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Tunisia: Abusive prosecution of cameraman for filming egg throwing on minister

Amnesty International is calling on the Tunisian authorities to drop charges against a cameraman who filmed a Tunisian Minister being hit by an egg, and who will go on trial tomorrow. The organization is also calling on the authorities to stop attempting to muzzle the voices of Tunisians simply exercising their right to freedom of expression.

Mourad Mehrezi, a cameraman for the internet television channel Astrolabe TV, was arrested on 18 August, two days after he filmed the Minister of Culture being hit on the head with an egg by an actor in what he says was in protest against the inadequate response of the minister to attacks on artists by groups deeming their work offensive. Mourad Mehrezi should be released and the charges against him dropped.

Mourad Mehrezi had been assigned by his TV station to cover the memorial service of artist Azzouz Chennaoui on 16 August in Tunis. While doing so, he caught footage of actor Nasreddine Slihi throwing a raw egg on the Minister of Culture, Mehdi Mabrouk. He was arrested from his home two days later after Astrolabe aired the footage on their website on accusation of collaborating in the assault against the minister. Nasreddine Slihi was also later arrested on 21 August.

On 23 August, both men were charged with “conspiracy to assault a public official”, “being drunk in public”, “causing noise and disorder” under the Penal Code, and “causing harm to others through a telecommunication network” under Article 86 of the Telecommunication Code. Article 86 has been used repeatedly by the authorities to bring charges against those who have expressed opinions or criticism online.

Mourad Mehrezi is facing several years’ imprisonment if convicted. Amnesty International calls on the Tunisian authorities to release Mourad Mehrezi and drop charges against him. The charges against Mourad Mehrezi are yet another example of the authorities tightening the noose on freedom of expression in Tunisia. No journalist should be detained simply for disseminating information on an event, however embarrassing for the authorities. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Tunisia is a state party states that: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The use of articles of the Penal and Telecommunications Codes to charge Mourad Mehrezi further demonstrates that the authorities are refusing to implement new press laws passed in 2011 which were meant to replace draconian legislation often used in the Ben Ali era to suppress freedom of expression. For example, Decree 115 of 2011 on Press freedom provides more protection for journalists than previous laws in regard to opinions or information they share while conducting their work.

Nasreddine Slihi is also being charged with defamation and undermining public morals.

Amnesty International opposes the use of laws criminalizing defamation, which should be treated as a matter for civil litigation. The organization has criticized the repeated use of such charges by the authorities against journalists, activists and those critical of the authorities in the past two and a half years.

On 30 August rappers Alaa Eddine Yacoubi, known as Weld el 15, and Ahmed Ben Ahmed, known as Klay BBJ, were sentenced in their absence to one year and nine months in prison each on charges of “insulting a public official”, “defamation” and “undermining public morals”. The charges relate to a concert the two rappers performed on 22 August in Hammamet in north eastern Tunisia. Police officers disrupted the concert and arrested the two rappers and several others arguing their songs were offensive. The men were released later that night but Alaa Eddine Yacoubi was reportedly hit by police officers while in custody. A few days later, their lawyer was surprised to hear that the two men had been tried in their absence.

Alaa Eddine Yacoubi was sentenced earlier this year to a one and a half year sentence, later reduced to six months, of charges including “undermining public morals” and “defamation” for his song “Policemen are dogs.”

Many others have faced repercussions for exercising their right to freedom of expression since the 2011 uprising that ousted former President Zine El Abidine Ben Ali. Journalists, bloggers, artists and critics have been arrested or prosecuted under Ben Ali-era penal provisions for criticising public officials or institutions or expressing opinions that were deemed ‘indecent’, offensive or undermining public morals and sacred values. Artists have also accused the authorities of failing to protect them from attacks by individuals or groups disagreeing with their views. Some have even been tried in military courts for charges of defamation and ‘undermining the reputation of the army’.

The UN Human Rights Committee has encouraged states to decriminalize defamation and to craft defamation laws to ensure that they comply with state’s international human rights obligations with regard to freedom of expression. the Committee has underlined that defamation laws should not provide any special protection for public officials, who under international law and standards, should tolerate more, rather than less, criticism than private individuals, and that states should not prohibit criticism of institutions, such as the army or the administration.

The Tunisian authorities’ continued reliance on provisions repressing freedom of expression and the prosecution of journalists, bloggers, artists have fuelled anger and polarization among people in Tunisia.

The Tunisian authorities must immediately desist from practices aimed at stifling dissenting voices or suppressing media coverage critical of their record. As the country stands at a political deadlock, the authorities should not use selective prosecution to settle political scores.