“Reporting Under the Weight of Fear”

Restrictions on the media in Tunisia under the president’s exceptional measures (25 July 15 – 2021 April 2022)

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*Cover Photo:
A journalist running outside the Tunisian parliament after gunmen stormed the Bardo National Museum (file photo) REUTERS/ Zoubeir Souissi
“Reporting Under the Weight of Fear”
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Summary

Violations against journalists and press institutions in Tunisia have escalated since President Kais Saied announced his exceptional measures on 25 July 2021. These violations include repression, detention, harassment, prosecution, and restrictive decisions such as closing satellite channels and press institutions. Saied pledged that the exceptional measures would not affect Tunisians’ rights and freedoms in any way. The violations have been ongoing, however, since the date the measures were announced, and until this writing. Journalists reporting on the political crisis have ended up facing harassment, military trials, smear campaigns on social media, and sometimes official incitement.
by the president himself. Manifestations of assault on journalistic work in Tunisia have included closing media outlet headquarters such as those of Al-Jazeera, Al-Zaytouna TV, and Al-Arabi TV; detaining dozens of journalists on various charges; and assaulting others who were covering protests against the exceptional measures. The escalation of said violations led the National Syndicate of Tunisian Journalists (SNJT) to take steps to protest the use of threats and force, which it considers an attempt to bring the media to heel.

The exceptional measures plunged the press sector in Tunisia into an unnecessary conflict. In replacing provisions of the Constitution with exceptional measures by issuing presidential orders, a large part of the Constitution—the part that protects freedoms—was disrupted. These measures unsoundly allow presidential orders to prevail over the texts of the Constitution relying on Article 80 of the 2014 Tunisian Constitution until the end of the state of emergency that has been in place since 25 July 2021.
Methodology

This report examines violations against journalists and media institutions in Tunisia following the exceptional measures issued by President Kais Saied during the period from 25 July 2021 to 15 April 2022.

Our research team has been documenting attacks on journalists and press institutions since the president first issued the exceptional measures that relieved former Prime Minister Hisham Al-Mashishi from his post and suspended the country’s Parliament and the immunity of its members for 30 days. The suspension has been renewed by subsequent presidential orders.

Data and figures contained in this report are solely based on incidents our team was able to document and verify.

The report is based on close observation and documentation, as well as interviews with independent journalists, others working for local and international press agencies, and several social media bloggers.

Our team informed all interviewed journalists of the purpose of each interview, and obtained their consent regarding the nature of the information being collected and published.

Team members verified the accuracy of the data obtained through the interviews, including details of incidents of attacks on journalists and the storming of press and other media institutions.

This report uses secondary sources: reports and documents from local bodies (like the SNJT), documentary videos, and decisions issued by official Tunisian authorities.

The report presents the most prominent patterns of violations against media workers and institutions since 25 July 2021. It also provides a legal analysis on the impact of these violations on freedoms and the right to expression. The report concludes with recommendations that would enhance respecting press freedom based on the Tunisian Constitution 2014 and the relevant international covenants and charters.
First: Legislation and orders restricting freedom of the press

After the popular protests in 2011, the press sector in Tunisia struggled to recover rights that they had previously been denied for decades. Legal legislation that protects and safeguards the rights of journalists was hard won. On 2 November 2011, interim president Fouad Mebazaa issued Decree-law No. 115 of 2011 on the Freedom of Press, Printing and Publishing, and Decree-law No. 116 of 2011 on the Freedom of Audio-visual Communication, and the Establishment of an Independent High Authority for Audio-visual Communication (HAICA). Despite many difficulties and obstacles, these decrees came into force on 3 May 2013, a year and a half after their issuance. To a large extent, they were successful in protecting the independence and freedom of journalistic work.

On 25 July 2021, the implementation of exceptional measures dealt a severe blow to the freedom of the press. Tunisian authorities relied on these measures to infringe on the rights of journalists and press institutions by restricting the right to access information, suppressing and detaining journalists, and shutting down the headquarters of multiple press institutions, including TV stations.

The exceptional measures took on a peremptory character, with the president’s orders including legal rules that restrict freedom of the press, set standards for publication, and prevent ministers from appearing in the media. The exceptional measures placed the Tunisian media under the guardianship of the president and the government to a large extent, undermining its independence. Among the most prominent manifestations of this:

1) Chapter 5 of Section 2 of Presidential Decree No. 1172021/ stipulates that the legislative tasks of exceptional presidential decrees regulate the media, press, and publishing. It states: “The decree grants
the president the power to issue decrees regulating the following sectors: [...] the press; [...] freedoms and human rights; [...]”.

Since the announcement of the exceptional measures, the authorities have exerted great pressure on the media, closed press institutions, and attacked journalists. A comprehensive procedural framework allowed for the perpetuation of these violations and served to muzzle dissenting voices. However, with the issuance of Decree No. 117/2021, the establishment of a legal/legislative framework ensures further protection of violations against freedom of the press, under the pretext of regulating the media, press, and public freedoms.

This decree opened the door wide to restricting freedom of the press and criminalising the circulation of information. It paved the way for the issuing of other decrees, such as Decree-law 2022/14- (relating to combating illegal speculation), and of Circular No. 20 of 2021 (relating to negotiations with unions).

Decree No. 117/2021/ paved the way for the legitimization of restrictive measures against the press, as additional decrees have made it possible to impose severe penalties on those who violate rules related to regulation of the press or to criminalising the circulation of information on various issues.

This decree is the cornerstone of the attack on Tunisian national legislation in relation to freedom of the press.

Reviewing the exceptional measures based on Decree No. 117/ 2021, it can be said that comprehensive repression of the freedom and independence of the press has been inevitable since the targeting of the judiciary, dissolution of its high council, amending of the electoral commission law, and restricting of the country’s trade sector and other state institutions.

Regarding Article 7 of Decree No. 117/2021/, the president made any objection to
the decree impossible, as it stipulates: “Decrees do not accept appeals for cancellation”. (2) This complicated the situation for journalists, as well as press institutions that may be subject to disruption or closure, and will render their recourse to the judiciary futile.

2) Anti-speculation Decree-law 2022-14 intensified the control imposed by Decree No. 1172021/ on various sectors, including the press, taking aim at freedom of publication and the circulation of information. It restricted the freedom to circulate news related to the commercial situation in Tunisia with vaguely-worded texts that cannot be relied upon to detect fake news. Article 3 criminalises the freedom to publish and discuss issues related to the prices of goods and services, under the pretext of the promotion of false news. The article stipulates: “Those who commit the illegal speculation offense stipulated in this Decree-law shall be punished with the penalties prescribed for it. This includes those who deliberately promote false or incorrect news or information to discourage consumers from purchasing [goods and/or services], or disrupt the supply of the market and raise prices in a surprising and unjustified manner”.

In light of the fluctuation in the prices of goods and services in Tunisia, the circulation of information on economic issues appears to be subject to the whims of the authorities, who may punish anyone who publishes economic news that does not comply with president’s policy. Moreover, the presidential decrees have resulted in increasingly serious legal repercussions. Decree-law 142022/ legalized the silencing and prevention of public issues from being addressed, under the pretext of spreading false news and promoting rumours. It is feared that this decree will be a prelude to more decrees that directly affect the press sector, especially in light of escalating actions

2  Article 7 of Presidential Decree No. 1172021/ regarding exceptional measures.
organised by the SNJT union and its call for the right to freedom of the press and publication.

3) Circular No. 202021/, related to negotiations with trade unions, banned any negotiations with trade unions without prior authorization from the Presidency of the Government.

The circular issued by Tunisian Prime Minister Najla Boden stipulates that collaboration between union bodies and ministries, institutions, or public establishments should be authorized by the Presidency of the Government prior to the negotiation stage. It requires the government agency to prepare a comprehensive report, explaining the details of the negotiation and the purpose of the proposed cooperation, and to present it to the Presidency of the Government for study pending authorization.

Under the provisions of Circular 202021/, all agreements concluded without taking into account these new procedures will be considered null and void and will not be funded.

This circular imposes a new restriction on cooperation between government and official agencies and the SNJT, whose work requires close coordination with government institutions. In addition, it imposes a media blackout on government activities, as people mainly derive their information from the press, which will not be allowed to access information in light of these restrictions. Alarmingly, this circular will limit government agencies' dealings with the press for fear of violating the instructions of the Presidency of the Government.

This circular and similar government publications are especially dangerous because the longer they are in effect, the harder it is to reverse the damage they have caused. Overwhelming reporting requirements disrupts these institutions' ability to function effectively.

4) On 10 December 2021, Bouden issued Circular No. 19, related to the rules of government communication. Through this publication, Bouden
instructed ministers and secretaries of state to coordinate with the Office of the Presidency of the Government when dealing with the media. She banned officials from appearing on television channels and radio stations that violate the decisions of the HAICA, and made the circular mandatory for ministers, state secretaries, and their offices.

This circular established a set of rules for handling the press. They can be summarised as follows:

a) In addition to the president, the government also has the authority to restrict the work of the press. This increases the pressure on press institutions that will not want to confront the state’s security and political institutions.

b) Whether or not ministers and government officials will appear on television and radio will depend on the HAICA’s approval of the specific media entity. This creates an atmosphere of exclusion for journalists and press institutions that criticize the president’s actions. It is important to bear in mind that the HAICA has been controlled by the Tunisian presidency since the first day the exceptional measures were announced.

c) The new Tunisian government headed by Bouden is a reflection of the exceptional measures, and will continue to serve as a tool to enforce these measures in various ways, such as prohibiting the media from reporting, and imposing increasingly severe measures on press institutions and channels that continue to oppose the president.

d) The circular seeks to intimidate ministers and officials so that they do not engage in communication with any media party without taking authorization from the Prime Minister’s Office. This outcome would deprive citizens of their right to obtain information from official sources.

Authorities have tweaked other legislation to criminalise journalism that does not conform to the directions of the president, restricting copyright and blogging rights.
The use of criminal and military laws is clear evidence of the presidency’s intention to infringe on the rights of journalists and other members of the press, and to violate the provisions of the 2014 Tunisian Constitution and national laws regulating the work of the press.

Since the shuttering of licensed media outlets such as Al-Jazeera by Tunisian security authorities—without issuing a court ruling or taking due legal measures—these authorities have neglected the role of the HAICA in enforcing rules and regulations applicable to the communications sector. Security authorities have plunged the media into the political crisis, undermining the independence of journalists and the freedom of the media.

Mehdi Jelassi, President of the SNJT, spoke to the research team about the reality of the press after 25 July. He said:

“The measures taken by President Kais Saied on 25 July 2021 have affected the freedom of the press. There has been a significant decline in the margin of freedoms and a great restriction on the right to access information. Journalists working in the field suffer harassment, including direct assaults, and confiscation of equipment by security forces or demonstrators affiliated with the president. Four journalists are being tried. And there is blatant interference in the work of the editorial line of national television.

“The SNJT has taken many measures, such as direct communication with the state and meeting with many ministers and officials. Some ministries responded to us, especially concerning the right to access information.”
However, the Presidency of the Government and the Presidency of the Republic are still far from that. A unit of the Ministry of Interior has been designated to protect journalists. We organized advocacy campaigns to defend the right of Tunisian journalists to practice their work and express their opinions. We also organized vigils to protest against violations of journalists, especially against cases of journalists being tried before military courts. Yet, violations, such as restrictions on journalistic work, continue. And there is hostility against journalists.”

Second: Violations against journalistic work

The exceptional measures made a rapid impact on press freedom in Tunisia the day after they were issued. The authorities closed the Al-Jazeera satellite channel’s office, expelled all its employees; dismissed the general director of the Tunisian Television Corporation, Mohamed El-Asaad Dahesh, on 28 July; detained New York Times’ special envoy Vivian Yee for two hours, as she covered events in a neighbourhood in the capital city, Tunis. Additionally, several journalists were attacked and their equipment destroyed by demonstrators during a vigil for Ennahda party members demanding a reversal of the decision to freeze Parliament.

Signs of a decline in the freedom of the press in Tunisia appeared even before the announcement of the exceptional measures, when authorities clamped down on multiple journalists and
bloggers. This decline grew even worse after 25 July. The Tunisian authorities took unprecedented, escalating steps toward journalists and satellite channels that broadcast programs that included criticism of the president’s measures. What distinguishes the violations that took place after the exceptional measures were announced is that they were carried out under official cover, within the set of measures that were described by the president as “necessary” to confront an imminent danger to the country. This made exercising the right to freedom of the press in Tunisia contingent on siding with President Said. Hence the president tightened control over the press—the fourth estate—after controlling all three other powers by dismissing the former government, suspending the work of the elected Parliament, and relieving the Supreme Judicial Council of its duties. The procedures after the issuance of the exceptional measures on 25 July 2021 constituted a blow to journalistic work and freedom of opinion and expression in Tunisia.

1- Closure of press institutions

Tunisian authorities began their measures against the press in Tunisia by closing the office of the Qatari Al-Jazeera channel only one day after the announcement of the exceptional measures. Lotfi Hajji, director of Al-Jazeera’s Tunisia office, told the research team: “The Al-Jazeera office was closed on the morning of 26 July. Thirty security forces personnel came to the office and stormed it, without presenting any judicial or administrative ruling from the competent bodies. All the employees were terrified and expelled from the place.

“The decision to close the channel’s office is arbitrary and strange. We have an excellent administrative and financial record, and we have not received any complaints since we began working in Tunisia 11 years ago. In addition to closing
the office, they denied us our photography license, which [was previously] renewed monthly, and our annual accreditation card. We referred the matter to the SNJT, but we are still banned from work. We are now working at low capacity from within the SNJT headquarters.

"Security personnel are still present in our office around the clock, and we cannot enter it. Moreover, security agents monitored the surroundings of the Press Syndicate headquarters while we were broadcasting live.

"Last month, the government renewed the photography license and accreditation card. What worries us more than anything else is that there is no explanation for what has been happening.

"After 25 July, security forces personnel started to attack journalists. We are really afraid that our main gain from the Tunisian revolution, which is freedom of expression, will be undermined, especially in light of the military judiciary's involvement in the trial of journalists. This is the greatest danger that we fear."

On October 6, 2021, members of the HAICA stormed the headquarters of the local Al-Zaytouna TV channel on the grounds of broadcasting "illegally". During a subsequent press interview, channel director Sami El-Said said that the decision to close the channel, storm its headquarters, and seize some of its broadcasting equipment was based on decisions and instructions from those he described as "putschists". [3]

El-Said added that the allegations regarding the channel's work without a license are incorrect and that in 2013, the channel's management submitted a request for a broadcasting license from the HAICA, but it was not approved.

Meanwhile, the HAICA continued its campaign against media institutions by closing the Nessma TV channel and the Holy Quran Radio on 27 October. [4]

The HAICA said the seizure of Nessma
channel equipment is pursuant to the finalisation and implementation of all procedures related to obtaining a license to create and operate an associative television channel that has been launched in 2015. And these decisions include sending a warning and imposing financial penalties.

The HAICA justified its decision to stop broadcasting the Holy Quran Radio on account of their employing radio to promote “hate speech to incite violence and hatred”.

It is worth noting that Holy Quran Radio announced the resumption of its broadcasting on its official Facebook page on 22 November 2021, as well as its “victory” over the HAICA. (5)

2- Military trials

The exceptional measures opened the way for Tunisian authorities to carry out numerous attacks against journalists and other members of the media, the most serious of which was the trial of several journalists before military courts. On 3 October 2021, the national Anti-Crime Squad arrested journalist Amer Ayyad, presenter of the Hassad 24 program on Al-Zaytouna TV, after accusing him of “conspiring to change the state authority”. Following his arrest, he was temporarily released on 25 November for about seven weeks.

On 8 April 2022, the military court in Tunis sentenced Ayyad to four months in prison, and parliamentarian Abdellatif Alaoui to three months in prison, on charges that include “undermining the morale of the army and making statements against the President of the Republic”. (6)

Ayyad told the research team: “I was presenting the Hassad 24 program on Al-Zaytouna TV, which is a critical political program, and it was boldly criticizing the president’s...”

6 https://www.facebook.com/semir.dilou/posts/4969647893104904
measures. In an episode on 1 October, I criticized the prime minister’s appointment, after which I was subjected to a campaign of incitement from some of the president’s supporters’ websites. At 6:15 a.m. on Sunday, 3 October, security forces raided my house and took me from Monastir to Tunis.

“The military judiciary charged me with several charges, including conspiring against internal state security, calling for disobedience, harming the president’s reputation, and other serious charges that may be punishable by death. After the Anti-Crime Division’s preliminary investigation in the Al-Khadra neighbourhood, I was detained at the Bouchoucha detention centre for three days, accompanied by MP Abdel-Latif Al-Alawi, before we were presented to the Military Investigation Registry on 5 October. In Mornaguia Prison, my detention continued for 57 days. On 25 November 2021, I was referred to the military court, which released me temporarily.

“During my imprisonment, I developed diabetes, and the prison administration wanted to transfer me handcuffed to the emergency department of the Nutrition Institute, which I refused and which caused complications later.

“On 8 April 2022, I was sentenced to four months in prison after some of the charges against me were waived. MP Abdul Latif Al-Alawi was sentenced to three months in prison. We appealed the ruling, and the military prosecution also appealed the decision a day after the ruling was issued because it was not satisfied with the four-month prison sentence [but] sought
to extend the sentence. We are still waiting for the outcome of the appeal.

“My referral to the military judiciary sets a precedent in Tunisian history. Since the independence of Tunisia, I am the first journalist to be tried before a military court on charges related to freedom of expression. In the end, the matter is in the hands of the judiciary”.

Although the military courts relied on the declared state of emergency in the trial of some civilians, including lawyers, members of Parliament, and journalists, President Saied sought to absolve himself of responsibility for the sentences issued against his opponents and critics. During a meeting with Prime Minister Bouden on 5 March 2022, he stated that he “did not interfere in the rulings issued by the judicial judiciary or the military judiciary, and did not file a lawsuit against anyone for his opinion”. (7)

Prosecuting journalists and bloggers before military courts constitutes a violation of the established legal principle of the right of people to be tried before a natural judge. The military prosecution's arrest and legal action against these individuals contradicts the fair trial guarantees stipulated in the Tunisian Constitution 2014.

Military courts should not look into any case outside their jurisdiction, which is limited to hearing military crimes under Article 110 of the Constitution and which states: “Military courts are competent to deal with military crimes. The law shall regulate the mandate, composition, organisation, and procedures of military courts, and the statute of military judges.”

3- Physical and verbal attacks

The physical and verbal attacks on journalists in Tunisia increased after the announcement of the exceptional

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(7) https://www.youtube.com/watch?v=Nzczisn9rcA
measures. Many journalists complained of being physically assaulted while covering the protests and the events that followed 25 July.

It was noted that some demonstrators loyal to the Tunisian president participated in the attack on journalists, which indicates incitement—sometimes by officials—against journalists, by regarding them as a threat to the safety and security of the country.

Physical attacks against journalists were not limited to those covering events in the field. A group of journalists was subjected to assault, body searches, and verbal threats during their arbitrary detention and during security authorities’ raids on the headquarters of the closed press institutions.

These physical attacks against journalists were apparently aimed at obstructing journalists’ work and preventing them from covering events in the field. They may also aim to intimidate workers in the journalistic field in general, and discourage them from continuing their coverage of the political crisis in the country.

Since 25 July 2021, the Tunisian presidency has ignored the attacks on journalists, and the Bouden government has not denounced them. The Ministry of the Interior has not announced punitive measures against its abusive members. This prompted the SNJT to start protesting in defence of the independence of public media and to refuse subjugation.

In her statement to the research team, journalist Zina Al-Majri said: “During the celebration of the anniversary of the revolution on 14 January, which the president decided to change unilaterally to 17 December, media outlets affiliated with the state said that there was vandalism by participants. I went to verify this claim and took pictures as part of my work as an information auditor. As I was photographing on Mohammed V Street near Habib Bourguiba Street, where the main event was being held, [I saw] a group of Ennahda supporters, no more than 30 people, surrounded by a large number of security forces personnel. They started
beating the participants in the event. One of the security personnel surprised me by forcibly taking my phone and telling me that I was filming illegally, even though I am a journalist, a member of the SNJT, and have the protection granted to journalists.

“After that, they returned my phone to me and asked me not to take pictures, but I started filming again to practice my duty. Six security men accompanied by a policewoman came and beat me and took me to a military vehicle. They transferred me to a security centre in the capital, where I saw more than 50 people detained in connection with their participation in the event. The way I was dealt with was horrible, as I was subjected to physical assault by security personnel and verbal abuse, like the rest of the detainees”.

Another journalist, who preferred to remain unnamed, told the research team: “We were pursued during and after our coverage of the Parliament session, and some of us had to work without revealing our identity. During the past months, we have been working under threat all the time, trying to avoid harassment. These days, a journalist is guilty until proven innocent”.

Concerning the attacks on journalists for covering certain events, journalist Wejdan Bou Abdallah, editor-in-chief of the Bawabat Tunis website, told the research team Tunisian authorities deliberately harassed the website’s journalists after their transmission of the virtual session of the Parliament.

She said: “After we transmitted the virtual session of the Assembly of the People’s Representatives, journalists working at Bawabat Tunis were subjected to harassment,”
such as assault and prevention from filming. At one of the demonstrations, one of our journalists was violently pulled from behind, causing him to lose his balance.

“Journalists are now practicing a kind of self-censorship for fear of being subjected to officials’ harassment and prosecution. Accordingly, the whole atmosphere has become unsuitable for practicing journalistic work.”

Euro-Med Monitor had documented a previous testimony by Bou Abdallah about threats received by journalists in Tunisia, in which she said: “Since 25 July 2021, we have received explicit threats, whether sent to our social media accounts or while on assignment. Despite wearing press badges and covering the demonstrations supporting the president, as well, our team was harassed anyway.

“We did not commit any crime when we transmitted the Parliament session. We cover all points of view, and we work legally, according to the Tunisian Constitution. Without exaggeration, the press sector has been the most affected during the past months in Tunisia. All the gains that we achieved after the revolution, which were the outcome of generations of struggle, have been diminished. Tunisia has become unsuitable for journalistic work, especially after the president’s threats to the media yesterday.”

4- Arbitrary detention

Tunisian authorities arrested many of the journalists who covered demonstrations rejecting the exceptional measures. the research team has confirmed the arrest of
14 journalists between the announcement of the exceptional measures and April 2022. Journalists were arbitrarily detained, and some were transferred to investigation centres to complete the procedures. The number of complaints from journalists subjected to arbitrary detention has increased since President Saied announced the exceptional measures on 25 July 2021.

Given the arbitrary nature of the detention cases documented by the research team, these detentions were aimed at obstructing the coverage of field events—thus violating the right to access information.

On the other hand, arbitrary detention in some cases has been used to punish journalists and bloggers who criticised the procedures of the Tunisian presidency or called for reforming the political system.

The scope of arbitrary detention has expanded to include journalists active in the social, economic, and health fields, which indicates the existence of a green light for Tunisian security forces to restrict the work of the press in its various specialisations.

Journalist Tariq Al-Obaidi told the research team: “On 23 March 2022, I went with my colleague, photographer Saif Al-Kausani, to cover a solidarity event for the Club Africain fans for Omar Al-Obaidi, who was killed by the security forces outside Rades Stadium in 2018. At the beginning of the event, security forces checked our IDs. They asked us to show our authorization to photograph, so we showed them the authorization issued by our institution. Still, they rejected it and told us that it must be issued by the Ministry of Interior. They asked about the source that told us that a solidarity event would be organised, and when we refused to disclose the
source, we were taken to the Police Judicial Squad station in Rades Milian and interrogated there. Then we were referred to the Ben Arous Court for [the crime of] filming without obtaining a license.”

The research team has learned that some arbitrarily detained journalists have been beaten and humiliated. Some of them have been threatened with renewed detention, should they violate security orders.

Journalist Khalifa Al Qasimi, who works for Mosaïque FM radio channel, told the research team:

“On 17 March 17 2022, I published a story on our official radio website about the discovery of a terrorist cell in Kairouan Governorate, after collecting information from a reliable security source. A day later, I was summoned by a competent security force team in Tunis, in the presence of a lawyer assigned to defend me by the SNJT. I was interrogated for a whole day about the background of the news story I published. During the interrogation, I was accused of treason and defamation. They put great pressure on me to disclose my sources.

“After that, I was arrested by the Public Prosecution of the Judicial Center for Combating Terrorism. The Public Prosecution, in cooperation with the competent security force, decided to suspend me for five days, all to force me to reveal my source—which I refused because that violates the law, especially Decree-law No. 115, which prohibits breaking the confidentiality of sources, whether directly or indirectly. However, the Public Prosecution ignored the decree
and detained me on charges related to the Terrorism Law. “During my detention, I was repeatedly pressured to disclose my source, so I decided to go on a hunger strike on 19 March 2022, after which my source revealed himself, and the detention period was extended for two additional days. After that, I was detained for five days to complete the interrogation with the security source, and after seven days of arrest, I was referred to the Judicial Center. The investigative judge listened to my testimony and decided to release me [but confiscated] my phone and sent it to a technical team for further investigation. “The aforementioned security force also interrogated a journalist colleague and my editor-in-chief regarding the same news story I published; the Public Prosecution at the Judicial Center decided to hear them as witnesses. I am now waiting for a judicial decision based on the report of the technical team. I demand that the case be terminated, as I did my duty and did not break the law”.

Tunisian authorities relied on arresting and detaining journalists on charges and extending their detention according to investigations in an apparent aim to punish them, although what they had done was not criminal activity under the laws regulating journalistic work in Tunisia. Penal laws were used to file charges under the pretext of terrorism and threatening national security.

The truth becomes clear after the release of the detained journalists: the purpose of each detention is revealed to be the imposition of a prison sentence without a court ruling or any respect for investigation procedures.
5- Incitement against the media

President Saied incited journalists and press institutions on several occasions, which gave authorities a cover to escalate violations against them. Meanwhile, during his meeting with Prime Minister Bouden on 10 January 2022, the Tunisian president denied the existence of prisoners of conscience in the country, and accused the local media of distorting facts and bringing up trivial issues. Yet, the president recorded an inciting statement against the press during the same meeting where he commented on their handling of the issue of the online referendum. “Every day they put ‘electronic referendum’ in the columns of newspapers”, Saied said, using air quotes. “They should put themselves between air quotes instead”.

He also said that there were “financial lobbies” backing some of the media outlets that he accused of lying in reporting the news, citing the words of the poet Muzaffar al-Nawab. “They lie, they lie, they lie like a newscast”, Saied said in reference to the media. (8)

Saied reinforced the approach of excluding the international press and silencing local journalists by not inviting the private and foreign media to cover his press conference with Algerian President Abdelmadjid Tebboune on 15 December 2021. Saied limited the coverage to specific members of the Tunisian press and abstained from taking questions from the journalists, and made sure all questions were directed to the Algerian president only.

Violations of the rights of journalists in Tunisia during the past eight months have been linked to a near-complete boycott by President Saied of the local media, which has widened the gap between the media and the president, who seems to be taking clear steps towards tightening control over all aspects of the state.

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(8) https://www.youtube.com/watch?v=k-ViddnG3eg
Third: Effects of targeting journalistic work on female journalists

Since the exceptional measures were announced, the Tunisian presidency has stigmatized journalists and painted press institutions as lax and sometimes unprofessional, accusing them of receiving funding from certain parties to misguide public opinion. This dangerous presidential trend implemented through its security and executive authorities created a fertile ground for targeting and intimidating journalists and press institutions whose coverage included criticism of the exceptional measures, and shed light on the massive human rights violations that followed.

The smear campaigns included a noticeable targeting of female journalists through intimidation, psychological intimidation, and threats. Parties apparently close to the Tunisian president and the executive authority have been active in targeting female journalists and bloggers on social media platforms who dare to criticise the presidential procedures, and who demand respect of the democratic path and preservation of the gains Tunisians achieved after the 2011 protests.

The formation of these attitudes about female journalists, to which the presidency and the Tunisian government contributed directly and indirectly, has had a number of negative effects on these women, which can be summarised as follows:

1- Defamation: With the exceptional measures, the work of female journalists in Tunisia has been subject to many difficulties, such as intended distortion of their professional and social reputations, stemming from officials’ use of stigmatising language that incites social exclusion.

The smear campaign targeted female journalists who criticized the exceptional measures. The authorities used social
media platforms and offensive words directed at female journalists who were subjected to arbitrary arrest.

Female journalists are now living a professional nightmare, and its repercussions affect their personal and family reputation.

This repressive campaign may cause a significant decrease in the professional activity of female journalists, for fear of being exposed to these kinds of unethical attacks.

In some cases, these campaigns may push the families of female journalists to pressure them to stop or suspend their work until the political crisis in the country ends.

This way of dealing with female journalists constitutes a violation that must be halted and reversed, and the authorities should show the respect that women working in fields related to public opinion deserve.

2- Psychological pressures: The difficult environment created by the subsequent measures to the exceptional measures resulted in psychological pressures that affect the work of female journalists in Tunisia for fear of being subjected to social stigma due to bias or perceived unprofessionalism, or accusations of working for foreign agendas. Such accusations could end the professional life of any female journalist, especially in light of the arbitrary military and other laws against terrorism in dealing with journalists. This forces female journalists to work under the weight of fear of defamation, which also affects their families.

It seems that Tunisian authorities, by accusing journalists and press institutions of lack of objectivity and professionalism in dealing with exceptional measures, aim to force them to think carefully before covering events in a way that could contradict the presidential and governmental perspective. These tactics can be seen clearly given the interrogations of female journalists who were arbitrarily detained or threatened with prosecution.
on charges of disturbing national security and trying to spread false news.

In this regard, journalist Wejdan Bou Abdallah told the research team: “The public environment in Tunisia today is unfortunately not suitable for practicing journalistic work. Journalists have started practicing a form of self-censorship for fear of being subjected to official harassment or prosecution, especially after some of them had already been arrested. As Tunisians and journalists, we [were granted a] taste of freedom after 2011, and despite the successive crises since that time, Tunisia has made an important gain, which is freedom of expression and freedom of the press—but this precious gain is under serious and direct threat today”.

3- Job instability: The closure of press institutions and satellite channels has caused concern among female journalists working in those institutions, and among female journalists in general, as they fear losing their livelihoods in light of tense conditions and the lack of an entity capable of providing justice to victims in accordance with the provisions of the Constitution and the laws regulating journalism work in Tunisia.

Female journalists’ feeling of job instability stems from the widening campaign that began with the dismissal of directors of official media sectors and extended to private and international press institutions. This generated a fear of job insecurity, as journalists fear that if they speak out against the president and the government they will be harassed, especially female journalists who work remotely or manage digital platforms.

A timeline that tracks the most prominent violations against journalists and the media in Tunisia:
<table>
<thead>
<tr>
<th>Month</th>
<th>Number of victims</th>
<th>Sex of the victim</th>
<th>The most prominent forms of violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
</tbody>
</table>
| July 2021 | 26               | 16    | 10     | • Physical assaults  
• Al-Jazeera office closed,  
• ban from work,  
• arbitrary detention,  
• incitement |
| August 2021 | 18             | 7     | 11     | • Physical assault, verbal assault,  
• sexual harassment,  
• work ban,  
• threat |
| September 2021 | 38     | 23    | 15     | • Physical assault,  
• verbal assault,  
• ban from work,  
• threat |
| October 2021 | 15              |       |        | • military trial,  
• Al-Zaytouna TV headquarters closed,  
• Nessma channel headquarters closed,  
• Closure of the Noble Qur’an Radio Headquarters,  
• physical assaults,  
• arbitrary detention,  
• threat,  
• incitement,  
• ban from work |
“Reporting Under the Weight of Fear”
Restrictions on the media in Tunisia under the president’s exceptional measures (25 July 2021 – 15 April 2022)

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Cases</th>
<th>Under Investigation</th>
<th>Sentenced</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2021</td>
<td>21</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>November 2021</td>
<td></td>
<td>• physical assaults</td>
<td></td>
</tr>
<tr>
<td>November 2021</td>
<td></td>
<td>• ban from work,</td>
<td></td>
</tr>
<tr>
<td>November 2021</td>
<td></td>
<td>• harassment,</td>
<td></td>
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<tr>
<td>November 2021</td>
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<td>• incitement,</td>
<td></td>
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<tr>
<td>November 2021</td>
<td></td>
<td>• verbal attacks,</td>
<td></td>
</tr>
<tr>
<td>November 2021</td>
<td></td>
<td>• threat</td>
<td></td>
</tr>
<tr>
<td>December 2021</td>
<td>20</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>December 2021</td>
<td></td>
<td>• ban from work,</td>
<td></td>
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<tr>
<td>December 2021</td>
<td></td>
<td>• ban of information,</td>
<td></td>
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<tr>
<td>December 2021</td>
<td></td>
<td>• incitement,</td>
<td></td>
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<tr>
<td>December 2021</td>
<td></td>
<td>• verbal attacks,</td>
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<tr>
<td>December 2021</td>
<td></td>
<td>• incitement,</td>
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<td>December 2021</td>
<td></td>
<td>• arbitrary detention,</td>
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<tr>
<td>December 2021</td>
<td></td>
<td>• harassment</td>
<td></td>
</tr>
<tr>
<td>January 2022</td>
<td>33</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>January 2022</td>
<td></td>
<td>• physical assaults,</td>
<td></td>
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<td>January 2022</td>
<td></td>
<td>• arbitrary detention,</td>
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<td>• ban from work,</td>
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<td>• incitement,</td>
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<td>January 2022</td>
<td></td>
<td>• ban of information,</td>
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<tr>
<td>January 2022</td>
<td></td>
<td>• threats</td>
<td></td>
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<tr>
<td>February 2022</td>
<td>21</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>February 2022</td>
<td></td>
<td>• ban from work,</td>
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<td>• legal prosecution,</td>
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<td>• verbal abuse,</td>
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<tr>
<td>February 2022</td>
<td></td>
<td>• incitement,</td>
<td></td>
</tr>
<tr>
<td>February 2022</td>
<td></td>
<td>• threat</td>
<td></td>
</tr>
</tbody>
</table>
Legal relief

The freedom of the press in Tunisia declined after 25 July and the subsequent presidential orders. Violations against the rights of journalists and bloggers since July 2021 constitute a dangerous slip towards restricting public freedoms and imposing a policy of muzzling mouths. Members of the Tunisian press have moved from the stage of developing mechanisms for the enjoyment of rights to the stage of re-establishing and defending their existence.

9 Article 31 of the Tunisian Constitution 2014.
10 Article 32 of the Tunisian Constitution 2014.

Tunisian Constitution

The Tunisian Constitution of 2014 guarantees the right to freedom of the press, as stated in Article 31: “Freedom of opinion, thought, expression, information and publication shall be guaranteed. These freedoms shall not be subject to prior censorship”. (9)

Article 32 provides supposed protection to the right to access information: “The state guarantees the right to information and the right of access to information and communication networks”. (10)

Tunisian authorities have not committed to respecting the special protections that the legislator set out in the 2014
Tunisian Constitution for the right to freedom of information and publication, despite the replacement of the provisions of the Constitution with exceptional presidential orders such as Decree 117, which confirms in Article 20 of its final provisions: “The decree allows only the Preamble and Chapters One and Two of the Constitution to be implemented. It repeals all other constitutional provisions that violate the provisions of the decree”. This means that the exceptional measures emphasized the necessity of respecting the public freedoms protected by the Tunisian Constitution. However, the continuation of violations indicates that the constitutional provisions relating to public freedoms conflict with the presidential orders, which necessitated their de facto suspension so that the exceptional measures would be consistent with the objective of their issuance, which appears to be the concentration of all powers in the president’s hand without any constitutional controls.

**Tunisian national laws**

After the 2011 protests, representative bodies of the Tunisian press sought to record their own gains, in Decree-law No. 115 of 2011 on the Freedom of Press, Printing and Publishing, and Decree-law No. 116 of 2011 relating to Freedom of the Press and Freedom of Audiovisual Communication and the creation of an independent supreme authority for communication. The two decrees entered into force on 3 May 2013, a year and a half after their issuance. They are now considered the legal cornerstone regulating journalism in Tunisia.

Decree-law No. 115 of 2011 dedicated entire chapters to prohibiting attacks on journalists and protecting their sources, and regarding the punishment of the assailant of a journalist, referred to Article 123 of the Penal Code, with the punishment for assaulting a quasi-governmental employee as follows:

“Article 11. The sources of the journalist, when performing his duties, and the
sources of all persons who contribute to the preparation of the media material are protected, and the confidentiality of these sources cannot be violated, whether directly or indirectly, unless it is justified by an urgent motive of state security or national defence and should subject to judicial oversight.

All investigations, searches, and wiretapping of correspondence or communications that the public authority may undertake towards the journalist to reveal his sources or towards all persons with whom he has a special relationship shall be considered an assault on the confidentiality of sources.

A journalist may not be subjected to any pressure from any authority, and no journalist or any person who contributes to preparing the media material may be required to divulge his sources of information except with the permission of the competent judicial judge, provided that such information is related to crimes that pose a serious threat to the physical safety of others and that obtaining it is necessary to avoid the commission of these crimes and to be from the category of information that cannot be obtained by any other means.

Article 12. The opinion issued by a journalist or the information he publishes may not be a reason for infringing his dignity or assaulting his physical or moral sanctity.

Article 13. No journalist may be held accountable for an opinion, ideas, or information he publishes in accordance with the norms and ethics of the profession, nor may he be held accountable for his work unless it is proven that he has violated the provisions of this decree.

Article 14. Whoever violates articles 11, 12, and 13 of this decree, and whoever insults a journalist or attacks him with words, signs, actions, or threats while performing his work, shall be punished with the penalty for assaulting a pseudo-public official prescribed in article 123 of the penal code”.

Decree-law No. 116 of 2011 clarified the supervisory and reporting competencies

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11 Articles 11, 12, 13 and 14 of Decree No. 115 of 2011 on Freedom of the Press, Printing and Publishing.
of the HAICA as follows:

“Article 15. The HAICA ensures the organization and modification of audio-visual communication under the following principles:
- Supporting democracy, human rights, and the rule of law,
- Supporting and protecting freedom of expression,
- Supporting national, public, private, and association audio-visual communication sector, its quality and diversity,
- Supporting the right of the public to information and knowledge by ensuring pluralism and diversity in programs related to public affairs.

Article 16. The HAICA undertakes:
- Ensuring that all authorities, institutions, and intervening parties respect the rules and regulations applicable to the audio-visual communication sector,
- Deciding on requests for granting licenses related to the creation and exploitation of audio-visual communication facilities”. [12]

It is clear from the foregoing that, in following the exceptional procedures, the Tunisian authorities violated the rights protected by Decree-law No. 115 of 2011 by physically assaulting journalists, detaining them arbitrarily, and seriously violating their dignity simply for carrying out their professional duties. The authorities prosecuted them for their opinions and the information they published, to the point of trying them before military courts, in flagrant violation of all established legal principles and the provisions of the Tunisian Constitution and relevant national laws.

It was also noted that the HAICA has turned into a punitive tool instead of being the protector and defender of press institutions, evidenced by its closing of Al-Zaytouna TV, the Holy Quran Radio, and Nessma TV. These closings were in violation of the intent of the text of Chapter 15 in its fourth article, which states: “Supporting

12 Articles 15 and 16 of Decree No. 116 of 2011 related to freedom of audio-visual communication and the creation of an independent supreme authority for audio-visual communication.
the right of the public to information and knowledge by ensuring pluralism and diversity in programs related to public affairs”.

It is also clear from the journalists’ testimonies that the HAICA has deliberately been delaying granting some channels the necessary licenses to operate, resulting in measures against these institutions, in violation of what is stated in Article 16: “The HAICA is in charge of deciding on the demands of granting licenses related to the creation and exploitation of audio-visual communication facilities”.

**International conventions and treaties**

International human rights law has given special importance to freedom of expression and the right to access and circulate information. With the technological revolution that the world is witnessing and the ease of expressing opinion and circulating information through cyberspace, this right has become one of the most violated, and therefore the principal international conventions have given explicit protection provisions for this right.

The 1948 Universal Declaration of Human Rights emphasized the need for states to protect the right to expression and to receive and circulate information without restrictions through the text of Article 19, which states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers”.[13] Article 19 of the 1966 International Covenant on Civil and Political Rights also emphasizes the right to freedom of expression: “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form...

13 Article 19 of the Universal Declaration of Human Rights 1948.
of art, or through any other media of his choice”.\textsuperscript{\textsuperscript{14}}

Article 9 of the 1981 African Charter on Human and Peoples’ Rights states: “Every individual shall have the right to receive information. Every individual shall have the right to express and disseminate his opinions within the law”.

As Tunisia is a state acceding to and ratifying all previous international and regional conventions, the actions of President Saied and the behaviour of Tunisian authorities towards journalists since the announcement of the exceptional measures on 25 July, 2021 clearly violates Tunisia’s obligations under these international conventions.

While the 1948 Universal Declaration of Human Rights is non-binding, the 1966 International Covenant on Civil and Political Rights is mandatory, as is the African Charter on Human and Peoples’ Rights, which required the harmonisation of the national legislation of member states to protect rights in its first article: “The Member States of the Organisation of African Unity, parties to the present Charter shall recognise the rights, duties, and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them”. Moreover, the Tunisian authorities have ignored their obligations to respect these texts that protect freedom of expression and the press, as well as the right to access information, and this explains Tunisia’s regression in Reporters Without Borders’ World Press Freedom Index from 72\textsuperscript{nd} to 73\textsuperscript{rd}.

\textsuperscript{14} Article 19 of the 1966 International Covenant on Civil and Political Rights.
Recommendations

In light of the violations documented in this report concerning the rights of journalists and freedom of press work since the exceptional measures were announced by President Kais Saied on 25 July 2021, Euro-Med Human Rights Monitor and Journalists for Human Rights recommend the following:

- Conducting an independent investigation into all attacks on journalists and press entities—including physical and verbal assaults, arbitrary detentions, and storming of press institutions—bringing those responsible to justice, and ensuring that they do not go unpunished;
- Putting an end to restrictive decisions against journalists and press institutions, and reopening satellite channels and radio stations that were closed following the decisions of the Tunisian Presidency and the HAICA;
- Respecting the right to freedom of expression and freedom of the press and stopping the official campaign of incitement against journalists, bloggers, and press institutions in Tunisia;
- Refraining from trying journalists before military courts and instead referring their cases to the natural judiciary specialized in trying civilians, while providing fair trial guarantees;
- Enacting a new law regulating press affairs and repealing all laws that conflict with the protection of journalists and do not take into account the freedom and independence of the Tunisian media; and
- Respecting the Tunisian Constitution and national laws regulating journalistic work, as well as international and regional conventions and instruments protecting the rights of journalists ratified by Tunisia.