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Middle East/North Africa - Tunisia

Baseless charges

Authorities urged to drop all charges against detained TV cameraman

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Reporters Without Borders, the Tunis Centre for Press Freedom, the National Union of Journalists, the Committee to Protect Journalists and Article 19 are very disturbed by the charges brought against **Mourad Meherzi**, an *Astroloabe TV* cameraman who has been arrested for filming an egg being thrown at a government minister.

The five organizations call for Meherzi's immediate release. He has been held since 18 August in response to a complaint filed two days earlier by culture minister Mehdi Mabrouk, the target of an egg thrown during an event in Tunis marking the 40th day after well-known actor Azzouz Chennaoui's death in a car crash.

Meherzi is accused not only of filming the incident and disseminating his footage, but also of complicity with the person who threw the egg, filmmaker Nasredine Sihilli.

"The fact that a cameraman who filmed embarrassing footage in the course of his work was accused by a government minister of complicity, and that the prosecutor general then immediately began an investigation, constitutes an extremely disturbing and dangerous development for freedom of information in Tunisia," the five media freedom organizations said.

"Public figures must expect to be the subject of media coverage and must not turn on media personnel who happen to witness the problems they encounter or public attacks on them," the five organizations added, calling for the charges against Meherzi to be dropped.

The charges against Meherzi listed in the indictment are absurd. He is facing a possible five-year sentence on charges of:

- Promoting a conspiracy to commit violence against government officials (article 120 of the criminal code)
- Offending accepted standards of good behaviour, public decency and propriety (article 226-b of the criminal code)
- Causing prejudice to other persons or disturbing their tranquillity "by means of public telecommunications networks" (article 86 of the Telecommunications Code).

The five media freedom organizations firmly condemn the use of the criminal code in this case because it ignores the fact that article 79 of a new press law promulgated on 2 November 2011 says that all legal provisions that conflict with the new law are automatically repealed.

Article 245 of the criminal code, cited in the indictment, even refers to article 57 of the old press law, concerning defamation.

Reporters Without Borders, the Tunis Centre for Press Freedom, the National Union of Journalists, the Committee to Protect Journalists and Article 19 point out that the new press law, Decree-Law 115-2011, makes no provision for sanctions against media professionals who cover an event, official or otherwise.

Instead, article 13 of the new press law says that journalists "cannot be prosecuted in connection with their work unless a violation of this decree-law is proven."

The five organizations added: "Automatic recourse to the criminal code in media cases is an old reflex dating back to the Ben Ali era that must be ended for good."
