

URGENT ACTION

NGO FOUNDER ON HUNGER STRIKE AFTER CONVICTION

Former prison officer and NGO founder Walid Zarrouk is on hunger strike in protest against his 24 November prison sentences for "insulting public officials". His wife Ines Ben Othman was told on 13 December that she was banned from travelling outside Tunisia.

Walid Zarrouk is on hunger strike protesting against two prison sentences handed down on 24 November. He was held in pre-trial detention since his arrest in August 2016. According to his wife and lawyer, he is refusing to drink water and take medicine for a heart condition and his health is deteriorating. He was transferred on 6 December from al-Rabta prison in Tunis, where prisoners with a medical condition are usually detained, to Mornag prison in the Ben Arous governorate, 35 km away from Tunis, where pre-trial detainees are kept. His wife and lawyer report that he is refused newspapers and books and there are fears for his safety as he is a former prison officer, outspoken on terrorism-related issues, and is sharing a cell with the 13 individuals accused of terrorism offences.

On 24 November, Walid Zarrouk was sentenced to a total of 26 months in prison in two separate cases on charges of "insulting public officials" and "attributing to a public official...illegal acts related to his job without proof", under Articles 125 and 128 of the Penal Code. He was sentenced to 18 months in prison for criticizing through Facebook posts the judiciary and the security forces' handling of investigations on the Bardo Museum attack in 2015 and the killing of politician Chokri Belaid in 2013. He was also sentenced to eight months in prison for Facebook comments made in 2013 that criticized a former Minister of Justice and the Public Prosecutor.

Previously, he and his wife **Ines Ben Othman** were arrested and held briefly in July 2016 and accused, in separate cases, of "endangering the protection of those who witness or punish terrorist offences", under Articles 71 and 78 of the 2015 counter-terrorism law, in relation to Facebook posts. These accusations against Ines Ben Othman and Walid Zarrouk will be reviewed on 15 and 22 December, respectively. On 13 December a Ministry of Interior official notified Ines Ben Othman, who was due to travel to France, that she was banned from travelling. No reason was given. She has since been told that she may be able to travel but would face lengthy searches at the airport.

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

- Urging the Tunisian authorities to immediately and unconditionally release Walid Zarrouk and drop the investigation into Ines Ben Othman, as they are being targeted solely for the peaceful exercise of their right to freedom of expression;
- Calling on them to ensure that, pending his release, Walid Zarrouk is provided with access to a qualified health professional who can provide health care in compliance with medical ethics, including the principles of confidentiality, autonomy and informed consent;
- Calling on them to end prosecutions of those who criticize the authorities and review the Penal Code and the counter-terrorism law to ensure they do not arbitrarily restrict human rights, including freedom of expression.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2017 TO:

Minister of Justice

Ghazi Jeribi
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

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR NABIL AMMAR, 29 Prince's Gate SW7 1QG, 020 7584 8117, Fax 020 7584 3205 London@tunisianembassy.co.uk

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Walid Zarrouk and Ines Ben Othman were arrested in July 2016 and accused, in separate cases, of “endangering the protection of those who witness or punish terrorist offences [these include judges, members of the security forces, victims and witnesses]... through intentionally revealing information identifying them”, under Articles 71 and 78 of the 2015 counter-terrorism law. The accusations against Ines Ben Othman relate to an article she shared online that contains police reports on the Bardo Museum terrorist attack. The accusations against Walid Zarrouk stem from his naming and criticizing the head of the counter-terrorism Brigade on Facebook.

Walid Zarrouk, 37, used to be a trainer in the Canine Prison Unit. He spoke out against torture and ill-treatment in prisons during the 2011 uprising, which ousted former president Ben Ali. After the uprising, he set up the Republican Prison Union, a trade union for prison officers. According to his wife, he was fired from his job after publicly accusing the police of corruption and criticizing the security system. After this, he left the union and established the NGO named *Muraqib*, to monitor conditions and treatment in prisons and police stations, and abuses in the judiciary.

Walid Zarrouk has faced harassment by the authorities for his outspoken criticism of government, judiciary and security forces' officials. Last year, he was convicted of “attributing to a public official...illegal acts related to his job without proof”, under Article 128 of the Tunisian Penal Code and sentenced to three months in prison. He was freed in December 2015 after serving his sentence. For details, see UA 241/15 (<https://www.amnesty.org/en/documents/mde30/2734/2015/en/>).

Walid Zarrouk's wife, Ines Ben Othman, a film-maker, was sentenced to two months in prison in January 2015 for “verbally insulting a public official while carrying out their duties” under Article 125 of the Tunisian Penal Code. For details, see UA 3/15 (<https://www.amnesty.org/en/documents/mde30/001/2015/en/>).

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. The organization has also criticized the 2015 counter-terrorism law, which provides an ambiguous definition of terrorism, extends pre-charge detention, allows judges to admit testimony by anonymous witnesses into evidence, and prohibits “praising terrorism” in overly broad terms. The use of Articles 71 and 78 of the new counter-terrorism law to support accusations against Walid Zarrouk and Ines Ben Othman for sharing information or online criticisms is a worrying development.

The right to freedom of expression is enshrined in Article 31 of Tunisia's 2014 Constitution. 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, 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, but they should generally not be the subject of criminal law or give rise to criminal sanctions.

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