the work of the journalist without any legal grounds, public statements and declarations that may not foster an appropriate climate for the work of the journalist, campaigns to tarnish the work of journalists, acts that affect the principle of equal opportunities between journalists...).

50 cases of harassment were recorded by the Unit as detailed below:

- police in 13 cases
- Public officials in 8 cases
- Citizens in 7 cases
- Union members in 5 cases each
- Internet activists in 3 cases
- Civil activists in two cases
- Politicians in 3 cases
- Sports associations in two cases
- Government officials in two cases
- National bodies or structures in two cases each
- Public Prosecution in a single case
- Media professionals in a single case
- Military justice in a single case

---

<sup>3</sup> The harassment monitoring methodology is based mainly on article 9 of Decree No. 115 of 2011 of November 2, 2011 on the freedom of press, printing and publishing, which stipulates that: "It shall be prohibited to impose any restrictions that may preclude the freedom of circulation of information or the equal opportunities between different media organizations in obtaining information or that would impair the citizen's right to free, pluralistic and transparent media

By far, most cases were recorded in the Greater Tunis Governorates with 32 cases of harassment while the other cases were distributed as follows:

- 3 cases in the Governorates of Kairouan, Sfax and Gafsa, respectively.
- 2 cases in Tataouine.
- 1 case in Nabeul, Mahdia, Tozeur, Sidi Bouzid and Gabes each.

Concerning Tunisian journalists in Libya, the Unit recorded one case of harassment against a female Tunisian journalist.

As for Tunisian journalists on a temporary official duty abroad, one case was recorded in Johannesburg.

### **c. Censorship**

Within the meaning of the monitoring methodology used by the Unit<sup>4</sup>, censorship in any act that could be deemed to represent an interference with content with a view to abusively control it whether from inside or outside the management of the media organization. 12 cases of censorship were recorded:

- 8 by the management of media organizations.
- 3 by police
- 1 by government officials.

### **d. Threats**

Within the meaning of the methodology used by the monitoring Unit, threats are any acts targeting journalists because of any opinions, ideas or information they publish in compliance with the ethics and customary practices of the profession. To be considered threats, these acts must represent a danger or a potential threat to the integrity of the journalist, his property or any of his relatives whether by means of a written or oral instrument, photographs, symbols, signs or arms and regardless of whether the threat is conditional or unconditional.

---

<sup>4</sup> The methodology for monitoring cases of censorship is based primarily on the general principles of the journalistic profession, which require the separation of administration and editing, as is enshrined in article 17 of Decree No. 115 of 2011 dated November 2, 2011 on the freedom of press, printing and publishing. The said article stipulates that " any institution that publishes a periodical shall separate between the functions of management and editing "

Are deemed threats any cases of incitement to hate, hostility and violence against journalists for the opinions they express, articles they publish or simply because they are journalists<sup>5</sup>.

The Unit recorded 8 situations of threat for which the following were responsible:

- Anonymous source in 4 cases
- Terrorists, activists, citizens and civil servants in one case

The threats occurred in the following locations:

- The Greater Tunis governorates in 6 cases
- Kairouan in one case
- Libya in one case

---

<sup>5</sup> The monitoring methodology of cases of threats is based mainly on the provisions of the Penal Code and article 14 of Decree No. 115 of 2011 dated November 2, 2011 on the freedom of press, printing and publishing, which stipulates that: "Anyone who breaches articles 11, 12 and 13 of this decree and anyone who insults a journalist or aggresses him verbally or physically or by means of threats while on duty shall be punishable in accordance with article 123 of the Criminal Code on abusing public servants while on duty

### **e. Physical and verbal assaults**

Within the meaning of article 12 of decree n° 115/2011 dated November 2, 2011 on the freedom of press, printing and publishing, any physical act that may affect the physical integrity of the journalist as a result of an opinion he expressed, information he published or simply because of his quality as a journalist<sup>6</sup> shall be deemed a physical assault. Within the meaning of article 14 of the same decree, any verbal or gestural assault of a journalist, with a view to humiliating him, as a result of an opinion he expressed, information he published or simply because of his quality as a journalist shall be deemed a case of verbal assault.

38 cases of physical and verbal assault were recorded by the Unit. Those who committed them are:

- Citizens in 12 cases.
- Police in 11 cases.
- Public servants and agents in 4 cases.
- Politicians in 3 cases.
- Civil society activists in two cases.
- Union members, journalists, writers, government officials and fans of sports associations in 1 case each

The Governorates of the Greater Tunis area witnessed the highest number of cases of physical and verbal assaults, with 20 cases recorded, while the remaining 18 cases were distributed as follows:

- The Governorates of the Greater Tunis area in 20 cases
- Kairouan in 5 cases
- Medenine, Sfax, Bizerte and Nabeul with two cases each
- The Governorates of Sidi Bouzid, Tozeur, Beja, Mahdia and Monastir with 1 case each

---

<sup>6</sup> Article 12 of the decree stipulates that "it shall not be permissible to abuse the dignity, or the physical or moral integrity of a journalist because of an opinion he expresses or information he publishes". Article 14 of the same decree stipulates that: "Anyone who breaches articles 11, 12 and 13 of this decree and anyone who insults a journalist or aggresses him verbally or physically or by means of threats while on duty shall be punishable in accordance with article 123 of the Criminal Code on abusing public servants while on duty"

#### **f. Arbitrary detention<sup>7</sup>**

In accordance with the Unit's Monitoring methodology, any act of illegal detention carried out by a public or private entity of a journalist on duty shall be considered a case of arbitrary detention. Shall also be deemed a case of arbitrary detention any case of arrest of a journalist for an opinion expressed, or a journalistic work done in accordance with the laws in force.

The monitoring Unit recorded a case of detention of 5 journalists by citizens in the governorate of Sidi Bouzid.

The Unit also recorded 5 separate arrests by the police on 5 occasions involving 5 male journalists, 4 cases in the Greater Tunis governorates and 1 case in Sousse

#### **g. Legal action outside the scope of decree 115<sup>8</sup>**

In accordance with its monitoring methodology, the Unit considers any legal action undertaken outside the scope of decree 115 of 2011 dated November 2, 2011 on the freedom of press, printing and publishing against a journalist on duty or because of his quality as a journalist to be an assault against the journalist concerned.

14 such cases were recorded by the Unit. In 5 of them, the journalists were acquitted while in 1 case a journalist was convicted and sentenced to a fine<sup>9</sup>. The claimants were as follows:

- Citizens in 5 cases
- The police in 2 cases
- Public Prosecution in 2 cases
- Public servants and agents in 1 case
- A private company in 1 case
- Media professionals in 1 case
- Politicians in 1 case

---

<sup>7</sup> This concept is consistent with the concept of detention provided by the UN Working Group on Arbitrary Detention

<sup>8</sup> See annex 1 «List of cases against journalists »

<sup>9</sup> This final judgment overruled a first instance decision convicting the journalist and sentencing him to imprisonment.

#### **4. Parties responsible for assaults on journalists**

##### **a. Representatives of public authorities**

In spite of the joint meetings and trainings between the two parties and the rules designed to organize the work of journalists on the ground, attempts to reestablish tight control on the work of journalists continue. Evidence to this are the recurrent assaults on journalists by the police and by civil servants particularly with respect to prevention from work, harassment and securing access to information from sources. In the same vein, judicial entities and the public prosecution in particular participated in legal action outside the scope of the law organizing the freedom of press, print and publishing and in failing to prosecute perpetrators by means of the discretionary initiation of litigation. In fact, the representatives of public authority were involved in 106 out of 183 assaults recorded during the reporting period.

The table below gives details about the involvement of representatives of the public authority in assaults against journalists:

Representative of the public authority	Number of assaults committed
The police	50
Public servants	32
Public agents	9
Government officials	5
Members of the judiciary	7
National bodies and entities	3

- **The police:**

The police continued to rank first in the number of assaults against journalists during the past seven years and during the monitoring period

covered by this report. In fact, 50 assaults were committed, including all types of abuse and harassment on tens of journalists in 14 governorates:

- 32 assaults on journalists in the governorates of the Greater Tunis area.
- 2 Assaults on journalists in Kairouan, Mahdia, Sousse, Zaghouan and Sfax
- 1 assault on journalists in the governorates of Kasserine, Monastir, Tozeur, Sidi Bouzid, Gafsa and Medenine, each.

The Libyan police was responsible for one assault against a Tunisian journalist on duty in Libya. During the reporting period, the following assaults were perpetrated by the police:

- 11 verbal and physical assaults
- 12 cases of harassment
- 16 cases of prevention from work
- 5 arrests
- 4 cases of censorship
- 2 cases of legal action

The national army was responsible for one case of prevention from work in the city of Tataouine.

- Public servants and agents:

41 assaults on journalists were committed by public servants and agents:

- 32 assaults by public servants
- 9 assaults by public agents

11 governorates were concerned:

- 17 in Sousse
- 7 in Kairoaun
- 4 in Tataouine
- 3 in Sousse and Nabeul each
- 2 in Medenine
- 1 in Sfax, Gafsa, Zaghouan, Tozeur, and El-Kef.

Public servants and agents were responsible for:



- 26 cases of prevention from work
- 8 cases of harassment
- 4 verbal or physical assaults
- 2 legal actions
- One case of threat

- **Government officials**

Government officials were responsible for 5 assaults:

- 2 cases of harassment
- 2 cases of prevention from work
- One case of physical assault
- One case of censorship
- Government political officials were responsible for 5 assaults, 3 of which were perpetrated in the governorate of Tunis while 1 assault was committed in Nabeul and Jandouba, each. In 2 cases, government officials harassed journalists, prevented them from work and assaulted them. There was one case of harassment.

- **The judiciary**

The Unit recorded cases of prosecution outside the scope of the law organizing press, print and publishing in addition to cases of harassment and prevention from work by public prosecutors. Overall, there were 7 cases of assault against journalists.

Sitting judges sentenced one journalist to imprisonment and were responsible for one case of prosecution and case of harassment. The public prosecution was responsible for one case of prosecution outside the scope of decree 115 as well as for one case of harassment. In one case, the public prosecutor prevented journalists from work.

In sum, there were:

- One sentence to imprisonment
- One trial case
- One case of prosecution
- One case of prevention from work
- 3 cases of harassment

- **Public bodies and entities:**

The monitoring Unit recorded 3 assaults against journalists carried out by national bodies and entities in Tunis City. Two were cases of harassment and one case was prevention from work.

- b. Citizens:**

Street protests and sports fields were the sites of many aggressions against journalists, which exposed the latter to danger because of nervous reactions that took the form of verbal and physical assaults. 28 assaults were committed by citizens, which represents a serious indicator that results from the lack of knowledge of the nature and goals of the work of journalists:

Citizens were involved in:

- 12 verbal and physical assaults
- 1 case of detention
- 1 case of threats
- 7 cases of harassment
- 2 cases of prevention from work
- 5 cases of prosecution outside the scope of decree 115.

What makes things worse is that these practices have remained unpunished in:

- 18 cases in the governorate of Tunis
- 2 cases in Kairouan and Bizerte each
- One case in Mahdia, Monastir, Beja, Tataouine, Sidi Bouzid and Gabes, respectively.

- c. Civil activists (civil society and online activists): 9 cases**

There were:

- 5 cases of harassment
- 2 cases of verbal and physical abuse
- 1 case of threat

- 1 case of prevention from work

The assaults on journalists took place in:

- The governorates of the Greater Tunis area: 2 cases
- Sidi Bouzid: 2 cases
- Sfax and Kairouan: 1 case each

#### **d. Politicians: 7 cases**

There were:

- 3 cases of physical and verbal assault
- 1 case of harassment
- 1 case of prosecution

The assaults on journalists took place in:

- The Greater Tunis area: 6 cases
- Kairouan: 1 case

#### **e. Trade union members: 6 cases**

There were:

- 5 cases of harassment
- 1 case of assault

The assaults on journalists took place in:

- The governorate of Gafsa: 2 cases
- The governorates of Mahdia, Monastir, Sfax and Tunis: 1 case each.

#### **f. Managements of media organizations:**

Journalists are subject to various types of assaults, such as control and censorship, by the managements of media organizations. In addition, journalist could be subject to harassment by colleagues working in the

same or different organization. During the period of its operation, the monitoring Unit recorded the following cases of assault by the:

- Managements of media organizations: 7 cases of control and 1 case of censorship in the governorates of El-Kef and Nabeul: 2 case each and 4 cases in the Greater Tunis area.
- 3 cases of assault in Tunis City: 1 case of prosecution, 1 case of verbal assault and 1 case of harassment.

**g. Other parties:**

Journalists on duty were subject to assaults by other parties:

- The organizing committees of cultural and sports events: 6 cases, including 5 cases of prevention from work and one case of assault.
- Unknown parties: 4 cases, including 3 cases of threats and 1 case of harassment.
- Sports officials: 3 cases
- Sports fans: 1 case of physical assault
- A private company: 1 case of prosecution
- Terrorists: 1 case of threats

**5. The geographical distribution of assaults:**

The nature and geographical distribution of assaults indicate the degree of danger at the locations where journalists operate. The Greater Tunis governorates ranked first as the most risky area for journalists followed by Kairouan and Nabeul. Tataouine and Sfax ranked fourth while Sousse came fifth.

**a. The Greater Tunis governorates:**

99 cases of assault were committed against journalists as follows:

- 22 cases of prevention from work
- 20 cases of verbal and physical assault
- 31 cases of harassment
- 6 cases of threats
- 10 cases of prosecution
- 4 cases of arrest

- 8 cases of control

The parties responsible for these assaults are identified in the table below:

<b>Party</b>	<b>Number of assaults</b>
Police	31
Citizens	18
Civil servants	12
Activists	5
Politicians	7
Managements of media organizations	4
Officials	3
Unidentified parties	3
National entities and bodies	3
Media professionals	3
Public agents	5
Terrorists	1
The judiciary	1
Private company	1
Writer	1
Trade union members	1

#### **b. Governorate of Kairouan:**

15 assaults against journalists were recorded in Kairouan:

- 5 cases of prevention from work
- 4 cases of verbal and physical assaults
- 3 cases of harassment
- 1 case of censorship
- 1 case of prosecution
- One case of threat

The parties responsible for these assaults were as follows:

- Public servants: 7 cases of assault
- Police and citizens: 2 cases of assault each
- Public prosecutor, activists, organizing committees and politicians: 1 case of assault each.

### **c. Governorate of Nabeul:**

8 cases of assault were committed as follows:

- 3 cases of prevention from work
- 2 cases of verbal and physical assault
- 2 cases of censorship
- 1 case of harassment

The parties responsible for these assaults were as follows:

- Civil servants: 3 cases of assault
- Managements of media organizations and organizing committees: two cases of assault each.
- Officials: 1 case of assault

### **d. Governorate of Tataouine:**

7 cases of assault were committed as follows:

- 5 cases of prevention from work
- 2 cases of harassment

The parties responsible for these assaults were as follows:

- Civil servants: 4 cases
- Police, the army and citizens: 1 case each

### **e. Governorate of Sfax:**

7 cases of assault were committed as follows:

- 3 cases of harassment
- 2 cases of verbal and physical assault
- 2 cases of prevention from work

The parties responsible for these assaults were as follows:

- The police: 2 cases
- Activists, public agents, sports association, organizing committee and trade union members: 1 case each.

#### **f. Governorate of Sousse:**

6 cases of assault were committed as follows:

- 4 cases of prevention from work
- 1 case of arrest
- 1 case of trial

The parties responsible for these assaults were as follows:

- The police and civil servants: 2 cases each
- Civil agents and the public prosecution: 1 case each.

#### **g. Other governorates:**

Journalists in each of the governorates of Mahdia, Sidi Bouzid, Tozeur, Gafsa and Medenine were subject to 4 cases of assault. 3 cases of assault were committed in the governorates of Zaghouan, Monastir and El-Kef, each.

In each of the governorates of Kasserine and Bizerte and in Libya, 2 cases of assault were committed. In each of Jendouba, Gabes, Kebili, Beja and Johannesburg, 1 case of assault was recorded.

#### **h. Abroad:**

- Libya: Tunisian journalists operating in Libya were subject to two cases of assault while on duty. There was one case of harassment against a Tunisian female reporter and threats against Tunisian journalists working in Libyan channel.
- Johannesburg: one journalist travelling with a sports association was subject to harassment.

## **Part II: Indicators of accountability and impunity in assaults against journalists**

When there are allegations or complaints for cases of abuse against journalists, the State has an obligation to investigate these allegations effectively, promptly, comprehensively, independently and impartially and it shall have to prosecute and hold those responsible accountable when necessary. Ensuring accountability for the perpetrators of assaults against journalists is an essential element in preventing similar assaults in the future. The failure of State organs to do so may violate human rights obligations and contribute to the promotion of a culture of impunity that perpetuates violence. This failure may also be understood as condoning or accepting violence from the State.

The Monitoring Unit has therefore developed the following indicators of accountability and impunity:

### **1- Number of cases filed by journalists victims of assaults:**

The Monitoring Unit worked on drafting 9 complaints on behalf of 13 journalists:

- 3 complaints, each for more than one journalist
- 6 civil suits on behalf of 6 journalists

The complaints filed concerned:

- 3 cases of physical violence
- 3 cases of verbal violence
- 2 threat cases

These complaints were filed with:

- The departments of the Ministry of Interior on 3 occasions
- The public prosecutor on 6 occasions

### **2- Percentage of cases filed out of the total number of prosecutable cases:**



The number of complaints filed by the journalists victims of assaults represents 9.5% out of the total number of prosecutable cases (9 out of 94 cases of assault).

**3- Outcome of complaints:**

- 3 cases investigated at the preliminary level
- 3 cases investigated by the investigating judges
- 1 non prosecuted case
- 2 cases under examination

**4- Percentage of journalists engaged in prosecution out of the total number of journalists victims of assaults:**

5.3% out of the total number of journalists victims of assaults filed complaints to initiate litigation against perpetrators of assaults (13/245).

**5- Cooperation by the Ministry of Interior to protect journalists:**

Since it started its work, the Monitoring Unit has regularly sent its monthly statements and reports to the media and communication office at Mol.

On October 16, 2017 the Monitoring Unit held a meeting with the Mol media and communication office to discuss coordination with the crisis unit set up by the Ministry to follow up on cases of assault committed by the members of the ministry and provide protection for journalists.

Since it started its operation, crisis unit received from the Monitoring Unit:

- 9 correspondences on police assaults
- 4 correspondences on threats and harassment against journalists.

The Monitoring Unit received 4 answers in writing for 9 correspondences.

The Monitoring Unit recorded:

- 5 interventions to facilitate the work of journalists when the police obstructed their work
- Ensuring the protection of journalists on 3 occasions.

## **Conclusion**

### **1. What is the role of the executive power in the protection of the rights of journalists?**

Journalists, media content producers and contributors play a key role in ensuring the reporting of facts, in warning against the dangerous nature of certain practices and in raising awareness of the best practices in the management of public affairs. As a result of this effective role, journalists are often subject to various assaults that hinder the performance of their job or limit its effectiveness, or to reprisals while on duty. During the reporting period, journalists were subjected to 183 assaults targeting 245 media content producers.

In many cases, these assaults were carried out by representatives of the authority. In fact, the latter were responsible for 106 cases of assault, which represents 57% of all assaults on journalists.

This state of affairs requires the State to take special measures, particularly with respect to materializing its political commitment to ensure the safety of journalists, enacting a protective legislative arsenal that establishes a legal basis to combat impunity in the case of assaults against journalists and developing a strategic plan to put an end to the recurrent assaults on journalists.

#### **- Political commitment:**

During the period covered by this report, the Government of Youssef Chahed showed willingness to put in place practical steps to address assaults on journalists through establishing a partnership with SNJT, with little results however. The government promised to stop implementing the legislative measures that impede the right to information. This pertains in particular to circular no. 4 regulating the work of public institutions, which caused the involvement of public officials and agents in 41 cases of assault against journalists, most of which are related to withholding information and preventing work, which impeded reporting on the reality of public services provided to citizens.

The government also engaged in a partnership with the National Syndicate of Tunisian Journalists (SNJT) to reduce the number of assaults on journalists by security agents in October 2017. As part of this partnership, a crisis unit at the Ministry of the Interior was established to investigate assaults on Journalists, which amounted to 50 assaults during the reporting period. These assaults ranged from verbal and physical assaults to violence, prevention from work, and illegal detentions.

Even though the unit intervened since October 2017 for the benefit of journalists, it could not prevent a crisis in the relationship of journalists with the police during the recent popular protest in January 2018, which led journalists to show their anger in February of the same year. The crisis led to a rift between the parties which has lasted up till today.

The political commitment of the present Government has not been accompanied by tangible results to date. During its reporting period, the Monitoring Unit has reached the conclusion that even the principle of apology by the representatives of the Authority remains generally limited, with only 41.9% and 35.6% of assaults by civil servants and police on journalists, respectively being the subject of apologies, which reflects a weak will to address this crisis.

The accountability indicators are very poor with respect to the executive power. Journalists who have been victims of assaults assert that only 4.5% of police the officers who have assaulted journalists have been subject to administrative measures, while 90% of the cases in which civil servants and agents assaulted journalists were not prosecuted. 10% of the perpetrators remain unknown.

Against this background, the promises made by the executive power have remained mere media statements and ink on paper only.

- Protective measures to ensure the enjoyment of rights:

There is a range of measures that the state can take to ensure that the rights of journalists operating on its territory or those who hold its citizenship and operate outside the country to ensure they enjoy their rights while on duty. These measures are mainly related to:

- The right to security

- The right to freedom of movement.
- The right to work.
- The right to search, investigate and obtain information.
- The right to access information.
- The right to protect sources.
- Holding perpetrators to account.

These commitments shall be binding on the state's legislative, executive or judicial.

During the one year since it started its work, the Monitoring Unit noted that journalists found difficulties in access to information. This took the form of prevention from work, harassment and control over the work of journalists by representatives of the authority, which represents a failure to ensure the right to work and to movement.

Moreover, in 47.8% of cases, there were obstacles to the access by journalists to instant information from the public administration which invoked circular n°4 on the organization of the work of public bodies. In 34.7% of cases, the reason was the fear that the truth could be revealed. In the other cases, a period of time or an application in writing were requested before allowing access to information. This stands as evidence of the failure of the executive power to play its role in raising the awareness of its members of the right of journalists to look for, investigate and obtain information from sources.

The issue of access to the information held by the representatives of public authorities remains posed and negatively affects the work of journalists in light of the limited responses received by journalists requesting access to information. This indicates the failure of the executive power to monitor the enforcement by its members of Law n°22 on access to information in public or semi-public administrations.

## **2. A limited and ineffective role of the judicial power:**

The representatives of the judicial power (public prosecution) were clearly involved in 7 cases of assault, including cases of harassment and prevention from work. They also played a role in prosecuting journalists outside the scope of circular 115 organizing the press, print and publishing sector in 14 cases during the reporting period.

A large number of journalists rely on the independence of the judiciary and on the understanding of the judges of the nature of their work to ensure they are protected from any verbal or physical abusive acts that may be carried out by the executive power and any other parties and that may hinder the performance of their work as guaranteed by the Tunisian constitution and the laws in force.

Unfortunately, the degree of awareness of journalists of this role has remained limited. Only 41.1% filed complaints and 39.5% went to courts though 97.6% think it is important to litigate in courts to ensure the perpetrators of assaults against them are held to account and do not enjoy impunity. It should be noted that investigating the complaints filed by journalists has been slow.

96.4% of journalists noted that the litigation process is slow while 40.4% deem it extremely slow.

The indicators point out that 44% of the complaints filed are still in the initial stage of investigation, despite the fact that more than six months have elapsed since they have been filed. This reflects the serious problems in the enforcement of the law. In addition, the public prosecutor's office did not play its role in the discretionary initiation of litigation for the benefit of journalists, except in two cases in February 2018.

### **3. Media organizations: a weak supportive role:**

Although 70.5 % of journalists assert having been supported by their organization during the assaults, this support was moral in 98.5% of cases, and legal in only 17% of cases.

These figures reflect the organization's lack of awareness of the need to support the journalists who alone face outright assaults because of the content they work on for the benefit of their media organizations. Journalists must be supported psychologically, medically, financially and socially, besides moral and legal support.

Media organizations are also responsible for providing protective measures to journalists. The first measure should be to recognize them as employees by providing them with professional cards and vests for their work in the field.

Overall, throughout the reporting period, media organizations failed to provide such measures, with only 24.5% of journalists being given cards, while 47 % of them were given vests to protect them during their work in the field to cover rallies and protests.

It is important that media organizations strengthen their efforts to protect journalists, as well as to support them in case they are victims of assaults.

In addition to the need for all of these parties to play their roles, SNJ works to enhance the protection of journalists by setting up an early warning mechanism to reduce assaults by diagnosing, identifying and addressing the issue through the publication of reports and through recommendations to various stakeholders to ensure that the journalists who produce media content are safe, that the perpetrators are prosecuted and to combat impunity.

## **Recommendations**

Under national laws, international human rights law and international humanitarian law, the responsibility for the protection of journalists lies with the state and state organs. All the partners involved play different roles in combating impunity for crimes against female and male journalists. The Monitoring Unit, one year after it started to monitor assaults, would like to present the following recommendations to the various stakeholders:

### **1. Presidency of the Republic:**

- Adopt and support the draft International Convention for the Protection of Journalists launched by the International Federation of Journalists (IFJ) upon its submission to the United Nations.
- Commit to ensuring the implementation of the provisions of the "Declaration of Freedom of Information in the Arab World", signed by the President of the Republic on August 26, 2016 and to using by the President of his constitutional authority to ensure the Declaration is respected at the level of practices and laws
- Ensure that all media organizations enjoy an equal right to cover the events organized under the supervision of the Presidency.

### **2. Presidency of the Government:**

- Give immediate effect to the promise to stop using Circular n° 4 on the organization of the work of the media and communication units at the ministries and public institutions. The Presidency of the Government should issue a procedural text to stop using this Circular which impedes the principle of access to information.
- Accelerate the amendment of Decree n°. 4030 of 2014 of 03 October 2014 concerning the ratification of the code of conduct and ethics of public agents, especially since SNJ has sent since March 2017 to the Presidency of the Government a paper containing proposals for the amendment.
- Immediately withdraw bills that pose a threat to the freedom of press or that lead to the fragmentation of the right to pluralistic and independent media and the freedom of expression, such as the

draft law on "Criminalizing assaults on armed forces and the police" and the draft law on the "creation of the Audiovisual Authority".

- Propose the necessary legal amendments to ensure the protection of journalists in respect of public laws directly related to the freedom of opinion and expression.
- Give effect to the UN General Assembly resolution on the protection of journalists of 20 November 2017.
- Follow up on the cases of public officials who have been directly involved in assaults on journalists
- Provide the appropriate conditions for the work of the Authority on Access to Information and allocate the financial and logistical resources to this end.
- Investigate the violations committed by the MoI and its employees of the freedom of the press and which jeopardize the very essence of the freedom of expression.
- Stop any interference with media content and any pressure and harassment of journalists to stop them from being critical. This includes abiding by the legal procedures to nominate managers of public and confiscated media organizations.
- Give effect to the law on access to information by providing the required data within the legal deadlines.
- It is necessary to review the filming licensing system for foreign media in order to extend the renewal period and compel the MoI to respect the work of foreign journalists and Tunisians working in foreign media organizations as part of respect for freedom as a principle subject only to the exceptions stipulated in Decree 115.
- Facilitate procedures for granting accreditation and professional cards to ensure greater protection for journalists
- Training the ministry's employees on the mechanisms of communication with the media
- Play its role in relation to awareness of the nature of the work of the press through awareness campaigns for the benefit of state officials and representatives.

### **3. Ministry of the Interior:**

- Carry out administrative investigations into the cases of assault that involve the Ministry's agents, including assaults on journalists



and reporters, arresting them, seizing their equipment and make the outcomes of these investigations public.

- Issue a Circular whereby journalists are no subject to any assaults while on duty, especially during protests and sports events.
- Accelerate the adoption of a "draft code of conduct that regulates the relationship between the internal security forces and media representatives". This Code has been formulated in a participatory manner with the profession since 2014
- Take proactive and precautionary measures to protect sports journalists during their coverage of sports events. In fact, it has been noted that despite the many warnings, this protection has not been adequate.
- Notify the Ministry's field agents that the only identity document of the journalist is his professional card and that authorizations in writing are an exceptional procedure only applicable when some buildings are photographed or within a specific field
- Raise awareness of the nature of the press work aimed at combating corruption and at guaranteeing the right of citizens to free and pluralistic media
- Give effect to the role of the Ministry's crisis unit to intervene for the benefit of journalists and curb assaults on them by the Ministry's agents and not consider this unit a formal mechanism used for propaganda purposes
- Develop mechanisms for communication with the professional organizations for the timely treatment of assaults by the Ministry's agents.

#### **4. Assembly of People's Representatives:**

- Hold state officials responsible for the protection of journalists regularly accountable for all cases of assault against journalists perpetrated by the people working under their authority.
- Refrain from enacting any legislation that breaches the freedom of expression and freedom in compliance with the Tunisian Constitution.
- Broaden consultations with all stakeholders in respect of draft laws on freedom of expression, press and opinion.

- Foster the establishment of a permanent mechanism on the safety of journalists under the auspices of the High Authority on Human Rights and Basic Liberties.

#### **5. High Authority on Human Rights and Basic Liberties:**

- Update the Authority's database by including the types of violations related to the freedom of press, print and publishing.
- Set up a task force or committee to address violations of the right to information, opinion and expression.
- Design an action plan to protect journalists
- Get inspiration from the UN action plan on the safety of journalists and impunity to devise a national plan to protect journalists that aims to establish a free and safe environment for journalists and media professionals and to combat impunity.

#### **6. The judiciary:**

- Accelerate the litigation and trial procedures concerning the perpetrators of assaults against journalists, especially in case serious assaults are committed, including death threats and physical assaults.
- The public prosecution and the Ministry of Justice should stop any prosecution procedures against journalists outside the framework of the laws organizing the profession (Decrees 115 and 116)
- Avoid referring journalists to the police investigation and search units.
- Implement in an appropriate manner the provisions on the prohibition to publish so as to ensure that journalists have the right to publish judicial information and the right of the public to have access to it.
- Give effect to the discretionary initiation of litigation by the public prosecution to prosecute anyone who launches campaigns of defamation and incitement against journalists or carries out prosecutable assaults.
- Apply special protocols to investigate journalists in case they commit press crimes. The protocols should take into account the

nature of the work of journalists, particularly with respect to the seizure and destruction of the work equipment.

- Establish specialized court chambers to prosecute press crimes.
- Train judges on the prosecution of press, print and publishing crimes.

#### **7. Managements of media organizations:**

- Provide all protective mechanisms for the benefit of journalists working for them, including business cards and vests to avoid any harassment by official authorities.
- Comply with the principle of separation between management and editing
- Respect the rights of journalists, including the right to strike and to protest in various ways.
- Support journalists victims of assaults legally, economically, psychologically and medically.
- Devote media space to address the issues of freedom of press and the assaults targeting journalists and to disseminate knowledge of the bodies in charge of this freedom...

#### **8. Media professionals:**

- Report to SNJ any assaults to which they are subject regardless of how serious they are so as they are investigated, legally considered, documented and recorded to be used later to prosecute perpetrators and support victims.
- File complaints with the judiciary in case they are subject to prosecutable assaults.
- Overcome any fears in relation to the potential reaction of the management or the executive power when reporting on cases of interference with editorial activities.
- Enhance professional solidarity in case any assaults are committed against journalists
- Take cognizance of the protection and safety measures set out in the IFJ International Code of Practice for the Safe Conduct of Journalism

- Participate to raising awareness of the freedom of press and the safe conduct of journalism through their journalistic products and on social media.

#### **9. Actors on the sports scene:**

- Provide an entry gate for accredited journalists in sports facilities during sports events and provide information about this in a press release (to be used only by journalists).
- Provide an adequate number of members of organizing committees and police officers at the gates of stadiums to allow access to the press box to journalists only and involve professional organizations in this process.
- Organizing committees overseeing entry to sports facilities should provide press vests
- Only journalists wearing press vests or special badges should be granted access to the pitch to carry out interviews
- Regional authorities should assume responsibility for providing appropriate working conditions during important sports games of different levels.
- Journalists should act professionally and impartially and should avoid any acts that may trigger violence.
- Joint working sessions between the professional organizations of journalists and sports bodies should be held to coordinate exceptional measures for journalists on the occasion of the organization of sports events requiring special measures.

#### **10. Other stakeholders:**

- Show respect for the freedom of press and refrain from interfering in the media content and from putting pressure on media organizations.
- Use regulatory bodies and self-regulatory bodies to complain and seek redress so as to reduce the number of press crimes cases submitted to the consideration of courts
- Respect the nature of journalistic work as it endeavors to reveal the truth and provide information to citizens in an objective and balanced manner.
- Sponsors should respect the independence of media organizations and should not use the power of money to influence them.

#### **1. The case of Ala Chebbi**

On 21/11/2017, the investigating judge of the Court of First Instance in Tunis heard the talk show host, Alaa Chebbi, whose program "I have something to tell you" is broadcasted on AL-HIWAR AL-TOUNSI TV on charges of enticing someone to consent to the processing of personal data in accordance with Article 88 of Basic Law No. 63/2004 on personal data protection which stipulates that a person who entices another person to give consent to the processing of his or her personal data by means of deceit or violence or threat shall be punishable by imprisonment or a fine.

Regarding the details of the case, in 2013, AL-HIWAR AL-TOUNSI broadcasted one episode of the talk-show entitled "I have something to tell you" about an illegal relationship between a man and a woman which led to the birth of a child. In the program, the man declared that the DNA paternity test later confirmed that the son was not his. Subsequently, the woman filed a complaint with the public prosecutor in Tunis who ordered the matter to be investigated.

It should be recalled that HAICA imposed a 200 thousand TND fine on the TV channel and ordered the program to be suspended for one month on grounds that the show was re-broadcasted. The regulatory body considered that the content of the program violates both human dignity and private life.

## **2. The case of Mosbah Jdey:**

On 8-8-2016, the journalist Mosbah Jdey published an article entitled "a random decision by the municipal council may lead to the displacement of six families" in "Al Sahafa al-Youm". Subsequently, a citizen filed a case against the journalist with the Court of First Instance of Tunis under n° 10630. On 2/6/2017, the Court found the journalist guilty of defamation and fined him together with the legal representative of the newspaper to pay 1000 TD as well as to pay the legal fees. The Court ordered the text of the judgment to be published on the day following the date it was notified to the "Al-Sahafa al-Yaoum".

This ruling was appealed before the Court of appeal under n° 7800. The case was heard on 13/2/18 and an acquittal verdict was entered on 27/02/2018.

### **3. The case of Salam Malik and Saloua Malik:**

The district court of Tozeur convicted Salam Malik, director of “Al-Jarid FM” and Saloua Malik, program manager at the same radio station of verbally assaulting a civil servant in May 2017 after police officers, who had a quarrel with Salam, filed a case. The court sentenced Salam Malik to 6 months of immediately enforceable imprisonment while his sister Saloua was sentenced to 6 months but ordered enforcement to be deferred. The ruling was appealed before the court of first instance in Tozeur as it serves as the court of appeal for district courts under its jurisdiction. Salam Malik was sentenced to a fine for offending public morality while Saloua Malik was acquitted.

### **4. The second case of Ala Chebbi:**

The journalist Arbia Ben Hamadi filed a case with the public prosecutor in Tunis against Ala Chebbi, the “Sirrik fi Bir” talk show host in “Mosaique FM”.

B. Hamadi accused Chebbi of offending public morals, of pretending a crime has been committed and of spreading false news as is set out in articles 226 a and 142 of the penal code and article 54 of decree 115. On 19/12/2017, the public prosecutor referred the case for investigation by the sub-directorate of criminal affairs at Gorjeni and to take the statements of the two parties. The case has not been settled to date.

### **5. The case of Abdelhamid Riahi and Imen b. Aziza:**

On 6/4/2017, the Ben Arous National Guard search and investigation squad took the statements of the editor in chief of Al-Chourouk newspaper and Imen b. Aziza, a journalist in the same newspaper.

A legal expert had filed a case against them for defamation and for attributing illegal matters to a quasi-civil servant because of an article they published at Al-Chourouk on 5/2/2017 entitled “Prosecuting a member of the High Judicial Council”. The defense counsel insisted on implementing decree 115.

### **6. The case of Walid Mejri:**

In December 2015, a senior police officer filed a complaint with the public prosecutor against Walid Mejri, editor in chief of the “Akher-khabar” newspaper.

The defendant accused Mejri of attributing illegal matters to a civil servant under article 128 of the penal code and of abusing another person on social media networks as is set out in article 86 of the communication code after an article on parallel police in Carthage International Airport was published. As a first measure, W. Mejri was investigated by the Ben Arous National Guard squad. On March 29, he was investigated by the National Guard search and investigation squad at El-Aouina. It should be noted that the defendant filed complaints against other journalists who addressed the same issue.

### **7. The case of Sana Mejri:**

A senior police officer filed a criminal complaint against Sana Mejri, the journalist in “Akhbar al-Joumhouria” in December 2015 after she published an article in August 2015 on suspicions relating to the said officer. On March 30, 2017, Sana Mejri gave a statement to the National Guard search and investigation squad at El-Aouina. It should be noted that the family of the said senior police officer was granted the right to reply in the newspaper as he was under arrest.

### **8. The case of Nouredine Ben Achour and Habib Ben Dbabis:**

On 20/04/2017, the editor in chief of “Assabah al ousboui” newspaper and the journalist Habib Ben Dbabis appeared before the sixth chamber hearing misdemeanor cases at the court of first instance in Tunis to hear case n° 12109/2017 concerning attributing illegal matters to a civil servant in the press.

The case against the journalists was filed with the public prosecutor in Tunis by the officer in charge of state litigation on behalf of the Ministry of religious affairs after an article was published on the opening of a mosque in Mahras, Sfax. The case was declared inadmissible on grounds of procedural flaws.

### **9. The case of Mohammed Boughalleb:**

M. Boughalleb appeared before the chamber examining misdemeanor cases in the court of first instance in Tunis as he was accused of defamation under article 55 of decree 115 after he intervened in the TV talk show 24/7 to talk about a conflict between Tunis Air pilots and technicians regarding work uniforms. The case was filed by some company employees.

#### **10. The Monji Khadraoui case:**

M. Khadraoui was investigated on 26/05/2017 by the National Guard first central squad at El-Aouina. The journalist Samira Khiari had filed a complaint with the public prosecutor in Tunis in which she accused M. Khadraoui of defamation on social media networks after he opposed granting her a professional journalist card at the time he was a member of the committee granting professional cards. The judicial police at el-Moncef Bey had taken Khadraoui's statement before referring the matter to the National Guard squad to hear both parties.

#### **11. The case of Zied Heni**

A ruling in a misdemeanor case was rendered by the Court of first instance of Sousse on 27/12/2017 whereby Zied Heni was sentenced to a 300 TD fine for insults under Decree 115 and acquitted with respect to attributing illegal matters to a civil servant in the press under article 128 of the Penal Code.

The case was raised after Zied Heni declared on Nessma TV that "the public prosecutor was lying" regarding the signature of public prosecutor reports by an accused in the case concerning throwing an egg on Mehdi Mabrouk, the former minister of culture. The reports were referred to the court of Sousse while the member of public prosecution concerned was located in the court of Tunis.

Usually, insults should be subject to complaints which are fined directly in accordance with article 69 of decree 115 and not by the public prosecutor. Z. Heni's defense counselor appealed the court decision.

#### **12. The "Bawabet Tounes" case:**

A private commercial company filed a case with the court of first instance of Tunis on 7/4/2017 against the legal representative of the website to



obtain an interlocutory injunction to delete an article published on “Bawabet Tounes”.

The company having filed the case claims that the said article contains false and incorrect allegations that affect the company’s integrity using swear words. The case was based on article 201 of the code of civil and commercial proceedings on cases of interlocutory injunctions. The defendant was finally acquitted by the court.

### **13. The Sami B. Gharbia case:**

On 21/04/2017 B. Gharbia published an article in “Nawat” website on the work of the Presidency of the Republic in relation to the law on administrative reconciliation. The Presidency filed a penal complaint and B. Gharbia was investigated by the National Guard investigation and search squad at El-Ouina and was convicted of broadcasting written content that is not his without having been authorized to do so as is set out in article 253 of the Penal Code.

### **14. The Khamis ben Brik case:**

Khamis b. Brik, the correspondent of Aljazeera.net in Tunisia and editor in chief of the German “Correspondents” website was prevented from travelling to Germany on June 14 to attend an international conference on “potential risks to the freedom of press in Tunisia and North Africa”.

His passport was confiscated by the police at the airport on grounds that he had been sentenced to 6 months in prison for having “pretended to be a journalist” during covering the Carthage International Festival.

Despite being subsequently acquitted by the Court of First Instance in Tunis, the journalist was subject to a cruel treatment at the airport as he was about to be provisionally detained.

On June 15, 2017 was detained for 5 hours at the detention cell at the court of first instance in Tunis before he was referred to the public prosecutor to recover his passport.

B. Brik was transferred to the Court of First Instance of Tunis 1 in a state of detention to examine his case and recover his passport. He was kept at the court’s detention cell for 5 hours before the public prosecutor

rendered the decision to release him. B. Brik appealed the decision and the chamber issued an acquittal ruling.

**This report was produced in cooperation with:**



Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

منظمة الأمم المتحدة  
للتربية والعلم والثقافة



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER