

REPORTERS WITHOUT BORDERS

FOR FREEDOM OF INFORMATION

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**Contribution by Reporters Without Borders (RSF),
a non-governmental organization with special consultative status,
on freedom of the media and information in Tunisia**

Tunisia has done a great deal to improve protection for freedom of the media and information since 2011 and is ranked 96th out of 180 countries in RSF's 2016 World Press Freedom Index, 30 places higher than in the 2015 Index. There is nonetheless continuing concern about harassment of journalists by the Tunisian authorities.

1- Improving protection and promotion of freedom of the media and information in Tunisia's legislation

In the past five years, a series of texts have improved the protection of freedom of information in Tunisia.

Decree-Law 115

Decree-Law No. 2011-115 of 2 November 2011, on freedom of the press, printing and publishing, enshrines the rights of journalists, bans restrictions on the flow of information and protects journalists' sources and physical integrity.

Decree-Law 116

This decree-law provides for the creation of an Independent High Authority for Broadcasting Communication that guarantees the freedom of communication and pluralism of ideas and opinions, in particular as regards to political information of public and private actors in broadcasting. This entity's responsibilities include issuing licences to Tunisian radio and TV stations and appointing the heads of the state-owned broadcast media.

The new constitution adopted on 27 January 2014 enshrines the right to information and freedom of information in articles 31 and 32. Article 31 on freedom expression, article 32 on access to information, and article

127 on the Broadcasting Communication Agency are not entirely satisfactory - article 31 for instance defines freedom of expression but does not say that it is guaranteed for everyone, regardless of status, age or nationality, regardless of borders, and for every form and medium of expression. It does not mention Internet communications and does not guarantee media independence or the confidentiality of journalists' sources. However, these articles represent a significant advance.

2- Harassment of journalists by the Tunisian authorities

Considerable pressure is put on journalists on the grounds of the need to combat terrorism.

In July 2015, the judicial authorities accused *Akher Khabar Online* editor **Noureddine Mbarki** of complicity in terrorism for publishing a photo of Seifeddine Rezgui (the gunman who killed 38 tourists in Sousse) getting out of a car before he perpetrated the massacre. Mbarki was charged under the 2003 anti-terrorism law instead of Decree-Law No. 2011-115. The case has not yet come to trial.

In November 2015, the **justice ministry issued a statement calling on the public prosecutor** to use the new anti-terrorism law and article 23 of the penal code **to prosecute any person who divulges information related to the fight against terrorism**. This endangers the right of journalists to provide information, especially with regard to their coverage of security issues.

Interrogations of media personnel in early 2016 fueled concern about the possibility of prosecutions being brought against any journalist covering stories related to the fight against terrorism, and the resulting threat to media freedom.

In January, ten *El Wataniya 1* journalists were questioned by the El Gorjani anti-terrorism brigade about the broadcasting of images showing the head of a young shepherd who had been beheaded in Sidi Bouzid. **Walid Mejri**, the editor of the Arabic-language version of the independent news website *Inkyfada*, was interrogated by the El Aouina anti-terrorism brigade in connection with an article he posted on the *Nawaat* collective blog in 2013 about the existence of a parallel security apparatus at Tunis airport. *Hakaek Online* editor **Mohamed Yousfi** received a similar summons for questioning by the anti-terrorism brigade but refused to go on the grounds that the reason for the summons had not been given.

RSF also documented other kinds of pressure on Tunisia's journalists. On 22 January 2016, **President Beji Caied Essebsi openly attacked journalists**, accusing certain media outlets and news providers of exacerbating the crisis in Tunisia.

A cyber-attack on the *Inkyfada* website, after it reported Tunisia-related details from the “Panama Papers” investigation on 5 April, highlighted the continuing obstacles to investigative journalism in Tunisia.

3- Lack of action by the authorities on disappearance of journalists Nadhir Ketari and Sofiane Chourabi

RSF also notes that the Tunisian authorities have reacted with passivity and indifference to the disappearance of two young Tunisian journalists, Nadhir Ketari and Sofiane Chourabi, in Libya in September 2014. The government announced on 8 September 2015 that it wanted to create a mixed commission of enquiry consisting of government and civil society representatives, but has not gone ahead with the commission’s creation.

RSF’s recommendations to the Tunisian authorities:

- Adopt legislation on the print, broadcast and online media that conforms to the January 2014 constitution, Tunisia’s international obligations as regards freedom of the media and information, and civil society’s recommendations.
- Stop using the penal code or the anti-terrorism laws to prosecute journalists for press offences and instead only use the provisions of Decree-Law No. 2011-115 on press freedom. Article 14 of this decree-law provides for the confidentiality of journalists’ sources while Chapter 5 abolishes prison sentences for journalists.
- Proceed with the creation of the mixed commission of enquiry (announced by president’s office in September 2015) into the September 2014 disappearance of Tunisian journalists Nadhir Ketari and Sofiane Chourabi in Libya and shed all possible light on their fate.

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