

URGENT ACTION

TEACHER FACING JAIL TERM FOR ONLINE COMMENTS

Tunisian mathematics teacher Abdelfattah Said has been detained since 15 July, and is in poor health in a Tunis prison. His trial date has not been set.

Mathematics teacher **Abdelfattah Said** presented himself at Al-Gorjani police station on 15 July, after being summoned for questioning by the Tunisian counter-terrorism police about a video he had published on his Facebook page. They told him he would be able to return home by that evening, but instead he was sent to al-Mornaguia Prison, Tunis on 22 July, where he has been awaiting trial ever since.

Abdelfattah Said was arrested in connection with a video he had posted on his Facebook page on 7 July, and a caricature of the prime minister, Habib Essid, that he had posted earlier. In the video he said the June attack in Sousse, in which 38 tourists were killed, was orchestrated by the security forces to crack down on the government's opponents and close down mosques. He has been charged with complicity in, or facilitation of, terrorism, under the 2003 counter-terrorism law. He faces a maximum penalty of 12 years imprisonment and a fine of up to 12,000 dinars (about US\$6,170). He was also charged with "defaming a public servant" and "knowingly broadcasting false news" under Articles 128 and 306 of the Penal Code, which carry penalties of up to two and five years' imprisonment respectively.

On 7 October, Abdelfattah Said was visited in al-Mornaguia Prison by the Tunisian League for Human Rights, a member of the Nobel Prize Winning Quartet. His health has deteriorated and he is suffering from a pre-existing back problem, according to his lawyers.

Please write immediately in Arabic, French, English or your own language:

- Urging the Tunisian authorities to drop all charges in this case against Abdelfattah Said;
- Calling on them to release Abdelfattah Said immediately; and
- Calling on them to review and reform Tunisian laws that are used to arbitrarily restrict freedom of expression, such as laws which penalise criticism of the authorities – found in articles 125 and 128 of the Penal Code.

PLEASE SEND APPEALS BEFORE 30 NOVEMBER 2015 TO:

Minister of Justice

Mohamed Salah Ben Aissa
31, boulevard Bab Bnet
1006 Tunis
Tunisia
Fax: +216 71 56 18 04
Email: mju@ministeres.tn
Salutation: Your Excellency

President

Béji Caïd Essebsi
Presidential Palace
Carthage, Tunis
Tunisia
Fax: +216 71 744 721
Email: contact@carthage.tn
Salutation: Your Excellency

And copies to:

Speaker of Parliament
President Mohamed Naceur
Assembly of the Representatives of the
People
Bardo 2000, Tunis
Tunisia
Fax: +216 71 514 608
Email: anc@anc.tn

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Abdelfattah Said is a mathematics teacher, programmer and poet who has been awarded a number of prizes including the Ministry of Education's Innovative Teacher Award in Tunis in 2009, and the Sheikh Khalifa Award for children's education in the United Arab Emirates in 2012.

The caricature posted on Abdelfattah Said's Facebook page depicts Tunisian Prime Minister Habib Essid holding a shovel and dirtied by sand, with the caption "Don't tell me that they weren't ready for the Sousse attack..."

He has been charged under Article 18 of Tunisia's 2003 anti-terrorism law, which says that "Anyone who provides members of an organization, agreement or people in relation to terrorist crimes with a meeting place, helps to accommodate or hide them or favour their escape, or shelter them, or ensure their impunity or benefit from the proceeds of their crime, is sentenced to five to 12 years' imprisonment and fined 5,000 to 20,000 dinars." He has also been charged under Article 128 of the Penal Code on "attributing to a public official publicly, through media or otherwise, illegal acts related to his job without proof" and Article 306 on "spreading false news in order to convince others of the existence of a criminal act". If convicted of all charges, Abdelfattah Said could be sentenced to up to 19 years in prison.

The right to freedom of expression, enshrined in Article 31 of Tunisia's new Constitution and in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party, includes the right to publicly criticize officials and institutions. According to the UN Human Rights Committee, the body which monitors compliance with the ICCPR, public figures and institutions should tolerate a greater degree of criticism than people generally. This means that criminal or other laws which provide special protection against criticism for public officials are not consistent with respect for freedom of expression. While some restrictions on expression may be permitted where they are demonstrably necessary and proportionate for the protection of certain public interests or for the protection of the rights of others, imprisonment on that basis is a disproportionate restriction. Amnesty International has repeatedly criticized the Tunisian authorities' use of defamation charges against government critics, journalists, bloggers and artists and has urged them to review and amend legislation, including the Penal Code, that stifle freedom of expression.

Name: Abdelfattah Said

Gender m/f: m

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