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Tunisian journalist faces ‘public morals’ charge after criticizing government

The latest arrests of journalists and activists in Tunisia are further evidence that human rights in the country are at risk of being restricted, Amnesty International has warned.

Journalist and activist Sofiene Chourabi was arrested along with two friends on 5 August for drinking alcohol on a beach where they had been camping at Kelibia, in the country’s northeast.

A day before his arrest Chourabi had called for a protest in front of the Interior Ministry against what he said were moves by the Ennahda party, which leads the current government, to impose an increasing number of restrictions on public freedom. The party is known for its platform of religious conservatism.

“There is growing evidence in Tunisia that the new government is increasing restrictions on basic freedoms,” said Hassiba Hadj Sahraoui, Deputy Middle East and North Africa Programme Director at Amnesty International.

“It is more than likely that the arrest of Sofiene Chourabi was triggered by his call for a protest, as well as his general activism against the government.”

Chourabi, who gained popularity after criticising former President Zine El Abidine Ben Ali's policies before the uprising in which he was toppled, told Amnesty International that he, journalist Mehdi Jlassi and a female friend were woken from their sleep at about 3am by around 10 police officers and handcuffed while their tents were searched.

They were taken to a police station where they were released the following day.

Sofiene Chourabi and Mehdi Jlassi have been charged with being “drunk in public” and “harming public morals”. They expect a court date to be set in September.

Amnesty International believes that the government’s policies on public morality are being used to stifle freedom of expression.

“While protecting public morals or public order may sometimes be a legitimate reason for restricting freedom of expression, such a restriction may only be imposed if absolutely necessary, and even then the least restrictive measure possible should be taken,” said Hassiba Hadj Sahraoui.

The arrests come days after a draft bill was submitted by Ennahda to the National Constituent Assembly, the body charged with writing Tunisia’s next constitution, criminalizing offences against “sacred” values through words, images or acts – punishable by up to two years in prison or a fine.

“God, his prophets, the sacred books, the Kaaba, mosques, churches and synagogues” are ruled to be

“sacred” in the bill.

“At a time when Tunisia should be taking steps to further respect human rights, the draft bill is a disappointing sign of a move in the opposite direction and introduces new restrictions on freedom of expression,” said Hassiba Hadj Sahraoui.

“The Tunisian authorities should scrap this bill.”

Freedom of expression under threat

Recent months have seen increased restrictions on freedom of expression.

In June, protests were organized against an art exhibition that protesters deemed offensive to Islam and in which the protesters reportedly destroyed several of the art works on display.

In June 2011, groups attacked Cinema Africa during the screening of a film on secularism entitled Neither Allah, nor Master.

Last October, large groups attacked the Nessma TV headquarters after it broadcast the animated French film Persepolis, which had been dubbed into Tunisian Arabic.

Nabil Karoui, the owner of Nessma TV, was later fined 2,400 Tunisian Dinar (US\$1,500) for broadcasting the film, which was criticized for being blasphemous because it showed a representation of God.

Charges of “disturbing public order” and “violating sacred values” have been used repeatedly in the past few months under Article 21 of the Tunisian Penal Code, which criminalizes the distribution of printed material that disrupts public order or public morals.

The code provides for a punishment of between six months and five years’ imprisonment and a fine ranging from 120 to 1,200 Tunisian Dinar (US\$80-800).

In April, a court found Ramzi Abcha guilty of “attacking mosques” and “assaulting religious rituals” by desecrating the Qur’an in several mosques and sentenced him to four years’ imprisonment.

Earlier, Ghazi Beji and Jabeur Mejri were convicted of charges of publishing material liable to cause harm to public order or good morals, for harming others through these publications and for assaulting public morals by publishing on the Internet drawings and writing deemed to be offensive to Islam and Muslims.

In March, the editor of Arabic daily, Attounissia, was found guilty of ‘spreading information which can disturb the public order’ and fined 1,000 Tunisian Dinar (\$US 650) after the newspaper published a photograph of a German-Tunisian football player covering his naked girlfriend’s breasts with his hands.