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Tunisia: Jailed for ‘Defamation’

Police Union Leader Criticized Officials
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(Tunis) -- A police union leader jailed since July 13, 2016 has been sentenced to two years and eight months in prison for defaming government officials.

A Tunis court sentenced Walid Zarrouk, a former prisons officer and member of the Union for a Republican Police, on November 23, to one year in prison for a television interview in which he accused Tunisian authorities of bringing trumped up charges against those who criticize them. The same day, another chamber of the same court sentenced Zarrouk to eight months for his quote in a daily newspaper criticizing the interior minister. And on February 7, 2017, a Tunis court sentenced him to one year in prison for Facebook posts that criticized an investigative judge and a judiciary spokesperson.



A general view of the Assembly of the Representatives of the People in Tunis, Tunisia, May 2016.

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No one is safe from prosecution under Tunisia’s overly broad laws criminalizing free speech. Six years after Tunisians ended Zine Abadin Ben Ali’s authoritarian rule, prosecutors and courts still subject Tunisians to trials for exercising their right to freedom of speech.

“No one is safe from prosecution under Tunisia’s overly broad laws criminalizing free speech,” said Amna Guellali, Tunisia director at Human Rights Watch. “Six years after Tunisians ended Zine Abadin Ben Ali’s authoritarian rule, prosecutors and courts still subject Tunisians to trials for exercising their right to freedom of speech.”

The Tunisian parliament should urgently reform all the laws that lead to prison terms for defamation offenses and insulting state institutions, Human Rights Watch said.

Human Rights Watch reviewed the judgment in the first case, in which the court said that Zarrouk's characterization of judicial authorities as "stupid" constituted defamation "because the accused intentionally degraded the reputation of the judicial institution during a prime time TV show." The tribunal sentenced him to one year in prison under article 128 of the penal code, which punishes "accusing, without proof, a public agent of violating the law" with up to two years in prison.

In the second case, responding to a complaint by former Interior Minister Lotfi Ben Jeddou, after Zarrouk accused him of hiding information about alleged involvement of political parties in terrorist networks, a tribunal sentenced Zarrouk to eight months in prison under article 128 of the penal code.

In the third case, Zarrouk was originally indicted by the counterterrorism judicial unit. The indictment, which Human Rights Watch reviewed, accused Zarrouk of publishing Facebook posts that constituted defamation and slander against the head of the National Guard counterterrorism unit, as well as the prosecutor and a judge in the unit. The indictment charged Zarrouk under article 78 of the 2015 counterterrorism law, which provides for up to 12 years in prison for anyone who "endangers the lives of protected people" under the counterterrorism law by revealing their identity. During the trial session on February 7, the judge dropped the charges under the counterterrorism law but sentenced Zarrouk under article 128 of the penal code, his lawyer, Abdennacer Aouini, told Human Rights Watch.

In 2011, Tunisia's transitional authorities liberalized the press code and the law pertaining to the broadcast media, eliminating most of the criminal penalties for speech offenses. Nevertheless, prosecutions and convictions for nonviolent speech continued, on the basis of repressive articles in various legal codes that Tunisia's interim legislative bodies did not modify.

Since December 2011 authorities have prosecuted at least 16 people for speech deemed defamatory toward individuals or state institutions, or "liable to disturb the public order." These include a television station director, for airing a film seen as defaming Islam; two atheists, for mocking the Prophet Mohamed; two sculptors, for art work deemed "harmful to public order" after it provoked the ire of Salafists and religious groups; two rappers, for a song insulting the police; five journalists for criticizing public officials, and three others -- a blogger, a former advisor to the president of the republic and another police union leader -- for speech criticizing the army and its high command.

Zarrouk had faced several earlier prosecutions. On September 9, 2013, an investigative judge ordered his detention for a Facebook post criticizing the politicization of prosecutions. He spent four days in jail and was released provisionally. He was sentenced in October 2015 to three months for Facebook posts against

a public prosecutor, and served two months in jail.

The UN Human Rights Committee, the international body of experts who interpret the International Covenant for Civil and Political Rights, has said that all public figures are legitimately subject to public criticism, and that there should be no prohibition of criticism of public institutions. Defamation should be treated as a civil, not a criminal, issue and never punished with a prison term, the committee said.

The committee said “that in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.

Moreover, all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.

Zarrouk’s appeal for the first conviction is scheduled for March 22.

Region / Country

- Middle East/North Africa
- Tunisia

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