

UA 27/20

AI Index: MDE 30/1962/2020 of 11 March 2020

## TUNISIA

### LAWYER ON TRIAL AT A MILITARY COURT

Human rights lawyer Najet Laabidi was tried before a military court on charges of "insulting a public official while performing their duty". She risks up to two years in prison.



*Najet Laabidi © frontlinedefenders.org*

The trial is related to a 2015 complaint filed by a judge presiding over the trial of high-level officials being prosecuted for torture during the Ben Ali regime. As the defense lawyer for victims of torture in this case, Laabidi raised a number of procedural irregularities that undermined the right to a fair trial, such as failure to request necessary medical examinations to determine the permanent disability caused by torture, and failure to bring defendants to court.

After the trial, Laabidi gave a statement in front of the military court in which she spoke of the persistence of corruption in the judicial system and accused the military judge of bias, all of which was captured on [a video](#) published on the internet. Laabidi later discovered that the military judge had filed two complaints in 2015, one at the military court since the speech happened inside a military court and one at a civilian court, accusing Laabidi of "accusing public officials of crimes related to their duty without evidence."

While Najet Laabidi is awaiting a verdict from the military court on 12 March 2020, she has already been sentenced to imprisonment for six months in a civilian court for similar charges.

**Please send a message to the president as soon as possible.**

- \* Express your concern that, in course of fulfilling her duties as a lawyer, Najet Laabidi faces an unjustified prison sentence by a military court of up to two years for "insulting a public official while performing their duty."
- \* Ask him to immediately and unconditionally quash any pronouncement rendered by a military court against Najet Laabidi.
- \* Request all possible measures to stop trying civilians in military courts, as required by the Tunisian constitution and international human rights law.
- \* Call on his government to reform Penal Code provisions and other laws to fully protect freedom of expression in Tunisia.

## Write to

President Kais Said  
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Tunisie

Facebook: <https://www.facebook.com/Presidence.tn/>

Twitter: @KaissSaide

Email: [Contact@Carthage.tn](mailto:Contact@Carthage.tn)

Salutation: Your Excellency

## Please copy

His Excellency Mohamed Imed Torjemane  
Ambassador for Tunisia  
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Minister of Justice Thouraya Jeribi

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## Additional information

Najet Laabidi is a defense lawyer in several cases of torture in Tunisia, including the case of “Barakat Al-Sahel” which relates to the torture of 244 soldiers accused of planning an alleged coup against President Ben Ali in 1991. The complaints filed by the victims in 2011 were against former President Ben Ali, former Minister of the Interior, former head of national security, and former directors of state security, accused of crimes of abuse of power and torture resulting in handicaps and death.

Najet was first sentenced to six months imprisonment by the Tunis Court of First Instance for “accusing public officials of crimes related to their duties without providing evidence” under Article 128 of the Penal Code. The charge was filed by a judge who claimed that Najet Laabidi made unsubstantiated, defamatory statements after she made a statement outside of the military court warning of the persistence of corruption in the judicial system. The [video](#) of her speech was uploaded

to YouTube and was widely shared on Facebook. She was only informed of this conviction on 24 April 2017. She immediately appealed the initial verdict, but on 10 May 2017 the conviction and appeal were upheld, again in absentia.

Najet Laabidi's case is one example of a larger pattern of increasing restrictions on freedom of expression in Tunisia. Amnesty international has documented a number of cases of individuals who were prosecuted based on speech deemed critical of the authorities. The prosecution of persons for expressing criticism to state institutions is incompatible with Tunisia's obligation to respect the right to freedom of expression under Article 19 of the International Covenant on Civil and Political Rights and with the provisions of the Tunisian constitution. Provisions in Tunisian law that allow for criminal prosecutions of people for legitimate speech include articles in Penal Code, the Telecommunication Code, Press Code, the Military Justice Code, and the Anti-Terrorism Law.

Similar cases include parliamentarian and blogger Yassine Ayari who was sentenced to 16 days in prison in March 2018 in his absence by military court for a post on Facebook published on 27 February 2017, in which he mocked the appointment of a senior military commander.

Since 2011, at least 10 civilians have been tried before military courts in cases related to the expression of opinions, usually for criticizing the army or state officials. In September 2016, a military prosecutor charged Jamel Arfaoui, an independent journalist, with "undermining the reputation of the army" in an article he wrote on a news website.