

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: MDE 30/006/2010
22 February 2009

Tunisia: Journalist faces imprisonment for covering Gafsa unrest

Amnesty International is calling on the Tunisian authorities to put aside the sentence against journalist Fahem Boukadous on the eve of his appeal trial before the Gafsa Court of Appeal on 23 February 2010. Fahem Boukadous is challenging a four-year prison sentence imposed after he was convicted in an unfair trial of fomenting unrest following his coverage of protests in 2008.

Amnesty International is concerned that Fahem Boukadous risks imprisonment for his work as a journalist. If this were to happen, the organization would consider him to be a prisoner of conscience, detained for peacefully exercising his right to freedom of expression, and call for his immediate and unconditional release.

As a journalist working for the private TV channel Al-Hiwar Ettounsi, Fahem Boukadous covered and broadcast images of popular protests against unemployment and high living costs in the Gafsa region of south-west Tunisia in the first half of 2008. He was charged with “belonging to a criminal association”, “taking part in a group established to prepare or commit an attack against people or property” and “spreading information liable to disrupt public order” in connection with the protests. Such charges have been used in Tunisia to repress peaceful dissent and criminalize social protest. They also have been used to prosecute and convict trade union leaders and peaceful protesters in Gafsa, considered by Amnesty International to be prisoners of conscience. According to court documents, the investigating judge concluded that Fahem Boukadous did not participate directly in the protests, but that he was an active member of a group of 38 individuals accused of leading them because he spread information in Tunisia and abroad for the purpose of “propaganda”.

Fahem Boukadous went into hiding in June 2008 to avoid arrest, which he considered politically motivated. In December 2008, he was sentenced in his absence by the Gafsa Court of First Instance to six years’ imprisonment. The trial was grossly unfair: the defence lawyers were not permitted to present the case of their clients or to call and cross-examine witnesses; the defendants present were not questioned in court and a request by their lawyers that they undergo medical examinations to provide evidence of the torture they said they had been subjected to was rejected by the court.

Fahem Boukadous’ sentence was upheld on appeal in February 2009, after a trial which took place over a single day and night, with only short breaks. The lawyers presented their arguments to the court, but were again denied the right to call and cross-examine witnesses. Renewed requests by the lawyers that their clients be medically examined were rejected and the torture allegations again disregarded.

Following the conditional release of prisoners detained in connection with the protests, including leading trade unionists sentenced in the same trial, after a presidential pardon on 4 November

2009, Fahem Boukadous requested that he be given a retrial, a procedure permitted under Tunisian law for individuals who are convicted in their absence and subsequently present themselves to the authorities. On 13 January 2010, he was convicted on the same charges as those applied in his 2008 trial and sentenced to four years' imprisonment by the Gafsa Court of First Instance, after an unfair trial in which the lawyers were not allowed to present his case. He appealed against his conviction and is at liberty pending his appeal trial, which is scheduled for 23 February 2010.

Amnesty International calls on the Tunisian authorities to uphold their obligations to guarantee the right to freedom of expression under both Article 19 of the International Covenant on Civil and Political Rights, to which Tunisia is a state party, and the Tunisian Constitution, which also enshrines freedom of the press. The organization also calls for the repeal of all laws criminalizing peaceful protest.

Background

The phosphate-rich Gafsa region, in south-west Tunisia, was wracked by a wave of popular protests in the first half of 2008. They began in the town of Redeyef after the region's major employer, the Gafsa Phosphate Company, announced the results of a recruitment competition. These were denounced as fraudulent by those who were unsuccessful and others and the protests, which developed into a more general protest about high unemployment and rising living costs, then spread to other towns as the authorities deployed large numbers of police and other security forces into the region. Hundreds of protestors were arrested and more than 200 have been charged with offences, some of whom have been convicted and sentenced to jail terms.

Read more

Amnesty International, *Behind Tunisia's 'economic miracle': inequality and criminalization of protest* (Index: MDE 30/003/2009)

Public Document

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