

URGENT ACTION

NGO FOUNDER SENTENCED TO PRISON

A former prison officer, Walid Zarrouk, who set up an NGO to monitor the treatment of prisoners in Tunisia, has been sentenced to three months in prison for "insulting a public official".

Former prison officer **Walid Zarrouk** was sentenced to three months in prison on 21 October. He had been convicted on the basis of a charge filed by a deputy public prosecutor, of "attributing to a public official...illegal acts related to his job without proof", under Article 128 of the Tunisian Penal Code. His lawyers appealed two days later, but no date has yet been set for his appeal hearing.

Walid Zarrouk had been contacted by a policeman friend on 16 September, who asked to meet him at al-Gorjani police station in the capital, Tunis. When he arrived, police showed him an arrest warrant, and took him into custody. According to his wife, the arrest warrant had been issued after a Tunis deputy public prosecutor, Sofiane Selliti, filed a complaint accusing Walid Zarrouk of making slanderous comments on his Facebook page.

Walid Zarrouk, 36, had established an NGO named *Muraqib*, to monitor conditions and treatment in prisons and police stations, and abuses in the judiciary. His lawyers have argued that the complaint and conviction in this case are in reprisal for his work with this NGO, which has been critical of the judiciary.

After he was arrested, Walid Zarrouk was held for six days in the Bouchoucha detention centre and then transferred to al-Rabta prison in Tunis, where he is still held. He started a hunger strike on 17 October to protest against his arrest, and stopped drinking water on 22 October, in protest against the court verdict. His wife visited him in prison the following morning and has said that his health is visibly deteriorating.

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

- Urging the Tunisian authorities to quash Walid Zarrouk's conviction and release him immediately;
- Calling on them to review and reform Tunisian laws that arbitrarily restrict freedom of expression, such as laws which penalize criticism of the authorities, found in Articles 125 and 128 of the Penal Code.

PLEASE SEND APPEALS BEFORE 9 DECEMBER 2015 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
Tunisia
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

Under President Ben Ali, who was overthrown by a 2011 uprising, Walid Zarrouk had worked as a trainer in the Canine Prison Unit. During the 2011 uprising, he was stationed in Kasserine city, where he witnessed torture and other ill-treatment in prisons: he spoke out against it and called for reform of the security sector. 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 his own NGO called *Muraqib*, which monitors treatment and conditions in prisons and police stations. He has been arrested five times since 2012 but this is the first time he has been convicted.

Walid Zarrouk was charged under articles 128, 245 and 247 of the Tunisian Penal Code, and article 86 of the National Telecommunications Law. He was convicted of one charge: “attributing to a public official...illegal acts related to his job without proof”, under Article 128, and acquitted on all other charges. A further 14 charges have been brought against him which could result in similar convictions, according to his lawyers.

Walid Zarrouk had been arrested on 9 September 2013 after he made comments on Facebook criticizing the former Minister of Justice and the Public Prosecutor. He accused the Public Prosecutor, Tarek Chkioua, of being politicized and blamed former Minister of Justice Nourredine Bhiri for reappointing him, saying that the Public Prosecution was under the control of the Ministry of Justice. In 2012, he was accused of defamation after he wrote in the newspaper *Achorouk* that appointments in the police force were based on who supported former President Ben Ali. The head of prisons filed a complaint against him and he was detained for 14 days and suspended from his position. The court eventually decided to drop the charges, but the prosecution appealed against this decision and the trial is continuing. Walid Zarrouk was detained again for four days when he publicly accused the former Minister of Justice of corruption.

Walid Zarrouk’s wife, Ines Ben Othman, 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/>) and update.

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. While 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, imprisonment on that basis is disproportionate.

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: Walid Zarrouk
Gender m/f: m