

URGENT ACTION

ABDELFATTAH SAID JAILED FOR ONLINE COMMENTS

Tunisian teacher Abdelfattah Said has been sentenced to one year in prison for a video he posted on social media. His lawyers have appealed and are waiting for a hearing date to be set.

Mathematics teacher **Abdelfattah Said** was sentenced on 26 November to one year in prison and a fine of 2000 Tunisian dinars (about US\$970) for “knowingly broadcasting false news”, under Article 306 of the Tunisian Penal Code. Terror charges had been brought against him, but these were dropped, and he was found innocent of “defaming a public servant”.

Abdelfattah Said had been arrested by counter-terrorism police on 7 July 2015 in relation to a video he had posted on his Facebook page. In the video, he argued that the June 2015 attack in Sousse, in which 38 tourists were killed, had been orchestrated by the security forces to crack down on the government’s opponents and close down mosques. He had previously been charged with “complicity in, or facilitation of, terrorism”, under the 2003 counter-terrorism law, as well as “defaming a public servant” and “knowingly broadcasting false news in order to convince others of the existence of a criminal act”, under Articles 128 and 306 (para 3) respectively of the Penal Code. The charges carried a combined maximum sentence of 19 years in prison.

Abdelfattah Said’s defence lawyers argued that he had been merely providing a commentary on the June attack in Sousse, and had not created “false news” or intentionally spread it. They appealed, and are waiting for an appeal hearing date to be set. Abdelfattah Said is held in al-Mornaguia Prison, where he is not known to have been given any treatment for his back condition.

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

- Urging the Tunisian authorities to ensure the verdict in the case against Abdelfattah Said is quashed;
- Calling on them to release Abdelfattah Said immediately;
- Calling on them to review and reform Tunisian laws that are used to arbitrarily restrict freedom of expression, including laws which are used to penalise criticism of the authorities.

PLEASE SEND APPEALS BEFORE 14 JANUARY 2016 TO:

Minister of Justice

Farhat Horchani
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. This is the first update of UA 230/15. Further information:

<https://www.amnesty.org/en/documents/mde30/2677/2015/en/>

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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.

He 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 he was kept in the police station for a week and then transferred to al-Mornaguia Prison, in Tunis.

He was visited on 7 October by the Tunisian League for Human Rights, a member of the Nobel Prize-winning National Dialogue Quartet.

He had 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 had 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 was sentenced under Article 306 on "spreading false news in order to convince others of the existence of a criminal act".

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. Some restrictions on freedom of 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. However, in the absence of deliberate malicious intent and harmful consequences, "spreading false news" should not be a criminal offence; and, in any event, imprisonment on that basis is a disproportionate restriction on the right to freedom of expression. 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 stifles freedom of expression.

Name: Abdelfattah Said

Gender m/f: m

Further information on UA: 230/15 Index: MDE 30/2977/2015 Issue Date: 3 December 2015