

# Tunisia

	2014	2015		
<b>Internet Freedom Status</b>	Partly Free	Partly Free	<b>Population:</b>	11 million
Obstacles to Access (0-25)	11	10	<b>Internet Penetration 2014:</b>	46 percent
Limits on Content (0-35)	8	8	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	20	20	<b>Political/Social Content Blocked:</b>	No
<b>TOTAL* (0-100)</b>	<b>39</b>	<b>38</b>	<b>Bloggers/ICT Users Arrested:</b>	Yes
			<b>Press Freedom 2015 Status:</b>	Partly Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- In September 2014, Tunisia's first privately owned submarine fiber-optic cable was inaugurated, thus easing the state's monopoly on the country's connection to the international internet (see **Restrictions on Connectivity**).
- Tunisia's telecoms regulator, the INT, took steps towards greater transparency and accountability through the introduction of new regulations surrounding the licensing of ISPs (see **Regulatory Bodies**).
- A surge of terrorist attacks has led to calls to block or remove extremist content online. Authorities from the ICT ministry have maintained that the country will not resort to blocking, although the ministry has sought greater cooperation with social media companies to take down content that incites violence or extremism (see **Blocking and Filtering and Content Removal**).
- A handful of Tunisians were prosecuted for their online activities. Rached Khiari, director of the *Al Sada News* website, received a three-month suspended sentence for defamation after publishing a video in which a third party insulted a judge (see **Prosecutions and Detentions**).
- After being sentenced in absentia to three years in prison by a military court, blogger Yassine Ayari was arrested upon returning to the country. In a retrial and subsequent appeal, Ayari's sentence was ultimately reduced to six months and he was released in April 2015. Ayari was found guilty of defaming the military for Facebook posts in which he criticized the minister of defense (see **Prosecutions and Detentions**).
- Amid heated presidential elections, the website of the Independent Electoral Commission was attacked, temporarily suspending voter registration (see **Technical Attacks**).

## Introduction

The internet remains partly free in Tunisia. Although the state-controlled Tunisie Télécom (sometimes referred to as TT) maintains a monopoly over the country's domestic internet backbone, two ISPs inaugurated Tunisia's first privately operated fiber optic submarine cable. Tunisia's telecoms regulator, the INT, introduced new licensing regulations and continues to make strides towards ensuring greater transparency and accountability.

As the government grapples with increased terrorist attacks, authorities have resisted calls to reinstitute blocking and filtering. Instead, officials have declared their intention to work together with social media companies to remove content that incites extremism or violence. Digital rights activists have expressed fears over surveillance now that the Technical Telecommunications Agency (ATT) is up and running, despite no clear mandate and oversight mechanisms.

Furthermore, Tunisia's fragile internet freedom remains threatened by a number of laws dating from the Ben Ali era, including the Telecommunications Decree and the Internet Regulations. The judiciary continues to restrict free speech through the prosecution of users over content posted online, mainly regarding defamation, religion, and insults to state bodies. Blogger Yassine Ayari was tried by a military court and served prison time over charges related to the defamation of the military. The editor of *Al Sada News* received a three-month suspended sentence for defamation regarding a video published to the website in which a third party insulted a judge. Several other Tunisians were detained or suffered legal harassment on vague charges.

The internet was first launched for public use in Tunisia in 1996, and the first broadband connections were made available by the end of 2003. The online landscape changed dramatically with the ouster of autocratic president Zine El Abidine Ben Ali on January 14, 2011. His repressive censorship apparatus largely dissipated and internet users have started to enjoy an unprecedented level of open access. After the passage of a new constitution last year, Nidaa Tounes emerged as the country's largest political party in the October 2014 parliamentary elections. The first round of presidential elections followed in November, with a run-off held one month later. Béji Caïd Essebsi defeated incumbent Moncef Marzouki in a tightly disputed contest that spilled over into the online media landscape.

## Obstacles to Access

*Growth in mobile internet subscriptions has underpinned an increase in internet penetration in Tunisia over the past year. Private operators Ooredoo Tunisie and Orange Tunisie inaugurated their own international submarine cable, boosting bandwidth capacity. However, the telecommunications market remains centralized in the hands of three major players, with state-controlled Tunisie Télécom continuing its monopolistic control over the internet backbone. Tunisia's telecoms regulator has also taken steps towards greater transparency and accountability through the introduction of new licensing regulations.*

## Availability and Ease of Access

According to the International Telecommunication Union (ITU), internet penetration stood at 46

percent in 2014, up from 34 percent in 2009.<sup>1</sup> The number of fixed broadband subscriptions per 100 inhabitants dropped from 4.86 to 4.44 over the past year, due to a preference for mobile broadband subscriptions. As of March 2015 there were more than 4.5 million subscriptions to 3G mobile data plans compared to some 500,000 fixed broadband subscriptions. Internet connections through 3G USB keys exceeded 1.1 million subscriptions.<sup>2</sup>

The number of computers per 100 inhabitants rose from approximately 12 in 2009 to nearly 22 as of March 2015,<sup>3</sup> while the number of internet subscriptions (fixed and 3G USB keys) is estimated to have exceeded 1.7 million as of March 2015.<sup>4</sup> The popularity of mobile phones is also on the rise, with over 14 million mobile phone subscriptions and a penetration rate of 127.6 percent as of April 2015.<sup>5</sup>

Nonetheless, internet access remains beyond the reach of a large segment of the population. According to a World Bank report released in January 2014, “the poorest 40 percent of the population would need to spend over 40 percent of their income to afford high speed internet.”<sup>6</sup> USB keys used for 3G internet cost at least TND 40 (approximately US\$20.5), while the service costs TND 25 (US\$13) per month for 10GB of data.

Thus, many Tunisians access the internet at their workplace or at privately owned cybercafes known as “publinets,” where one hour of connection costs at least 1 TND (US\$ 0.51). Before 2011, wireless access in cafes and restaurants was not permitted by law, which allowed only licensed ISPs to offer access. Nonetheless, since the revolution it has become common for cafes and restaurants in major cities to offer free internet access without any registration requirements, attracting mainly young social network users. The ICT ministry issued new regulations on the provision of internet access by cybercafes on July 29, 2013.<sup>7</sup>

Fixed-line internet subscribers must first buy a landline package from Tunisie Télécom (TT), which manages the country’s 130 Gbps bandwidth capacity, before choosing one of 11 ISPs. The TT landline package costs 45 TND (US\$23) for per three-month subscription period. ISP prices range from TND 10 (US\$5) a month for a connection speed of 1 Mbps to TND 50 (US\$25) for a connection speed of 20 Mbps. Although there are no legal limits on the data capacity that ISPs can supply, the bandwidth remains very low and connectivity is highly dependent on physical proximity to the existing infrastructure.

1 “Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions,” International Telecommunication Union (ITU), 2009 & 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

2 Instance Nationale des Télécommunications, “Suivi des principaux indicateurs du marché de l’Internet en Tunisie” [Monitoring of main indicators regarding the Internet market in Tunisia], March 2015, accessed June 24, 2015, <http://bit.ly/1VD2Xm5>.

3 Ministère des Technologies de la Communication, “إحصائيات الوصول إلى الإنترنت وخدمات الإنترنت وخدمات الهاتف المحمول في تونس، ربع تموز 2015” [Ministry of Communication Technologies and Digital Economy: statistical indicators and data: access and infrastructure], March 2015, accessed on June 24, 2015: <http://www.mincom.tn/index.php?id=315&L=1>.

4 Ministère des Technologies de la Communication, “إحصائيات الوصول إلى الإنترنت وخدمات الإنترنت وخدمات الهاتف المحمول في تونس، ربع تموز 2015” [Ministry of Communication Technologies and Digital Economy: statistical indicators and data], March 2015, accessed on June 24, 2015, <http://www.mincom.tn/index.php?id=305&L=1>.

5 Instance Nationale des Télécommunications (INT), “Suivi des principaux indicateurs du marché de la téléphonie mobile en Tunisie” [Monitoring of main indicators regarding the mobile phone market in Tunisia], April 2015, accessed June 24, 2015, [http://www.intt.tn/upload/files/TB2\\_Mobile%20-%20Avril%202015.pdf](http://www.intt.tn/upload/files/TB2_Mobile%20-%20Avril%202015.pdf)

6 Natalija Gelvanovska, Michel Rogy, and Carlo Maria Rossotto, “Key Facts,” *Broadband Networks in the Middle East and North Africa: Accelerating High-Speed Internet Access*, Washington, D.C.: World Bank, January, 29, 2014), <http://bit.ly/1UxeQrf>.

7 Decision of July 29, 2013 on the conditions for the exploitation of public internet centers: <http://bit.ly/1PkBfqg>.

## Restrictions on Connectivity

The Tunisian government does not impose any restrictions on ICT connectivity. However, Tunisie Télécom remains the sole manager of the country's 10,000KM fiber-optic internet backbone covering the entire territory. Tunisie Télécom also acts as a reseller to domestic ISPs, granting it an oversized role in the country's internet governance. However, some positive signs have emerged of late. In September 2014, private operators Ooredoo Tunisie and Orange Tunisie inaugurated their own international submarine cable, thus easing the monopoly of Tunisie Télécom on Tunisia's international submarine communications cables.<sup>8</sup> The 175km long cable which links Tunisia to Italy is the first privately owned cable to enter into service in Tunisia.

## ICT Market

The main providers of internet service are Tunisie Télécom, Ooredoo Tunisie, and Orange Tunisie. The state controls a 65 percent stake in Tunisie Télécom, while the remainder is owned by Emirates International Telecommunications (ETI). In June 2013, ETI announced its plan to sell its Tunisie Télécom shares, citing employees' strikes over higher salaries as a reason for the move.<sup>9</sup> Ooredoo Tunisie is a subsidiary of the multinational company Ooredoo, which is partially owned by the state of Qatar. Finally, Orange Tunisie has been controlled by the state since 2011, when a 51 percent stake was seized from Marwan Ben Mabrouk, son-in-law of fallen dictator Ben Ali. The remaining 49 percent stake is owned by the multinational group Orange.

## Regulatory Bodies

The Ministry of Communication Technologies and Digital Economy (ICT ministry) is the main government body responsible for the ICT sector. The National Instance of Telecommunication (INT) is the regulator for all telecom and internet-related activities and has the responsibility of resolving technical issues and disputes between actors.

The INT's governance body is made up of mainly government officials nominated by the ICT Minister, which activists argue leads to a lack of regulatory independence. Nevertheless, the INT has initiated some positive changes in internet policy, namely through the introduction of a more liberal domain name chart and an invitation to independent arbitrators from civil society to help develop a new Alternative Domain Name Dispute Resolution Process.

Internet policy is decided by the INT and executed by the Tunisian Internet Agency (ATI), a state body governed by a board of trustees comprised of representatives from the main shareholder, Tunisie Télécom. The company controls 37 percent of ATI shares and the state owns a further 18 percent, while the remaining 45 percent is divided among private banks. The head of the ATI is appointed by the ICT ministry. The INT and ATI manage the ".tn" country domain. Under Ben Ali, the ATI was a government organ for surveillance and censorship. The ATI now manages the internet exchange point (IXP) between national ISPs that buy connectivity from Tunisie Télécom, as well as the allocation of internet protocol (IP) addresses. The agency also provides direct internet access to public institutions.

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<sup>8</sup> "Didon cable linking Italy and Tunisia enters service", *Telecom Paper*, September 22, 2014, <http://bit.ly/1L9DFV2>.

<sup>9</sup> Roger Field, "Emirates International Telecommunications Sells Its 35% Stake in Tunisie Telecom," *Arabian Industry*, June 23, 2013, <http://bit.ly/1IOKHgk>.



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the authorities proceeded with these calls, however. Telecommunications Minister Noomane Fehri has stated he “will not adopt a policy of blocking websites whatever their danger to us because we believe this solution is technologically useless.”<sup>15</sup>

## Content Removal

While authorities admit filtering “won’t solve the problem” of users accessing extremist content, the telecommunications ministry has revealed it is coordinating with social media companies to suspend pages that incite violence or extremism.<sup>16</sup>

According to Article 9 of the 1997 Internet Regulations, ISPs are required to continuously monitor content to prevent the dissemination of information “contrary to public order and good morals.” Laws such as these that impose legal liability on intermediaries have been used to take down political or social content in violation of free speech protections. For instance, in March 2015, the satire news site *tounesnews.com* was shut down for a few days by the web hosting service OVH following a removal request from the Tunisian authorities for spreading false news. It was reported that the site was targeted over a satirical article accusing Wided Bouchamaoui, head of the industry and commerce union, of tax evasion.<sup>17</sup>

## Media, Diversity, and Content Manipulation

Tunisia’s online media landscape is vibrant and open. Since the revolution, numerous online sources of information have been launched alongside new newspapers, radio stations, and television channels, enriching the information landscape through the addition of viewpoints from a diverse range of social actors. In June 2014, a group of journalists and web developers launched *Inkyfada.com*, a ‘slow journalism’ web magazine. The publication makes use of mapping and data visualization tools to help readers understand complex stories.<sup>18</sup>

Nonetheless, Tunisia’s post-revolutionary vibrancy has not eliminated all self-censorship. Some online activists still avoid crossing red lines over fears of legal prosecution. Still, users are more open to discussing religion, the army, and other sensitive issues on the web compared to traditional media platforms.

The importance of online news sources has been recognized by politicians. In the country’s new-found democracy, partisan groups have used the internet to campaign. The information battle was particularly fierce during the second round of the presidential elections in late 2014,<sup>19</sup> when the respective supporters of outgoing president Moncef Marzouki and current president Beji Caid Essebsi accused each other of spreading rumors.<sup>20</sup> Nevertheless, the unprecedented openness of the Tunisian online sphere in the post-Ben Ali era has greatly diluted the influence of such content.

15 “Tunisia will not censor internet,” *Middle East Monitor*, June 2, 2015, <http://bit.ly/1K7i0Jj>.

16 “Tunis 24/7 Mokhtar Khalfaoui/ Noomane El Fehri,” Youtube video, 1:31:35, published by Elhiwar Ettounsi, March 26, 2015, [https://youtu.be/8iVo\\_m-wULE](https://youtu.be/8iVo_m-wULE).

17 “Tunisia,” *Digital Citizen*, 2, no. 6, (2015) <https://www.digcit.org/2015/04/01/volume-2-6-2/#Tunisia>.

18 Nejma Rondeluz, “Inkyfada.com, le magazine web tunisien qui prend le temps” [Inkyfada.com, the Tunisian web magazine that takes its time] *Al Huffington Post*, July 15, 2014, <http://huffto/1QeiuFL>.

19 “نيحشردملا راصنأ نيب ينورتكلل عارض.. سنوت” [Tunisia: an electronic conflict between the supporters of the two candidates] *Sky News Arabia*, December 19, 2014, <http://bit.ly/1hHJMIR>.

20 “ةيضارتفا تاعارض... أضيأ سنوت يف,” [In Tunisia, there are virtual conflicts too] *al-Araby al-Jadeed*, December 27, 2014, <http://bit.ly/1LPubkj>.

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Candidates also made positive use of social networking sites to reach out to voters and answer their questions.<sup>21</sup>

### Digital Activism

Tunisian youth and civil society organizations have continued to use digital media for initiatives relating to political and social issues. Over the past year, a number of organizations used new technology to monitor the electoral process. The nongovernmental organization (NGO) Cahiers de La Liberté launched “Birrasmi” (“Really?”), a platform to fact-check the veracity of statements made by candidates in the country’s legislative and the presidential elections.<sup>22</sup> The election monitoring group Mourakiboun created a quick vote-counting platform to aid in election observation.<sup>23</sup> Relying on data provided by its observers, the group visualized figures related to the elections such as turnout rates and results.<sup>24</sup>

In July 2014, the transparency NGO al-Bawsala launched “Marsad Baladia,”<sup>25</sup> a project that collects and publishes data related to local municipalities.<sup>26</sup> Published data includes the budget and resources allocated to each municipality, as well as information on the progress of various municipal projects. The data allows the NGO to rank municipalities according to their commitment to transparency.

## Violations of User Rights

*While Tunisia has taken significant steps to promote internet access and reverse online censorship, the country’s legal framework remains a significant threat to internet freedom. Despite the adoption of a new constitution hailed as “democratic,”<sup>27</sup> the absence of legal reforms continues to hold Tunisia back. Most problematically, the judiciary continues to employ laws from the Ben Ali-era to prosecute users over online expression. Criminal defamation remains one of the biggest obstacles to independent reporting, while several users have been charged with insulting state bodies or religious values. At the same time, the creation of a new cybercrime investigative agency has led to fears that technology could once again be misused to perform unchecked government surveillance on Tunisian citizens in a return to Ben Ali-era practices.*

### Legal Environment

The 2014 constitution, the first to be passed since the 2011 revolution, enshrines the right to free expression and freedom of the press, and bans “prior censorship.” Specific articles guarantee the right to privacy and personal data protection, as well as the right to access information and commu-

21 Aymen Gharbi, “Tunisie: Des candidats à la présidentielle qui misent aussi sur les réseaux sociaux,” [Tunisia: Presidential candidates also bet on social networks] *Al Huffington Post*, December 19, 2014, <http://huff.to/1JESmzk>.

22 Abubakr al-Shamahi, “Fact-checking the Tunisian elections,” *al-Araby al-Jadeed*, December 21, 2014, <http://bit.ly/1LPuex5>.

23 Ikhlas Latif, “Tunisia’s elections under scrutiny,” trans. Pascale el-Khoury, *Al Monitor*, October 22, 2014, <http://bit.ly/1tiUQ2T>.

24 Mourakiboun, Facebook post, December 22, 2014, <http://on.fb.me/1Nfz4qB>.

25 Al-Bawsala, “Marsad Baladia,” July 2014, <http://baladia.marsad.tn/fr/>.

26 Monia Ben Hamadi, “Tunisie: Après l’Assemblée, Al Bawsala s’attaque aux municipalités avec “Marsad Baladia,” [Tunisia: After the assembly, Al Bawsala tackles municipalities with “Marsad Baladia”] *Al Huffington Post*, July 22, 2014, <http://huff.to/1EFjm4N>.

27 National Democratic Institute, “Tunisia finally passes democratic constitution,” news release, January 27, 2014, <http://bit.ly/1iIUSnj>.

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nication networks.<sup>28</sup> However, the text contains vague language tasking the state with “protecting sanctities” and banning “takfir” (apostasy accusations). Such language could act as a constitutional restriction on internet freedom, where religious issues are currently debated more openly than in the mainstream media or on the streets.

Despite improvements to the constitution, the repressive laws of the Ben Ali regime remain the greatest threat to internet freedom. Article 86 of the Telecommunications Code states that anyone found guilty of “using public communication networks to insult or disturb others” could spend up to two years in prison and may be liable to pay a fine. Articles 128 and 245 of the penal code also punish slander with two to five years’ imprisonment. Article 121 (3) calls for a maximum punishment of five years in jail for those convicted of publishing content “liable to cause harm to public order or public morals”. In addition, Tunisia’s code of military justice criminalizes any criticism of the military institution and its commanders.<sup>29</sup>

Tunisia’s press code does not provide bloggers and citizen journalists with the same protections afforded traditional journalists. Article 7 defines a “professional journalist” as a person holding a BA degree who “seeks the collection and dissemination of news, views and ideas and transmits them to the public on a primary and regular basis,” and “works in an institution or institutions of daily or periodical news agencies, or audiovisual media and electronic media under the condition that it is the main source of income.”

### Prosecutions and Detentions for Online Activities

Several users were arrested or prosecuted against international norms of free speech over the past year:

- In October 2014, the primary court of Tunis sentenced Rached Khiari, the director *Al Sada News* website, to a suspended jail term of three months over the publication of a video deemed defamatory.<sup>30</sup> The public prosecutor filed the court complaint in which Khiari was accused of insulting others through public communication networks under Article 86 of the Telecommunication Code. Although he is the director of a news publication, Khiari was not prosecuted under the 2011 press code. In the video, published in March 2014, a mother cursed the judge who sentenced her son, a controversial Islamist activist, to jail. The mother received a three month prison sentence.
- In December 2014, Tunisian authorities arrested blogger Yassine Ayari as he returned to Tunis from a trip abroad, six weeks after he was convicted in absentia of defaming the military institution.<sup>31</sup> Ayari was sentenced by a military court, under article 91 of the military justice code, to three years in jail.<sup>32</sup> He was found guilty of “defaming army officers and se-

28 Constitution of The Tunisian Republic, trans. Jasmine Foundation, January 26, 2014, <http://bit.ly/LErybu>.

29 Maher Chaabane and Lilia Weslaty, “Tunisie : Yassine Ayari ne doit pas être jugé par le tribunal militaire selon Rahmouni,” [According to Rahmouni, Yassine Ayari should not be prosecuted by the military court] *Webdo*, December 25, 2014, <http://bit.ly/1JTUtTC>.

30 Tunis Center for Press Freedom, “Jugement sévère envers Rached Khiari” [A severe sentence against Rached Khiari], *ctlj.org*, October 11, 2014 <http://www.ctlj.org/index.php/fr/communiqués/301-11102014>.

31 “Tunisia arrests blogger for defaming army officers,” *Alakhbar English*, December 26, 2014, <http://bit.ly/1EFMdGs>.

32 Maher Chaabane and Lilia Weslaty, “Tunisie : Yassine Ayari ne doit pas être jugé par le tribunal militaire selon Rahmouni,” [According to Rahmouni, Yassine Ayari should not be prosecuted by the military court] *Webdo*, December 25, 2014, <http://bit.ly/1JTUtTC>.



nior defense ministry officials” in a series of Facebook posts in which he criticized Minister of Defense Ghazi Jeribi for refusing to appoint a new head of military intelligence and for weakening military institutions.<sup>33</sup> In a retrial held on January 20, Ayari’s verdict was reduced to a one-year sentence.<sup>34</sup> Ayari appealed his conviction and on March 3 the military court of appeals reduced his jail term to six months.<sup>35</sup> Ayari was released on April 17.<sup>36</sup>

- On May 7, 2015, a primary court sentenced in absentia police union leader Walid Zarrouk to one year in jail for “insulting others through public communication networks” over a 2013 Facebook post.<sup>37</sup> In the post, Zarrouk accused the then-general prosecutor of the Tunis Tribunal, Tarek Chkioua, and minister of justice Nourredine Bhiri of “politicizing prosecutions”.<sup>38</sup>
- On September 21, 2014, three members of the collective blog Nawaat were detained for filming without authorization on the premises of a court in Bizerte, in northern Tunisia.<sup>39</sup> Sami Ben Gharbia, Henda Chennaoui, and Callum were at the court covering the trial of a comedian and were released the same day without charges.
- In early January 2015, the Cassation Court acquitted blogger Hakim Ghanmi of defamation charges for criticizing the staff of a military hospital in a blog post.<sup>40</sup> The case dates back to May 2013 when Ghanmi stood trial before a military court in Sfax on charges of “undermining the reputation of the army”, “defamation of a public official,” and “disturbing others through public communication networks.” Under the initial verdict, Ghanmi was cleared of two of the charges, but fined TND 240 (US\$ 130) for defamation of the army.
- Jabeur Mejri continues to face legal harassment following a March 2014 presidential pardon that saw him avoiding over seven years of prison for publishing cartoons depicting the prophet Mohammed on his Facebook page.<sup>41</sup> One month later, Mejri was sentenced to eight months in prison for “insulting a public servant” during an investigation into his alleged embezzlement of funds. He stood accused of stealing TND 1,600 (US\$870) worth of train tickets while working for the Tunisian national railway company. He was eventually pardoned again and released on October 15, 2014.<sup>42</sup>

33 Human Rights Watch, “Tunisia: Blogger Convicted by Military Court,” January 6, 2015, <http://bit.ly/1AquQn9>.

34 Amnesty International, “Tunisia: Blogger sentenced to one year in jail for criticizing army,” January 20, 2015, <http://bit.ly/1NSk8Pd>.

35 “Military court sentences Tunisian blogger to six months in jail,” *Middle East Eye*, March 3, 2015, <http://bit.ly/1KPN0UL>.

36 “Tunisia frees blogger jailed for defaming army in Facebook posts,” *Middle East Eye*, April 17, 2015, <http://bit.ly/1L9GAgq>.

37 “Un an de prison pour Walid Zarrouk pour atteinte à un procureur de la république” [One year in prison against Walid Zarrouk for insulting state prosecutor] *Kapitalis*, May 7, 2015, <http://bit.ly/1LPv7FH>.

38 Human Rights Watch, “Tunisia: Spate of Prosecutions for Free Speech,” September 13, 2013, <http://bit.ly/1EFlucV>.

39 À propos de l’arrestation de notre équipe à Bizerte suite à la couverture de l’affaire Dhafer Ghrissa,” [About the arrest of our team in Bizerte following coverage of Dhafer Ghrissa case] *Nawaat*, September 23, 2014, <http://bit.ly/1fZsaqC>.

40 Perrine Massy, “Le blogueur Hakim Ghanmi acquitté après avoir été accusé d’atteinte à la dignité de l’armée,” [Blogger Hakim Ghanmi acquitted after he stood accused of undermining the dignity of the army] *Webdo*, January 8, 2015, <http://bit.ly/1NSI9GY>.

41 In 2012, Mejri had been convicted along with his friend Ghazi Beji of “insulting others through public communication networks” under Article 86 of the Telecommunications Code, and publishing content deemed offensive to Islam and “liable to cause harm to public order or public morals” under Article 121 (3) of the Tunisian Penal Code. Beji, who fled the country and obtained political asylum in France in June 2013, was sentenced in absentia to seven and half years of prison for publishing an e-book satirizing Prophet Muhammad’s biography on Scribd.

42 “Tunisie: Grâcié par la présidence, Jabeur Mejri a été libéré,” [Tunisia: Pardoned by the presidency, Jabeur Mejri has been released] *Al Huffington Post*, October 15, 2014, <http://huffto/1iWJbS>.

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Less controversially, authorities have also arrested several individuals for advocating extremism or cyberattacks:

- On July 25, 2014 the Interior Ministry announced the arrest of a Facebook page administrator who “adopts and spreads Takfiri-Salafi-jihadist ideology” and confiscated his computer.<sup>43</sup> In August of the same year, police arrested six more individuals for “celebrating the murder of Tunisian soldiers” and “incitement to terror acts” on social networking sites.<sup>44</sup> Clear details about the cases were not available.
- On February 10, 2015 police arrested six members of the hacker group Fallaga for hacking national and foreign websites.<sup>45</sup> As part of the #JenesuispasCharlie cyberattack targeting French websites, the group hacked the website of the National Syndicate of Tunisian Journalists for issuing a statement in support of Charlie Hebdo. They also hacked the website of the ATI. The group stated that hacking the ATI website was not “politically motivated” but was rather aimed at highlighting the security vulnerabilities of government-run websites.<sup>46</sup> Though the Interior Ministry had described them a takfiri group, accusing other Muslims as being apostates, Fallaga denied any support for terrorism.<sup>47</sup> Three of the hackers have since been released, while three remained in detention as of mid-2015.

## Surveillance, Privacy, and Anonymity

Surveillance remains a strong concern in Tunisia due to the country’s history of abuse under the Ben Ali regime. While there have not been any reports of extralegal government surveillance in the post-Ben Ali period, the deep-packet inspection (DPI) technology once employed to monitor the internet and intercept communications is still in place, sparking worries that the technology can be reactivated if desired.

The creation of a new government surveillance agency in November 2013 raised concerns among human rights and privacy groups, particularly given the lack of transparency surrounding its duties. The Technical Telecommunications Agency (ATT) was established by decree n°2013-4506 under the former administration of Ali Laarayedh. The decree tasks the ATT with “providing technical support to judicial investigations into information and communication crimes,” but neither defines nor specifies these crimes.<sup>48</sup> Netizens immediately criticized the decision for its lack of parliamentary scrutiny, as well as a failure to provide the body with a clear and limited mandate, with independence from government interference, and with mechanisms to guarantee user rights.<sup>49</sup> According to Article 5 of the decree, the ATT’s activities are not open to public scrutiny.

The ICT minister is charged with appointing the ATT’s general director and department directors. An oversight committee was established “to ensure the proper functioning of the national systems for

43 Tunisian Interior Ministry, Facebook post, July 25, 2014, <http://bit.ly/1i1Uevm>.

44 Tunisian Interior Ministry, Facebook post: a statement on the arrest of 6 “takfiris” over incitement to terror acts on social networking, August 12, 2014, <http://on.fb.me/1XqSv2W>.

45 Tunisian Interior Ministry, Facebook video post: the arrest of Fallaga hackers, February 10, 2015, <http://on.fb.me/1EFNai7>.

46 Bilel Sfaxi, “Fallagas, an Interview with Tunisia’s Islamist Hackers,” *Nawaat*, January 10, 2015, <http://bit.ly/1CbYKgF>.

47 Safa Ben Said, “Exclusive Interview with Fallaga Hacker Before Arrest,” *TunisiaLive*, February 11, 2015, <http://bit.ly/1JTVs1J>.

48 Reporters Without Borders, “Authorities urged to rescind decree creating communications surveillance agency,” December 3, 2013, <http://en.rsf.org/tunisia-authorities-urged-to-rescind-02-12-2013.45531.html>.

49 Afef Abrougui, “Will Tunisia’s ATT Ring in a New Era of Mass Surveillance,” *Global Voices Advocacy*, November 26, 2013, <http://bit.ly/1JTXPpw>.

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controlling telecommunications traffic in the framework of the protection of personal data and civil liberties.” The committee mainly consists of government representatives appointed from the ministries of ICT, human rights and transitional justice, interior, national defense, and justice.

Despite fierce criticism, the ATT started operating in “full capacity” in the summer of 2014<sup>50</sup> after the appointment of Jamel Zenkri, who previously served at the ATI and the INT, as general-director.<sup>51</sup> Responsibilities for conducting internet surveillance for the purposes of law enforcement have thus been transferred to the ATT from the ATI, which often assisted the judiciary in investigating cyber-crime cases despite the absence of a law requiring it to do so.

Fears over the ATT have been boosted by the fact that Tunisia’s transitional authorities have been slow to initiate any legal reforms that would protect citizens from mass surveillance.<sup>52</sup> Draft amendments by Tunisia’s Data Protection Authority (INPDP) to amend the country’s 2004 privacy law have not been discussed by the constituent assembly or by the new parliament elected in October 2014.

Laws that limit online anonymity also remain a concern in the post-Ben Ali era. In particular, Articles 9 and 87 of the 2001 Telecommunication Code ban the use of encryption and provide a sanction of up to five years in prison for the unauthorized use of such techniques. While there have been no reports of these laws being enforced, their continuing existence underscores the precarious nature of Tunisia’s newfound and relatively open internet environment.

## Intimidation and Violence

In addition to legal prosecution, users must also be wary of extralegal attempts to silence online activists. While in prison, Jabeur Mejri had reportedly received death threats.<sup>53</sup> In a statement published on September 23, 2014, Mejri’s support committee reported that one prisoner shouted: “He is an atheist [referring to Mejri], and I will kill him just like we murdered Chokri Belaid,” a secular politician assassinated in 2013.<sup>54</sup> In response to these threats, the prison’s administration transferred Mejri to another cell to ensure his safety.

Online threats are also present in the country. On January 5, 2015, liberal blogger Lina Ben Mhenni received death threats from a Twitter user under the handle “@ISISstunisie.”<sup>55</sup> The account has since been suspended. This was not the first time she has been harassed; threats led to Ben Mhenni being placed under police protection in August 2013.<sup>56</sup>

50 Khalil Abdelmoumen, “Jamel Zenkri, DG de l’AT des Télécommunications : «Nos agents sont, dès le départ, soupçonnés d’être malhonnêtes»,” [Jamel Zenkri director general of ATT: “Our agents are from the start suspected of dishonesty”] *Webdo*, June 4, 2014, <http://bit.ly/1PkCENE>.

51 Al Sarah Ben Hamadi, “Tunisie: Jamel Zenkri à la tête de l’Agence Technique des Télécommunications,” [Tunisia: Jamel Zenkri to head the Technical Agency of Telecommunications] *Al Huffington Post*, March 3, 2014, <http://huff.to/1EFND3Y>.

52 Afef Abrougui, “Tunisia: New Big Brother, non-existent reforms,” *Global Information Society Watch 2014: Communications surveillance in the digital age*, 248, <http://bit.ly/1fZu4rn>.

53 Maher Chaabane, “Jabeur Mejri, menacé de mort en prison, alerte son comité de soutien,” [Jabeur Mejri threatened with death, his support committee warns] *Webdo*, September 23, 2014, <http://bit.ly/1IORXc5>.

54 “Appel Urgent du comité de soutien,” [an urgent appeal from the support committee] Jabeur Mejri and Ghazi Beji Support Committee, September 23, 2014 <http://jabeurghazifree.blogspot.fr/2014/09/appel-urgent-du-comite-de-soutien.html>.

55 Lina Ben Mhenni Facebook page, Facebook post, January 5, 2015, <http://on.fb.me/1fZubTE>.

56 “Lina Ben Mhenni craint por sa sécurité,” *Business News*, September 18, 2013, <http://bit.ly/1XqXGzV>.

## Technical Attacks

Since Ben Ali's fall, there have been no reported incidents of cyberattacks perpetrated by the government to silence ICT users. However, other groups have employed these methods to intimidate activists and organizations with whom they disagree.

- On July 10, 2014, a cyberattack targeting the website of the independent electoral commission temporarily suspended voter registration via SMS and the online registration platform.<sup>57</sup>
- On November 17, 2014, the video page of Radio Mosaique FM was targeted by a cyberattack aiming to remove its videos. The attack was reportedly led by group of "revolutionary" hackers targeting sites linked to the Democratic Constitutional Rally (RCD), the former ruling party of Ben Ali.<sup>58</sup>
- On December 31, 2014, the group Fallaga launched cyberattacks targeting government websites such as those of the ministries of culture, transportation, and women to call for the release of blogger Yassine Ayari.<sup>59</sup> One week earlier, the group also targeted the website of the election observer NGO Mourakiboun, accusing the group of turning a blind eye to "gross violations" during the elections.<sup>60</sup>

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57 "Tunisia's voter registration disrupted by hackers", *BBC News*, July 10, 2014, <http://bbc.in/1ztJDxp>.

58 "Mosaique FM site, victim of a big hack attack", [in French] *Tunisie Haut Debit*, November 18, 2014, <http://bit.ly/1EFpJoX>.

59 Lilia Weslaty, "Les pirates Fallaga attaquent les sites gouvernementaux pour libérer Yassine Ayari" [Fallaga hackers attack government websites to call for the release of Yassine Ayari] *Webdo*, January 1, 2015, <http://bit.ly/1VDhRc1>.

60 Mourakiboun, Facebook post, <http://bit.ly/1OhZxkd>.