



Statement

Tunisia: Detention of Prisoners of Opinion, Harassment, Intimidation of Human Rights Defenders and Journalists; Internet Censorship and Lack of Independence of the Judiciary

Chairperson, honorable commissioners, distinguished delegates:

ARTICLE 19 is gravely concerned by the continued arrests, detentions and intimidations of media practitioners, human rights defenders and legal practitioners in Tunisia.

Since 2005, prior to the World Summit for the Information Society (WSIS) held in Tunisia, ARTICLE 19 joined other members of the International Freedom of Expression Exchange (IFEX) to form the 20-member Tunisia Monitoring Group (TMG).

The TMG seeks to highlight the following violations:

- Detention of Tunisian prisoners of opinion, the use of administrative sanctions to punish dissident views and the obstruction of the emergence of an independent judiciary.
- Restrictions on freedom of association for peaceful purposes and the right of all civil society groups to be legally established and hold meetings in Tunisia.
- Censorship of the internet, the arts, books and periodicals by legal, administrative and extrajudicial means in Tunisia.

The TMG just concluded its sixth mission to Tunisia from April 25th to May 6th 2010.

We found that despite the existence of a legislative and institutional framework guaranteeing human rights and fundamental freedoms, and the impressive economic growth, large scale human rights violations continue to take place with impunity in Tunisia

ARTICLE 19 and other members of the TMG wish to highlight the plight of local journalists who are arrested, intimidated, harassed by plainclothes police; denied licenses to operate independent newspapers or broadcast outlets; and taken to court regularly over frivolous charges.

A notable case is that of Fourti Salah, who has been waiting for 23 years to get a reply to his application for a radio frequency. He ended up forming the Syndicate of Tunisian Free Radios

with more than 20 other journalists who have no other recourse while individuals close to the government are speedily granted frequencies.

On May 3rd, while the international community celebrated World Press Freedom Day, Tunisian journalists continued to face direct and indirect harassments and censorship.

Néji Bghouri, president of the legitimate National Syndicate of Tunisian Journalists (SNJT) was prevented by the police from holding a peaceful demonstration in front of the Ministry of Communications. He intended with some other colleagues to mark the day and call the attention of the government to the case of the journalist Fahem Boukadous of Al-Hiwar Al-Tunisi satellite television station, who has been sentenced to four years imprisonment for having reported on the demonstrations in the mining area of Gafsa. He returns to court on May 18th.

Other notable cases include Radio Kalima which was attacked, their material seized and their offices closed.

Zouheir Makhoulouf, a contributor to news website Assabil Online and the opposition weekly "Al-Mawkif", spent over three months in jail for a video he produced on the pollution in the industrial zone of the Nabeul region. He was viciously beaten by police in April after being released in February.

In addition human rights defenders and journalists are constantly harassed and intimidated at Tunis Carthage airport, unduly searched and sometimes stopped from travelling. Lotfi Hajji, correspondent of Al Jazeera was recently harassed at the airport of Tunis Carthage on his way back from Doha, as are other journalists and rights activists routinely.

Besides the violations of freedom of expression, the independence of the judiciary is hampered by arbitrariness.

The case of the judge Mokhtar Yahyaoui is an illustration of the lack of independence of the judiciary. Since 2001, Yahyaoui has been victimized for having requested a more independent working environment for the judiciary. Since then, he has been denied all basic rights such as the right to have a passport for himself and his children who are studying in Europe; his letters are read, and he is under constant surveillance. His colleagues, family and friends are intimidated and moved hundreds of kilometers away from Tunis for showing solidarity.

ARTICLE 19 and other TMG members urge the ACHPR, and the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Human Rights Defenders to:

- Request the Tunisian government to stop the harassment, intimidation of journalists, human rights defenders and the use of administrative sanctions to silence dissenting views;
- Stop the use of insidious tactics and instruments and sophisticated ploys to block the emergence of an independent judiciary.

We further urge the ACHPR to:

- Conduct a fact finding mission to Tunisia in order to assess the critical situation of human rights defenders, legal and the media practitioners.
The mission should include civil society organizations and meet with all stakeholders in Tunisia.

This statement is endorsed by the Federation of African Journalists and the International Federation of Human Rights (FIDH).

Thank you for your attention.