

# Tunisia

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	10.9 million
Obstacles to Access (0-25)	12	11	Internet Penetration 2013:	44 percent
Limits on Content (0-35)	8	8	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	21	20	Political/Social Content Blocked:	No
<b>TOTAL* (0-100)</b>	<b>41</b>	<b>39</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Partly Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- A new constitution was passed in January 2014 that enshrines the right to free speech, protects the privacy of communications data, and bans “prior censorship” of the media. However, laws on criminal defamation, insulting state bodies, or offending religion remain a threat to free speech and independent reporting (see **Violations of User Rights**).
- A handful of Tunisians were detained, fined, or sentenced to prison time for their online activities. Journalists faced criminal defamation charges for criticizing public officials, while others, such as rapper Ala Yacoubi and social media user Jabeur Mejri, continue to face legal harassment despite being released from prison on earlier charges related to online expression (see **Violations of User Rights**).
- The Technical Telecommunications Agency (ATT) was established with a mandate to monitor cyberspace and pursue cybercrimes, sparking fears that censorship and surveillance may return to pre-Ben Ali levels (see **Violations of User Rights**).

## Introduction

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. Despite a relatively advanced internet infrastructure and a developed telecommunications market, extensive internet filtering hindered free web access. Numerous websites and online platforms such as the photo-sharing site Flickr and video-sharing site YouTube were blocked in order to deny citizens access to content critical of the ruling regime. Nonetheless, internet usage continued to grow and an increasing number of netizens started employing encryption techniques and proxy servers to circumvent government censorship and surveillance.

The Tunisian internet 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 web access. In the past three years, authorities have taken significant steps to open up the country's control over information and communication technologies (ICTs), despite attempts to filter pornography in 2012,<sup>1</sup> and five Facebook pages critical of the military institution in 2011.<sup>2</sup>

Over the past year, no internet filtering practices were recorded. To further cut ties with its previous reputation as an "internet enemy,"<sup>3</sup> Tunisia hosted the third edition of the Freedom Online Conference in June 2013,<sup>4</sup> after joining the coalition of governments "committed to collaborating to advance internet freedom" in September 2012. A new constitution that protects free speech, bans "prior censorship," and protects data privacy was passed in January 2014.

Despite these commendable steps, 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, or insults to state bodies. Hakim Ghanmi was fined for defamation over an article he posted regarding a state hospital, while Mourad Meherzi, a cameraman for an online television station, was detained for three weeks after capturing a scene in which a famous actor pelted the culture minister with an egg. Ala Yacoubi and Jabeur Mejri, previously charged over online speech, continue to face legal harassment on new charges that appear trumped up. Meanwhile, fears over unchecked government surveillance were renewed following the creation of a new telecommunication investigative body in November 2013, the Technical Telecommunications Agency (ATT). These developments continue to the country back from achieving further progress in internet freedom and digital rights.

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1 Reporters Without Borders, "Tunisia's highest court overturns ruling on filtering of pornography sites", en.rsf.org, February 22, 2012 <http://en.rsf.org/tunisia-internet-filtering-danger-of-03-02-2012,41805.html>

2 Global Voices Online, "Tunisia: Internet Censorship Makes a Comeback", globalvoicesonline.org, May 17, 2011, <http://globalvoicesonline.org/2011/05/17/tunisia-internet-censorship-makes-a-comeback/>

3 Reporters Without Borders, "Internet Enemies, 2009," March 12, 2009, [http://www.rsf.org/IMG/pdf/Internet\\_enemies\\_2009\\_2\\_-3.pdf](http://www.rsf.org/IMG/pdf/Internet_enemies_2009_2_-3.pdf); Reporters Without Borders, "Internet Enemies, 2010," March 12, 2010, [http://en.rsf.org/IMG/pdf/Internet\\_enemies.pdf](http://en.rsf.org/IMG/pdf/Internet_enemies.pdf)

4 Jillian C. York: "The Freedom Online Coalition in Tunis: a Call to Governments to Limit Surveillance," EFF.org, June 24, 2013 <https://www.eff.org/deeplinks/2013/06/tunis-coalition>

## Obstacles to Access

Internet usage in Tunisia has grown rapidly in recent years. According to the International Telecommunication Union (ITU), internet penetration stood at 43.8 percent in 2013, up from 27.5 percent in 2008.<sup>5</sup> The number of fixed broadband subscriptions per 100 inhabitants rose to 4.77 by the end of 2013, up from 2.19 subscriptions five years ago.<sup>6</sup> Although the government has actively sought to improve the country's ICT sector, access is still hindered by high prices and underdeveloped infrastructure.

In 2004, the government set up a "Family PC" initiative to encourage widespread computer use by removing customs fees, setting a price ceiling for computer hardware, arranging low interest rate loans for families to purchase ICT tools, and including an internet subscription with every computer sold. The number of computers per 100 inhabitants rose from approximately 12 in 2009 to 18 as of January 2014,<sup>7</sup> while the number of total internet subscriptions is estimated to have exceeded 1.4 million as of January 2014.<sup>8</sup>

The popularity of mobile phones is also on the rise, with over 12.7 million mobile phone subscriptions and a penetration rate of 115.2 percent as of January 2014.<sup>9</sup> Less common, however, is the use of mobile internet connections due to costs which remain beyond the reach of many Tunisians.

Access to the internet through plug-in USB keys that connect laptops and other devices to 3G networks is on the rise, and at the expense of DSL subscriptions. The number of 3G internet subscriptions reached more than 846,372 in December 2013, compared to 566,337 subscriptions one year ago.<sup>10</sup> Meanwhile, DSL subscriptions decreased from 512,390 to 507,379 over the same period.

5 "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," International Telecommunication Union (ITU), 2008 & 2013, accessed July 16, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

6 "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," International Telecommunication Union (ITU), 2008 & 2013, accessed July 16, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

7 تامولعمل ايجولونكت عاطقل تيئاصح الحال تارشؤملا زربأ روطت :لاصتال او تامولعمل ايجولونكت و يملعل شحب لال و يلاعلا ميلعلتلا ةرازو (2014 يفي نأج رهش تايطعم) لاصتال او [Ministry of higher education, scientific research and information and communication technologies: development of main statistical ICT indicators (data of January 2014 ), published in March 2013, [http://www.mincom.tn/fileadmin/PDF/Indicateurs\\_TIC/Rapports/TB\\_janvier\\_2014.pdf](http://www.mincom.tn/fileadmin/PDF/Indicateurs_TIC/Rapports/TB_janvier_2014.pdf)

8 تامولعمل ايجولونكت عاطقل تيئاصح الحال تارشؤملا زربأ روطت :لاصتال او تامولعمل ايجولونكت و يملعل شحب لال و يلاعلا ميلعلتلا ةرازو (2014 يفي نأج رهش تايطعم) لاصتال او [Ministry of higher education, scientific research and information and communication technologies: development of main statistical ICT indicators (data of January, 2014 ), published in March 2013, [http://www.mincom.tn/fileadmin/PDF/Indicateurs\\_TIC/Rapports/TB\\_janvier\\_2014.pdf](http://www.mincom.tn/fileadmin/PDF/Indicateurs_TIC/Rapports/TB_janvier_2014.pdf)

9 تامولعمل ايجولونكت عاطقل تيئاصح الحال تارشؤملا زربأ روطت :لاصتال او تامولعمل ايجولونكت و يملعل شحب لال و يلاعلا ميلعلتلا ةرازو (2014 يفي نأج رهش تايطعم) لاصتال او [Ministry of higher education, scientific research and information and communication technologies: development of main statistical ICT indicators (data of January, 2014 ), published in March 2013, [http://www.mincom.tn/fileadmin/PDF/Indicateurs\\_TIC/Rapports/TB\\_janvier\\_2014.pdf](http://www.mincom.tn/fileadmin/PDF/Indicateurs_TIC/Rapports/TB_janvier_2014.pdf)

10 Instance National des Télécommunications (INT), "Suivi des principaux indicateurs du marché de l'Internet en Tunisie" [Monitoring of main indicators regarding the internet market in Tunisia], December 2013, <http://www.int.tn/upload/files/Tableau%20de%20Bord%20Internet%20-%20D%C3%A9cembre%202013.pdf>

## Tunisia

The three major telecom operators, Ooredoo Tunisia (formerly Tunisiana),<sup>11</sup> Orange Tunisie, and state-controlled Tunisie Télécom provide 3G internet access via USB keys. The device usually costs at least TND 40 (approximately US\$ 22), while the service costs TND 30 (US\$ 16) per month. Prices differ depending on the operator and the subscription offers clients choose. For instance, Tunisie Télécom has a special offer for students, who can buy a 21 Mbps USB key at 14 TND and pay TND 15 (US\$ 8) for 3 GB of prepaid internet access per month.<sup>12</sup>

Nonetheless, internet access remains beyond the reach of a large segment of the population. According to a World Bank report released in January, “the poorest 40 percent of the population would need to spend over 40 percent of their income to afford high speed internet.”<sup>13</sup>

Thus, many Tunisians access the internet at their workplace or at privately owned cybercafes known as “publinese,” where one hour of connection costs at least 1 TND (US\$ 0.55). 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. At the same time, the law restricting the provision of wireless internet remains on the books as of mid-2014, putting those businesses that provide wireless access at risk of violating the law if the law is later enforced by regulators.

Fixed-line internet subscribers must first buy a landline package from Tunisie Télécom (TT), which manages the country’s 92.5 Gbps bandwidth capacity, before choosing one of 11 ISPs.<sup>14</sup> Prices range from TND 10 (US\$ 5) a month for a connection speed of 1Mbps to TND 50 (US\$ 27) for a connection speed of 20 Mbps. On top of this cost, subscribers must also pay for a separate ISP package, ranging from TND 10 to 25 (US\$ 5 to 14). 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.

In the past, the ICT market consisted of five privately owned ISPs: Planet Tunisie, 3S Globalnet, Hexabyte, Topnet, and TUNET. However, in recent years Topnet, TUNET, and Planet Tunisie were acquired by Tunisie Télécom,<sup>15</sup> Tunisiana,<sup>16</sup> and Orange Tunisie Internet (OTI), respectively.<sup>17</sup> In June 2013, Emirates International Telecommunications (ETI) announced its plan to sell its 35 percent stake

11 Ooredoo.com, “Tunisian Becomes Ooredoo as Global Brand Roll-out Continues”, April 27, 2014, <http://www.ooredoo.com/en/news/media/news/tunisiana-becomes-ooredoo-global-brand-roll-out-continues.html>

12 Tunisie Télécom: Pack Etudiant++Smart: [http://www.tunisiatelecom.tn/tt/internet/fr/internet/promos?WCM\\_GLOBAL\\_CONTEXT=/Internet\\_FR/espace%20particulier/internet/promos/contents\\_ep\\_internet\\_promos/ep\\_notre\\_promo\\_internet\\_smart?categId=ep\\_notre\\_promo\\_internet\\_smart](http://www.tunisiatelecom.tn/tt/internet/fr/internet/promos?WCM_GLOBAL_CONTEXT=/Internet_FR/espace%20particulier/internet/promos/contents_ep_internet_promos/ep_notre_promo_internet_smart?categId=ep_notre_promo_internet_smart)

13 World Bank, “Broadband Networks in the Middle East and North Africa: Accelerating High-Speed Internet Access Key Facts”, World Bank, January 29, 2014 [http://www.worldbank.org/content/dam/Worldbank/document/MNA/Broadband\\_report/MNA\\_Broadband\\_Key\\_Facts\\_English.pdf](http://www.worldbank.org/content/dam/Worldbank/document/MNA/Broadband_report/MNA_Broadband_Key_Facts_English.pdf)

14 Tunisia Live, “Tunisie Telecom’s Monopoly Over Internet Infrastructure Blamed for High Bandwidth Costs,” Tunisia-live.net, June 19, 2012, <http://www.tunisia-live.net/2012/06/19/tunisie-telecoms-monopoly-over-internet-infrastructure-blamed-for-high-bandwidth-costs/>.

15 All Africa, “Tunisia: ‘Tunisie Telecom’ Acquires ‘Topnet,’” AllAfrica.com, June 15, 2010, <http://allafrica.com/stories/201006170303.html>.

16 TMT Finance, “Tunisiana takes over TUNET,” TMTFinance, September 15, 2011, <http://tmtfinance.com/news/tunisiana-takes-over-tunet>.

17 Web Manager Center, “Planet laisse la place à OTI (Orange Tunisie Internet)” [Planet gives way to OTI (Orange Tunisie Internet)]; webmanagercenter.com, May 17, 2011, <http://www.webmanagercenter.com/actualite/technologie/2011/05/17/105968/planet-laisse-la-place-a-oti-orange-tunisie-internet>

in Tunisie Télécom, citing employees' strikes over higher salaries as a reason for the move.<sup>18</sup> In 2011, Tunisia's interim authorities seized a 51 percent share of Orange Tunisie that was formerly held by another son-in-law of Ben Ali, Marwan Ben Mabrouk.<sup>19</sup>

In addition to operating the backbone network, Tunisie Télécom has a monopoly on Tunisia's international submarine communications cables.<sup>20</sup> Consequently, all international calls and data need to transit through Tunisie Télécom's submarine cable landing stations. There are no laws that prevent ISPs from installing their own infrastructure, but huge costs have prevented this so far. In mid-2013, Orange Tunisie and Tunisiana announced a joint plan to deploy the country's first private undersea cable, with development expected to take two to three years.<sup>21</sup>

The Ministry of Information and Communication Technologies is the main government body responsible for the ICT sector.<sup>22</sup> Under Article 7 of the Telecommunications Decree and Article 5 of the Telecommunication Code, ISPs must obtain a license from the Ministry of Communication Technologies in order to deliver internet services.<sup>23</sup> 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 governance body and its president are 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 the invitation, sent to independent arbitrators from civil society, to develop a new Alternative Domain Name Dispute Resolution Process.<sup>24</sup>

Internet policy is decided by the INT and executed by the Tunisian Internet Agency (ATI), a state agency governed by a board of trustees comprised of representatives from the main shareholder, Tunisie Télécom. The latter 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.

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 and the allocation of internet protocol (IP) addresses. Together with the INT, the ATI also

18 Arabian Industry, "Emirates International Telecommunications Sells Its 35% Stake in Tunisie Telecom", arabianindustry.com, June 23, 2013, <http://arabianindustry.com/comms/news/2013/jun/23/emirates-international-telecommunications-sells-its-35-stake-in-tunisie-telecom-4351100/>

19 "Tunisia seized Ben Ali family Orange Tunisie stake," Reuters, March 31, 2011, <http://in.reuters.com/article/2011/03/31/idINIndia-56028120110331?feedType=RSS&feedName=technologyNews>

20 World Bank, "Broadband Networks in the Middle East and North Africa: Accelerating High-Speed Internet Access," January 29, 2014 <https://openknowledge.worldbank.org/handle/10986/16680>

21 ITU, "Orange, Tunisiana, Interoute plan new undersea cable (Tunisia)," itu.int, May 23, 2013, <http://www.itu.int/ITU-D/ict/newslog/Orange+Tunisiana+Interoute+Plan+New+Undersea+Cable+Tunisia.aspx>

22 Following the appointment of a new government in early 2014, the ICT ministry was merged with the Ministry of Higher Education and Scientific Research

23 "Tunisia: Background paper on Internet regulation," Article 19, legal analysis, July 5, 2013 <http://www.article19.org/resources.php/resource/37135/en/tunisia:-background-paper-on-internet-regulation> ,

24 "Appel a manifestation d'intérêt pour la sélection d'arbitres pour la résolution des litiges relatifs aux noms de domaines," Instance Nationale des Télécommunications, République Tunisienne, May 24, 2012, <http://www.intt.tn/fr/index.php?actu=392&typeactu=89> [in French].

manages the “.tn” country domain.<sup>25</sup> The agency also provides direct internet access to public institutions.

## Limits on Content

Censorship remains sparse in Tunisia, with no instances of politically-motivated blocking over the past year. Popular social media tools such as Facebook, YouTube, Twitter, and international blog-hosting services are freely available. There have been attempts to filter pornographic content, although these have been abated by the courts. Extremist content also poses a challenge to the state, which is grappling with threats from armed extremist groups.

In June 2013,<sup>26</sup> the ATI won an appeal against the filtering of pornographic material online.<sup>27</sup> The case dates back to May 2011, when a Tunis-based primary court ordered the filtering of explicit content based on a complaint lodged by three lawyers, who argued that the sites were a threat to minors and the country’s Muslim values.<sup>28</sup> While the ATI lost a first appeal on that case, Tunisia’s highest appeals court, the Cassation Court, threw out the verdict in February 2012,<sup>29</sup> and referred the case back to the First Court of Appeals on the grounds that the ATI lacked the technical capacity to implement the mandated filtering.<sup>30</sup>

As government security forces battled armed groups, which the authorities say are linked to al-Qaeda in the Islamic Maghreb (AQIM), the Interior Ministry called for the filtering of web pages affiliated with terrorism. In an interview given to *al-Chourouk* newspaper in February, Interior Minister Lotfi Ben Jeddou said his ministry had repeatedly called on the ICT ministry to take down content that incites terrorism, but did not receive a response.<sup>31</sup> In a televised statement, a spokesperson for the ICT ministry responded by emphasizing that the removal of any type of content can only take place upon the presentation of a court order.<sup>32</sup>

Although it did not constitute government action, on May 30, 2013, the official Facebook page of

25 Agence Tunisienne d’Internet, “TunIXP : the 1st Internet exchange in the Maghreb Arab Region,” ati.tn, accessed January 31, 2013, <http://www.ati.tn/TunIXP>

26 Tunisia Haut Débit, “Tunisie--: Censure du Porn sur Internet: Suite et Fin” [Tunisia: Filtering of Internet Porn: Concluded], thd.tn, June 6, 2013, [http://www.thd.tn/index.php?option=com\\_content&view=article&id=3407:tunisie-censure-du-porno-sur-internet-suite-et-fin&catid=58:websphere&Itemid=88](http://www.thd.tn/index.php?option=com_content&view=article&id=3407:tunisie-censure-du-porno-sur-internet-suite-et-fin&catid=58:websphere&Itemid=88)

27 See <https://twitter.com/mchakchouk/status/342299401752035328>.

28 “Tunis court upholds order requiring filtering of porn sites,” Reporters without Borders, August 16, 2011, <http://en.rsf.org/tunisia-court-to-take-crucial-decision-for-01-07-2011,40566.html>.

29 Index on Censorship, “Tunisia: Court Rules Against Web Filtering in Key Test of New Freedoms,” uncut.indexoncensorship.org, February 22, 2012, <http://uncut.indexoncensorship.org/2012/02/tunisia-court-rules-against-web-filtering-in-key-test-of-new-freedoms/>

30 Global Voices Online, “Tunisia: Court Quashes Verdict Ordering the Filtering of Pornography,” globalvoicesonline.org, February 22, 2012, <http://globalvoicesonline.org/2012/02/22/tunisia-court-quashes-verdict-ordering-the-filtering-of-pornography>

31 Alchourouk, “بابا هز الال كلع السن رصتنا: «قورشلا» ل لوطم راوح يف (ةيلخ ادلا ريزو) ودج نب يف ظل”, [Lotfi Ben Jedou, the interior minister speaking to Alchourouk: We won over Terrorism..and Soon Chaambi Will be Resolved], Alchourouk.com, February 23, 2014, <http://bit.ly/1eKVuhs>.

32 Ettounisia TV Youtube Channel, “Eighth Day News Program, Episode 4 of 28 February 2014”: <http://www.youtube.com/watch?v=ZEF6HQXmDTGY&feature=youtu.be>.

Ansar al-Sharia Tunisia (AST) was taken down by the social networking company.<sup>33</sup> This occurred two weeks after the Interior Ministry banned the group from holding its annual congress.<sup>34</sup> The group has since launched a new page and accused the Interior Ministry of “hacking” its previous page.

Although the government no longer advocates censorship, several laws from the Ben Ali era continue to pose a significant threat to internet freedom, even if they are sporadically enforced. Under Article 1 of the 1997 Telecommunications Decree, ISPs remain legally liable for third-party content.<sup>35</sup> Furthermore, Article 9 of the 1997 Internet Regulations<sup>36</sup> requires ISPs to actively monitor and take down objectionable online content.<sup>37</sup> Laws allow the government to censor internet content that is deemed obscene or threatening to public order, or is defined as “incitement to hate, violence, terrorism, and all forms of discrimination and bigoted behavior that violate the integrity and dignity of the human person, or are prejudicial to children and adolescents.”<sup>38</sup> Over the past year, the judiciary continued to enforce laws that restrict free speech, such as provisions in the penal code, to prosecute bloggers and social network users (see “Violations of User Rights,” below).

Although the pervasive environment of self-censorship dissipated rapidly with the fall of Ben Ali, some online activists avoid crossing “red lines” over fears of judicial prosecution. Still, users are more open to discussing religion, the army, and other sensitive issues on the web compared to traditional media platforms.

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. Late 2013 saw the birth of *LerPresse*, Tunisia’s first news satire website, further enriching an increasingly diverse online media landscape.<sup>39</sup> In late March 2014, the Tunisian award-winning blog *Nawaat* launched a local and secure whistleblowing platform in collaboration with *GlobaLeaks*, an open-source whistleblowing framework.<sup>40</sup> *Nawaat Leaks* aims to allow users to anonymously and securely blow the whistle.<sup>41</sup>

The abundance of online news sources has led to some cases in which partisan interests have manipulated information. There is strong suspicion that Ennahda, the former ruling Islamist party, maintains a digital army of young activists and bloggers tasked with managing Facebook communities and disseminating partisan content as part of an “info war.” The Ennahda apparatus was particularly active during antigovernment protests that swept the country following the

33 Arrakmia, “Ansar Al-Sharia’s Facebook Page Filtered”, arrakmia.com, May 30, 2013, <http://bit.ly/1mPYSNk>.

34 France 24: “Tunisia bans Salafist group from holding conference”, France24.com, May 18, 2013, <http://www.france24.com/en/20130517-tunisia-bans-salafists-ansar-al-sharia-conference/>.

35 Available in Arabic at: [http://www.mincom.tn/fileadmin/templates/PDF/juridiques/D1997-0501\\_ar.pdf](http://www.mincom.tn/fileadmin/templates/PDF/juridiques/D1997-0501_ar.pdf)

36 Available in Arabic at: [https://docs.google.com/file/d/0B65g\\_tQwIE3CenNrSDZON1RLcjl/edit](https://docs.google.com/file/d/0B65g_tQwIE3CenNrSDZON1RLcjl/edit)

37 “Tunisia: Background paper on Internet regulation,” Article 19, legal analysis, March 2011.

38 Letter from Chargé d’Affaires Dridi to Human Rights Watch, as cited in “False Freedom: Online Censorship in the Middle East and North Africa,” Human Rights Watch, 2005, available at <http://bit.ly/12ImFoc>.

39 See <http://Lerpresse.com>

40 *Nawaat*, “تيسر لنا قضاة وولاة بيروستل انمآ و اصاخ اعقوم قىلطة ؤاون” [Nawaat launches a special and secure site to leak confidential documents], nawaat.org, March 27, 2014 <http://nawaat.org/portail/2014/03/27/%D9%86%D9%88%D8%A7%D8%A9-%D8%AA%D8%B7%D9%84%D9%82-%D9%85%D9%88%D9%82%D8%B9%D8%A7-%D8%AE%D8%A7%D8%B5%D8%A7-%D9%88-%D8%A2%D9%85%D9%86%D8%A7-%D9%84%D8%AA%D8%B3%D8%B1%D9%8A%D8%A8-%D8%A7%D9%84%D9%88%D8%AB/>

41 See <https://nawaat.org/portail/leaks/>



assassination of opposition constituent assembly member Mohamed Brahmi on July 25, 2013. Islamist Facebook pages spread rumors of terrorism attacks, including fake news of an explosion targeting an antigovernment sit-in outside the National Constituent Assembly, in an attempt to intimidate Tunisians into leaving the protests.<sup>42</sup>

Nevertheless, the unprecedented openness of the Tunisian internet sphere in the post-Ben Ali era has greatly diluted the influence of such content. Tunisian youth and civil society organizations have continued to use digital media for initiatives relating to political and social issues. The civil society organization al-Bawsala has continued tracking the National Constituent Assembly's work in particular the adoption process of the new constitution.<sup>43</sup> The group live-tweets the assembly's sessions and publishes detailed voting records on the platform Marsad.tn.<sup>44</sup>

During the 2013 month of Ramadan (July to August 2013), Tunisian netizens created a crowd-sourced Google map of restaurants and cafés that stayed open during the day.<sup>45</sup> The initiative came in response to a declaration made by Adel Almi, an ultra-conservative preacher, who stated he would seek authorization from the Interior Ministry to place surveillance cameras to film those who were not observing the holy month.<sup>46</sup>

Throughout the year, activists continued to use the hashtag #FreeJabeur as part of a wider online campaign demanding the release of Jabeur Mejri, imprisoned over the publication of cartoons depicting the prophet Muhammad. For instance, in February 2014, the "100 drawings for Jabeur Mejri" campaign brought together artists and cartoonists from 12 countries to demand his immediate release.<sup>47</sup> He was released one month later, but still faces prosecution on other charges.

## 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>48</sup> the absence of significant legal reforms continues

42 Welid Naffati: "Sit in du Bardo: Comment fonctionne la manipulation d'Ennahdha sur les réseaux sociaux? (2/2) [The Bardo Sit in : How Ennahdha's Manipulation on Social Networks Operates? (part 2)], Tunisie Haud Débit, July 31, 2013, [http://thd.tn/index.php?option=com\\_content&view=article&id=3514:sit-in-du-bardo-comment-fonctionne-la-manipulation-d-ennahdha-sur-les-reseaux-sociaux-2-2&catid=58&Itemid=88](http://thd.tn/index.php?option=com_content&view=article&id=3514:sit-in-du-bardo-comment-fonctionne-la-manipulation-d-ennahdha-sur-les-reseaux-sociaux-2-2&catid=58&Itemid=88)

43 Noah Feldman: "Tunisia Tweets its Way to Democracy", Bloomberg.com, January 11, 2014, <http://www.bloomberg.com/news/2014-01-10/tunisia-tweets-its-way-to-democracy.html>

44 <http://www.marsad.tn/votes/constitution>

45 Tunisie Haut Débit, "Ramadan: les Internauts Tunisiens Recensent les Restos et Cafés Ouverts sur Google Map", [Ramadan; Tunisian Netizens List Restaurants and Cafés that Stay Open on Google Maps], thd.tn, July 12, 2013 [http://thd.tn/index.php?option=com\\_content&view=article&id=3487:ramadan-les-internauts-tunisiens-recensent-les-restos-et-cafes-ouverts-sur-google-map&catid=58&Itemid=88](http://thd.tn/index.php?option=com_content&view=article&id=3487:ramadan-les-internauts-tunisiens-recensent-les-restos-et-cafes-ouverts-sur-google-map&catid=58&Itemid=88)

46 ShemsFM, "Ramadan: Adel Almi compte placer des caméras à Tunis pour filmer ceux qui ne jeunent pas" [Ramadan; Adel Almi considers placing surveillance cameras to film those who do not fast], ShemsFM, May 29, 2013 <http://www.shemsfm.net/fr/actualite/ramadan-adel-almi-compte-placer-des-cameras-a-tunis-pour-filmer-ceux-qui-ne-jeunent-pas?id=48253>

47 Tunisia Live, "Artists' Campaign Supports Jabeur Mejri, Jailed for Insulting Islam", tunisia-live.net, February 5, 2014 <http://www.tunisia-live.net/2014/02/05/artists-campaign-supports-jabeur-mejri-jailed-for-insulting-islam/#sthash.v1VfRPEz.uxfs>

48 National Democratic Institute, "Tunisia finally passes democratic constitution", NDI.org, January 27, 2014 <http://www.ndi.org/node/21076>



to hold Tunisia back.<sup>49</sup> 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 threats to independent reporting, while several Tunisians have been charged with insulting state bodies or religious values. At the same time, the creation of a new cybercrime agency has led to fears that technology could once again be misused to perform unchecked government surveillance, potentially reversing progress in internet freedom and user rights.

On January 26, 2014, the National Constituent Assembly (NCA) overwhelmingly approved the country's new constitution.<sup>50</sup> The constitution, the first to be passed since the 2011 revolution, enshrines the right to free expression, freedom of the press and the media, and bans "prior censorship."<sup>51</sup> Specific articles guarantee the right to privacy and personal data protection, as well as the right to access information and communication networks. However, the text contains vague language tasking the state with "protecting sanctities" and banning "takfir" (apostasy accusations).<sup>52</sup> 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.

On September 17, 2013, Tunisian journalists went on a nationwide strike,<sup>53</sup> accusing the government and prosecutors of ignoring the country's reformed press code, Decree 115 of 2011.<sup>54</sup> The law, implemented in 2012,<sup>55</sup> recognizes web journalists as "professional journalists" and entitles them to the same rights and legal protections granted to print and broadcast journalists.<sup>56</sup> The law also abolished prison sentences for criminal defamation and, in most cases, places the burden of proof on the plaintiff.

The repressive laws of the Ben Ali regime still 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.<sup>57</sup> While censorship is no longer a significant issue, these laws continued to be employed to prosecute internet users.

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49 Index on Censorship: "Tunisia: the long road to reform is far from over", [Indexoncensorship.org](http://www.indexoncensorship.org), February 12, 2014 <http://www.indexoncensorship.org/2014/02/tunisia-long-road-reform-far/>

50 BBC: "Tunisia assembly passes new constitution": [bbc.co.uk](http://www.bbc.co.uk/news/world-africa-25908340), January 27, 2014, <http://www.bbc.co.uk/news/world-africa-25908340>

51 Afef Abrougui, "Tunisia: The long road to reform is far from over," Index on Censorship, February 12, 2014, <http://www.indexoncensorship.org/2014/02/tunisia-long-road-reform-far/>, and Jasmine Foundation, "Unofficial English Translation of the Tunisian" Constitution :[http://www.jasmine-foundation.org/doc/unofficial\\_english\\_translation\\_of\\_tunisian\\_constitution\\_final\\_ed.pdf](http://www.jasmine-foundation.org/doc/unofficial_english_translation_of_tunisian_constitution_final_ed.pdf)

52 Index on Censorship, "Tunisia's draft constitutions raises concerns about democratic transition", [indexoncensorship.org](http://www.indexoncensorship.org), January 15, 2014, <http://www.indexoncensorship.org/2014/01/tunisias-draft-constitution-raises-concerns-democratic-transition/>

53 Tunisia Live, "Striking journalists demand use of new press code", [tunisia-live.net](http://www.tunisia-live.net), September 17, 2013 <http://www.tunisia-live.net/2013/09/17/striking-journalists-demand-use-of-new-press-code/>

54 [http://www.inric.tn/D%C3%A9cret-loi2011\\_115Arabe.pdf](http://www.inric.tn/D%C3%A9cret-loi2011_115Arabe.pdf)

55 France 24, "Tunisian journalists strike over press freedom", [france24.com](http://www.france24.com/en/20121017-tunisian-journalists-strike-over-threats-press-freedom-islamist-led-government), October 17, 2012, <http://www.france24.com/en/20121017-tunisian-journalists-strike-over-threats-press-freedom-islamist-led-government>

56 Reporters Without Borders, "Analysis of Law No. 2011-115 dated 2 November 2011, relating to freedom of the press, printing and publication," [en.rsf.org](http://en.rsf.org), February 14, 2012, [http://en.rsf.org/IMG/pdf/120214\\_observations\\_rsf\\_code\\_de\\_la\\_presse\\_gb\\_-\\_neooffice\\_writer.pdf](http://en.rsf.org/IMG/pdf/120214_observations_rsf_code_de_la_presse_gb_-_neooffice_writer.pdf)

57 "Code Penal," [Juriste Tunisie](http://www.jurisitetunisie.com/tunisie/codes/cp/cp1225.htm), 2009, <http://www.jurisitetunisie.com/tunisie/codes/cp/cp1225.htm>.

On May 29, 2013, Hakim Ghanmi was tried before a military court on charges of “undermining the reputation of the army”, “defamation of a public official,” and “disturbing others through public communication networks”. Ghanmi, a journalist and blogger, had criticized the staff of a military hospital in a blog post.<sup>58</sup> Two months later, he was cleared of two of the charges, but fined TND 240 (US\$ 130) for defamation. Both Ghanmi and the plaintiff have appealed.<sup>59</sup> However, on March 11, 2014, the verdict was confirmed by the military court of appeals in Sfax.<sup>60</sup>

In mid-August 2013, Mourad Meherzi, a cameraman for the online television station Astrolab TV, was detained for filming and posting a video which showed actor and film director Nasreddine Shili throwing an egg at then-minister of culture, Mehdi Mabrouk.<sup>61</sup> Meherzi was accused of “conspiracy to commit violence against government officials” and, according to his lawyer, was placed under phone surveillance.<sup>62</sup> Meherzi was freed after three weeks.

In September 2013, prisons’ union leader Walid Zarrouk was detained for a Facebook post in which he criticized Tarek Chkioua, the then-general prosecutor of the Tunis Tribunal, as well as former minister of justice Noureddine Bhiri.<sup>63</sup> Zarrouk was charged with defaming a public servant, spreading information “likely to harm public order” under Article 54 of the press code, and “disrupting lives through public communication networks” under Article 86 of the telecommunication law.<sup>64</sup> Zarrouk was released on October 4, 2013 pending trial.<sup>65</sup>

Following a surge in politically motivated violence, including the assassination of two opposition politicians, two users were imprisoned on charges of incitement to violence in early 2014. In late January, the primary court of Tunis sentenced blogger Yassine Ayari in absentia to six months imprisonment under Articles 50 and 51 of the 2011 press code. This followed a complaint lodged by leftist politician Mondher Thabet, who Ayari mentioned in a Facebook post in which he called for the “arrest and execution” of those who served under the Ben Ali regime.<sup>66</sup> Ayari, who moves between Paris and Tunis, planned to appeal the verdict.

58 Nawaat: “Le blogueur Hakim Ghanmi devant la justice militaire pour avoir critiqué l’administration d’un hôpital” [Blogger Hakim Ghanmi in front of military trial for criticizing the administration of a hospital], nawaat.org, May 30, 2013, <http://nawaat.org/portail/2013/05/30/le-blogueur-hakim-ghanmi-devant-la-justice-militaire-pour-avoir-critique-ladministration-dun-hopital/>

59 Tunisia Live: “Blogger Appears in Court Over Defamation Sentence”, tunisia-live.net, November 26, 2013, <http://www.tunisia-live.net/2013/11/26/blogger-appears-in-court-over-defamation-sentence/>

60 Tunisia Live, “Military Court Upholds Fine Against Blogger”, tunisia-live.net, March 11, 2014 <http://www.tunisia-live.net/2014/03/12/military-court-upholds-fine-against-blogger/>

61 Nawaat, “Le cas de Mourad Meherzi, ou la liberté d’information encore en question” [Mourad Meherzi’s case, freedom of information remains in question], nawaat.org, September 4, 2013, <http://nawaat.org/portail/2013/09/04/le-cas-de-mourad-meherzi-ou-la-liberte-dinformation-encore-en-question/>

62 Nawaat, “Mourad Meherzi, Nasserredine Shili et son frère mis sur écoute pour un jet d’oeuf !” [Mourad Meherzi, Nassredine Shili and his brother put under phone surveillance over an egg attack], nawaat.org, September 16, 2013, <http://nawaat.org/portail/2013/09/16/mourad-meherzi-nasserredine-shili-et-son-frere-mis-sur-ecoute-pour-un-jet-doeuf/>

63 Al Huffington Post: “Le secrétaire général du syndicat des prisons, Walid Zarrouk, de nouveau écrou [The secretary-general of the prisons’ syndicate, Walid Zarrouk, once again imprisoned], huffpostmaghreb.com, September 10, 2013, [http://www.huffpostmaghreb.com/2013/09/10/walid-zarrouk-ecrou\\_n\\_3898423.html](http://www.huffpostmaghreb.com/2013/09/10/walid-zarrouk-ecrou_n_3898423.html)

64 Human Rights Watch, “Tunisia: Spate of Prosecutions for Free Speech”, hrw.org, September 13, 2013, <http://www.hrw.org/news/2013/09/13/tunisia-spate-prosecutions-free-speech>

65 Tunisie Numérique, “L’issue du procès de Walid Zarrouk” [The outcome of Walid Zarrouk’s trial], tunisienumerique.com, October 4, 2013, <http://www.tunisienumerique.com/ap-tunisie-lissue-du-proces-de-walid-zarrouk/195513>

66 Tunisia Live, “Blogger sentenced to six months for Facebook post”, tunisia-live.net, January 29, 2014 <http://www.tunisia-live.net/2014/01/29/blogger-yassine-ayari-sentenced-to-six-months-for-facebook-post/>

Imed Dghij, a member of the group, “Men for the Protection of the Revolution in Kram,” was sentenced to 14 months imprisonment over a Facebook video in which he threatened judges and police officers.<sup>67</sup> The group is accused by secular parties of perpetrating political violence. “We will not die until we finish you,” Dghij said in the video addressing members of police and judges unions “loyal to the former regime.” He was convicted of “incitement to violence” and “threatening and harming others’ reputation through public communication networks.” On May 10, a court of appeals reduced Dghij’s initial sentence to three months in jail.<sup>68</sup>

The authorities continue to harass citizens that have been imprisoned on speech-related offenses, targeting them with other charges after they have been released from prison. Ala Yacoubi, better known as the rapper “Weld El 15,” was initially sentenced in absentia to two years in prison in March 2013 over an anti-police video clip he published on YouTube.<sup>69</sup> In the song “Boulucia Kleb,” Yacoubi describes the frustrations of Tunisian youth, calling the police “dogs” and rapping “he would like to slaughter a police officer instead of sheep at Eid al-Adha.”<sup>70</sup> In a bid to reduce his sentence, Yacoubi turned himself in on June 13, only to have the original verdict confirmed. He was subsequently freed on July 4, 2013 and given a reduced six-month suspended sentence.<sup>71</sup> However, only two months later, he was convicted of insulting the police during a concert performance and handed a 21-month sentence along with rapper Ahmed ben Ahmed, known as Klay BBJ.<sup>72</sup> Neither of the rappers were informed of the charges, but were sentenced in absentia. Ahmed had the ruling overturned on appeal in October, whereas Yacoubi was later sentenced to four months in December 2013,<sup>73</sup> after he surrendered to the authorities. Yacoubi spent two weeks in jail before his acquittal and release from jail on appeal.<sup>74</sup>

Similarly, after being released from prison on March 4, 2014, Jabeur Mejri continues to face legal battles. Mejri had been sentenced to seven and a half years of prison for publishing cartoons depicting the prophet Mohammad on his Facebook page, but obtained a presidential pardon from Interim President Moncef Marzouki after completing two years of his sentence.<sup>75</sup> He was, however, imprisoned again one month later and sentenced to eight months in prison for “insulting a public

67 Tunisia Live, “Leader of Controversial Group Jailed for Threatening Police, Judges”, tunisia-live.net, March 28, 2014, <http://www.tunisia-live.net/2014/03/28/leader-of-controversial-group-jailed-for-threatening-police-judges/>

Arabic Network for Human Rights Information, “Tunisian rapper Weld El 15 now sentenced to four months in jail,” IFEX, 13 December 2013, [https://www.ifex.org/tunisia/2013/12/13/weld\\_el\\_15\\_rapper/](https://www.ifex.org/tunisia/2013/12/13/weld_el_15_rapper/).

68 Express FM, “La peine de Imed Dghij réduite de 14 à 3 mois de prison” [Imed Dghij’s prison sentence reduced from 14 to 3 months], radioexpressfm.com, May 10, 2014 <http://www.radioexpressfm.com/lire/la-peine-de-imed-dghij-reduite-de-14-a-3-mois-de-prison-6974>

69 See [https://www.youtube.com/watch?v=6owW\\_Jv5ng4](https://www.youtube.com/watch?v=6owW_Jv5ng4)

70 Sara Yasin, “Tunisian rapper jailed for anti-police song,” Index on Censorship, June 24, 2013, <http://www.indexoncensorship.org/2013/06/tunisian-rapper-jailed-for-anti-police-song/>.

71 Bill Chappell, “Jailed Tunisian Rapper is Freed; Song Called Police ‘Dogs,’” NPR, July 2, 2013, <http://www.npr.org/blogs/thetwo-way/2013/07/02/197997952/jailed-tunisian-rapper-is-freed-song-called-police-dogs>.

72 Maaike Voorhoeve, “ ‘Cops Are Dogs’: Prosecuting Tunisia’s Rap Stars,” Muftah, December 4, 2013, <http://muftah.org/prosecuting-tunisias-rap-stars/#.U-F1OfldXQI>.

73 Al Akhbar, “Tunisian rapper Weld El 15 gets four-month sentence in retrial,” english.al-akhbar.com, December 5, 2013, <http://english.al-akhbar.com/content/tunisian-rapper-weld-el-15-gets-four-month-sentence-retrial>

74 Al Akhbar, “Tunisian rapper Weld el 15 acquitted,” english.al-akhbar.com, December 19, 2013 <http://english.al-akhbar.com/node/17964>

75 Global Voices Online: “Tunisia: Jailed Facebook User Pardoned: Release Unconfirmed”, February 20, 2014, <http://globalvoicesonline.org/2014/02/20/tunisia-jailed-facebook-user-pardoned-release-unconfirmed/>

servant” during an investigation in to his alleged embezzlement of funds.<sup>76</sup> He stands accused of stealing TND 1,600 (US\$ 870) worth of train tickets while working for the Tunisian national railway company.<sup>77</sup> According to his lawyer, Mejri “lost his temper and insulted the court clerk.” His eight-month prison sentence was confirmed on appeal in May 2014.<sup>78</sup> Though there are reports that he has already obtained asylum in Sweden,<sup>79</sup> he is banned from leaving the country, according to his support committee.<sup>80</sup>

While Mejri was pardoned for the original offense, his friend Ghazi Beji was convicted 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.<sup>81</sup> 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.<sup>82</sup>

Investigative journalists also face the possibility of defamation charges for exposing government corruption, as evidenced by the case of journalist and blogger Olfa Riahi. She has faced possible fines and prison sentences in the past for her work and had a travel ban imposed on her from January to March 2013. On March 8, 2013 Riahi was charged with criminal defamation under Articles 245 and 128 of the penal code and Article 86 of the telecommunications code.<sup>83</sup> In a positive sign that the authorities are not taking her work lightly, former foreign minister Rafik Abdessalem was charged with corruption in January 2014, one year after Riahi wrote an article in which she said Abdessalam misused public money by spending several nights at the luxurious Sheraton hotel in Tunis.<sup>84</sup>

On May 12, police arrested blogger Azyz Amami along with his friend, photographer Sabri Ben Mlouka on marijuana possession accusations, a charge punishable between one and five years’ imprisonment in Tunisia. Amami’s arrest infuriated his supporters who accused the authorities of targeting the 31-year old for his activism against the country’s harsh drug laws and in support of

76 AL Huffington Post, “Jabeur Mejri emprisonné (à nouveau) pour avoir insulté un greffier” [Jabeur Mejri imprisoned (again) for insulting a court clerk], huffpostmaghreb.com, April 18, 2014 [http://www.huffpostmaghreb.com/2014/04/18/jabeur-mejri\\_n\\_5174845.html?utm\\_hp\\_ref=maghreb](http://www.huffpostmaghreb.com/2014/04/18/jabeur-mejri_n_5174845.html?utm_hp_ref=maghreb)

77 Tunisia Live, “Jabeur Mejri Remains in Jail, Charged With Stealing Train Tickets in 2011”, tunisia-live.net, February 21, 2014 <http://www.tunisia-live.net/2014/02/21/jabeur-mejri-remains-in-jail-charged-with-stealing-train-tickets-in-2011/>

78 HuffPostMaghreb, “Tunisie: Les 8 mois de prison pour Jabeur Mejri confirmés en appel” [ Tunisia: Jabeur Mejri’s eight month imprisonment confirmed on appeal], huffpostmaghreb.com, May 21, 2014, [http://www.huffpostmaghreb.com/2014/05/21/jabeur-mejri-prison\\_n\\_5365611.html](http://www.huffpostmaghreb.com/2014/05/21/jabeur-mejri-prison_n_5365611.html)

79 Tunisia Live, “Jabeur Granted Asylum in Sweden, Pardon to Come”, tunisia-live.net, January 21, 2014 <http://www.tunisia-live.net/2014/01/21/jabeur-granted-asylum-in-sweden-pardon-to-come/>

80 Comité de soutien à Jabeur et Ghazi, “Nouvelles de Jabeur Mejri” [updates on Jabeur Mejri], jabeurghazifree.blogspot.com, April 18, 2014 <http://jabeurghazifree.blogspot.com/2014/04/nouvelles-de-jabeur-mejri.html?spref=fb>

81 Amnesty International, “Tunisia: upholding of blogger’s seven-year jail sentence for ‘insulting Islam’ condemned,” amnesty.org.uk, April 26, 2013, [http://www.amnesty.org.uk/news\\_details.asp?NewsID=20753](http://www.amnesty.org.uk/news_details.asp?NewsID=20753)

82 France 24: “Condamné pour blasphème en Tunisie, Ghazi Beji obtient l’asile politique en France” [Convicted of blasphemy in Tunisia, Ghazi Beji obtains political asylum in Tunisia], France24.com, June 14, 2013 <http://www.france24.com/fr/20130613-tunisie-ghazi-beji-caricature-prophete-mahomet-blaspheme-asile-politique-france/>

83 Human Rights Watch, “Tunisia; Repeal Criminal Defamation Law”, hrw.org, March 20, 2013, <http://www.hrw.org/news/2013/03/20/tunisia-repeal-criminal-defamation-law>

84 Tunisia Live, “Former minister charged with corruption in ‘Sheratongate’ case”, tunisia-live.net, January 9, 2014, <http://www.tunisia-live.net/2014/01/09/former-minister-charged-with-corruption-in-sheratongate-case/>

the relatives of protesters killed during demonstrations against the Ben Ali regime.<sup>85</sup> Prior to his arrest, Amami launched the online campaign “I Too Set a Police Station on Fire,”<sup>86</sup> in solidarity with protesters prosecuted for “acts of vandalism.” On May 23, a judge dismissed the case, and both Amami and Ben Mlouka were set free.<sup>87</sup>

In addition to judicial prosecution, users must also be wary of extralegal attempts to silence online activists. In August 2013, blogger Lina Ben Mhenni was placed under police protection after receiving death threats.<sup>88</sup> The move came after the assassination of opposition deputy Mohamed Brahmi in summer 2013, a period in which a number of journalists, opposition figures, and activists critical of the then-ruling Islamist party Ennadha reported that they received death threats.

Laws that limit online anonymity also remain a concern in the post-Ben Ali era. In particular, Article 11 of the Telecommunications Decree prohibits ISPs from transmitting encrypted information without prior approval from the Minister of Communications. 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.

The creation of a new government surveillance agency has raised concerns among human rights groups. The Technical Telecommunications Agency (ATT) was established by decree n°2013-4506, issued in November 2013 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. Responsibilities for conducting internet surveillance for the purposes of law enforcement will thus be transferred to the ATT from the ATI, which often assisted the judiciary in investigating cybercrime cases despite the absence of a law requiring it to do so.<sup>89</sup>

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 controlling telecommunications traffic in the framework of the protection of personal data and civil liberties”. However, the committee is dominated by government representatives appointed from the ministries of ICT, Human Rights and Transitional Justice, Interior, National Defense, and Justice.

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>90</sup> According to Article 5 of the decree,

85 Tunisia Live, “Azyz Amami Case Shows Corruption of Tunisian Judicial System”, tunisia-live.net, May 27, 2014 <http://www.tunisia-live.net/2014/05/27/azyz-amami-case-shows-corruption-of-tunisian-judicial-system/>

86 Global Voices Online, “Tunisia: ‘I Too Set a Police Station on Fire’”, globalvoicesonline.org, April 26, 2014, <http://globalvoicesonline.org/2014/04/26/tunisia-i-too-set-a-police-station-on-fire/>

87 Huff Post Maghreb, “‘Non-lieu’: Azyz Amami et Sabri Ben Mlouka vont être libérés” [‘Case dismissed’: Azyz Amami and Sabri Ben Mlouka Will Be Released], huffpostmaghreb.com, May 23, 2014, [http://www.huffpostmaghreb.com/2014/05/23/azyz-amami-libre\\_n\\_5382056.html?utm\\_hp\\_ref=maghreb](http://www.huffpostmaghreb.com/2014/05/23/azyz-amami-libre_n_5382056.html?utm_hp_ref=maghreb)

88 ShemsFM, “Le MI fournit une protection policière à Lina Ben Mhenni, menacée de mort” [The Interior Ministry places Lina Ben Mhenni who was threatened with death, under police protection], shemsfm.net, August 4, 2013 <http://www.shemsfm.net/fr/actualite/le-mi-fournit-une-protection-a-lina-ben-mhenni-menacee-de-mort-55481>

89 Tunisia Live, “Tunisian Internet Agency CEO: Lack of Legal Reforms Imperils Internet Freedom in Tunisia”, tunisia-live.net, June 18, 2013, <http://www.tunisia-live.net/2013/06/18/chakchouk-lack-of-legal-reforms-imperils-internet-freedom-in-tunisia/>

90 Reporters Without Borders, “Authorities urged to rescind decree creating communications surveillance agency”, en.rsf.org, December 3, 2013 [http://en.rsf.org/tunisia-authorities-urged-to-rescind-02-12-2013\\_45531](http://en.rsf.org/tunisia-authorities-urged-to-rescind-02-12-2013_45531)

the ATT's activities are not open to public scrutiny. Critics, such as Raed Chammem of the Tunisian Pirate Party, have likened it to the NSA.<sup>91</sup> 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. Despite fierce criticism, the ATT was established with Jamel Zenkri appointed director general in March 2014.<sup>92</sup>

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. Draft amendments by Tunisia's Data Protection Authority (known by its French acronym INPDP) to amend the country's 2004 privacy law have not been discussed by the constituent assembly.<sup>93</sup> Mokhtar Yahyaoui, head of the INPDP, has slammed the government for not prioritizing the amendments, which aim to ensure the body's independence from government interference.<sup>94</sup>

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. In October 2013, the Islamist hacker group al-Fallagas hacked the Facebook page of Samir Dilou, a member of the Ennadha political party and the then-minister for human rights, as well as the website of the Communist Workers' Party.

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91 Global Voices Advocacy, "Will Tunisia's ATT Ring in a New Era of Mass Surveillance," [advocacy.globalvoicesonline.org](https://advocacy.globalvoicesonline.org/2013/11/26/will-tunisia-att-ring-in-a-new-era-of-mass-surveillance/), November 26, 2013, <https://advocacy.globalvoicesonline.org/2013/11/26/will-tunisia-att-ring-in-a-new-era-of-mass-surveillance/>.

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