

# 15. Tunisia: The long path towards freedom of speech

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If the people will to live  
Providence is destined to favourably respond  
And night is destined to fold  
And the chains are certain to be broken  
*Humat al-Hima (Defenders of the Homeland)*  
– Tunisia National anthem

FREEDOM. Freedom of speech, freedom of expression, freedom of thought, individual freedom, freedom of inquiry, press freedom... For decades, freedom was synonymous with crime in Tunisia and severely restricted. All the basic human rights related to freedom were prohibited, since they were the worst enemies of autocracy and dictatorship.

In order to better understand the current situation in Tunisia, we must first go back in history and assess freedom of expression's state during the last decades before the outburst of the revolution. A flashback is needed to understand the extent of the problem, that the genesis of dictatorship is not recent and that the state-control on Tunisian media started during the colonial period. Then, after its independence in 1956 and until 2011, Tunisia had known only two presidents, Habib Bourguiba (from 1956 to 1987) and Zine El Abidine Ben Ali (from 1987 to 2011). For more than 55 years, the country was a one-party state and during many years, specifically the last two decades before the Revolution of 2011, the country suffered from horrors of despotism, tyranny, censorship and all kinds of abuses. Opponents were arrested, tortured

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or forced into exile. Independent thinkers and dissidents were hunted down, harassed, repressed, jailed and forced to keep quiet. Those who did not obey and submit paid a heavy price. Very often, their lives were threatened and their relatives' daily lives became a nightmare.

Journalists were considered the worst enemies of the old regimes, simply because freedom of speech is intimately linked to press freedom and both include the right to have an opinion, to speak and to be heard. Obviously, local public and private media were under close control until 2011. They contributed for years to reflect a polished and an attractive image of Tunisia, an illusion of a free, multicultural and stable country.

Did the situation evolve or change after the Revolution? Experts agree that freedom of expression and press freedom have nowadays become essential components of the social and political landscapes. Nevertheless, establishing democracy is a long and fragile process and some attempts to restrict freedom of speech and to muzzle media are still noticed. Divided in three parts, following a chronological order from the dawn of the 20th century to 2018, this chapter aims to trace freedom of expression's evolution in Tunisia with a specific focus on press freedom and its long history with censorship and state control.

### **Emergence of journalism: the genesis of dictatorship**

In order to preserve their regimes from the citizen awareness or anger, a strict state control and restrictions were imposed to media during the Bourguiba and Ben Ali eras. But if we analyze history, we can easily find that media supervision and monopoly started during the French protectorate (1881–1956). Journalists and newspaper owners were harassed, tracked down and intimidated by the French colonial forces because of their writings and political views. In 1925, a decree issued under French colonial authorities proclaimed that the reception, the broadcasting, the editorial line, the content and obviously the regulation were exclusively under colonial administrative control. These dispositions were applicable to Radio Tunis, the very first Tunisian public radio, launched in 1938. Few decades after, with the emergence of television, the mission to muzzle media became more pressing. All means were employed to reach that end.

### Newspapers

The very first daily printed newspaper was launched in Tunisia on July 22, 1860. Published in Arabic language and titled *Arra'id Attunisi*, it became the official Tunisian newspaper after the Independence (1956). In 1907, Tunisian activists and intellectuals had the idea to create a newspaper in French language and launched *Le Tunisien* to make their voices heard and their anti-protectorate position known both in Tunisia and in France. Referring to the National Center of Documentation, during the period between the beginning of the 20th century and the Tunisian Independence in 1956, a very large number of newspapers were launched either in Arabic or French language. Of the most popular newspapers were *Taht Essour*, *Al Mabaheth* and *L'action Tunisienne*, the last one founded by Habib Bourguiba himself.

As mentioned in the introduction, journalists and newspaper owners were persecuted and prevented from doing their job well by the French colonial forces due to their writings and political views. After the Independence and during the Bourguiba era, press freedom experienced ups and downs. During the first decade, Bourguiba encouraged the development of public and private media, but all still state-controlled. To ensure their survival and long-term future, newspapers had to be neutral, and the media landscape was uniform and disciplined. The opposition press titles were entirely controlled by the party-state and faced economic troubles. Consequently, in the absence of financial support and due to the frequent foreclosures and suspensions, their existence was very hypothetical (Camau & Geisser, 2004). Journalists were frequently writing articles about social and syndicalist issues in opposition publications. They were also writing about human rights violations and denouncing the practice of torture. Humorist articles and caricatures were frequently published and prominent state figures ridiculed, such as former Prime Minister Mohamed Mzali. The only red line was president Bourguiba and any criticism about him was leading to an immediate sanction. At the end of his presidency, state-control on media became more rigorous and many newspapers completely disappeared (ibid.).

### Radio

The very first official Tunisian radio was launched in 1938 under the French protectorate. Radio Tunis-PTT was established by Phillippe

Soupault and its content was broadcasted in Arabic, French and Italian. During the first year, it was predominantly used religiously – particularly during Ramadan. For example, it would signal the break the fast make a call to prayer, and read out verses from the Koran regularly during the day. The station underwent several of its biggest transformations just a year after its launch. It was renamed Radio Tunis, as we all know it as today, while a second studio was installed, which meant that content could be broadcast in both French and Arabic to satisfy the masses.

A second radio was launched the same year. This allowed a separate and simultaneous broadcast of Arabic programs (current National Radio) and French (current RTCI). After the Independence, the radio stations were entirely state-owned and controlled and the programs were focusing on development and social reforms. Obviously, presidential activities were taking the lion's share of the radios' content. According to Derek Hopwood and Sue Mi Terry, in 1973, Bourguiba gave a series of lectures on his own life at the Institute of Press and Information, and for three months, every Friday, members of the government, officials, students and teachers were summoned to listen to the president talking about himself. The talks were rebroadcast on radio and television and later published (Hopwood & Terry, 2016). Furthermore, Hopwood and Terry tell that on November 7, 1987, Habib Bourguiba awoke as usual and switched on the radio. He was shocked to hear at 6.30 A.M. Zain al-Abidin Ben Ali's broadcasted statement about Bourguiba's overthrow (ibid.).

For a long time, private radio stations were not allowed to broadcast and the state's strategy was to establish regional public radios. It started with Bourguiba and continued with Ben Ali. The very first private radio station, *Mosaïque FM*, was launched on November 7, 2003 and 13 per cent of shares of this station were owned by Belhassen Trabelsi, Ben Ali's brother in law. The date coincided with the day Ben Ali overthrew Bourguiba and became president. Many other radio stations, all state-owned, were also launched at the same date which became one of the strongest symbols of Ben Ali's regime.

In October 2011, twelve radio stations obtained their licenses.

### *TV stations*

Television was officially introduced in 1966 in Tunisia and by 1972, transmission covered the country. A relay station to link up with the

European transmissions was built at Al Haouaria in 1967 and a second channel was introduced in 1983. Several channels followed

Obviously, the content was totally under state-control and censorship was often used. Nobody who worked in the official media could express themselves against the regime (Webb 2014). Following the initial years, satellite reception arrived. It was bad news and a new challenge for the old regime. The regime tried to tax installed satellite dishes, and the aim was to discourage people from using these. When licenses were handed out to private radio and TV stations later, the legal framework was not changed (Ennaji, 2014).

### **The Ben Ali era**

Freedom of speech in Tunisia experienced its worst days during the Ben Ali era, especially after 1990. During his presidency, nobody was allowed to express his point of view and to comment, especially on political, economic and social issues. To resume, there was no freedom at all for citizens and obviously not for journalists. Censorship very common. Ben Ali's police state kept an iron grip on both private and state-owned media, imposed wholesale repression and posed as a victim whenever its bodies were accused of censorship. The former regime's point of view was clear and precise: the press had to be muzzled. No matter the price, everything had to be under control to prevent breaking the myth of a pseudo democratic country that officials tried to convey abroad. Moha Ennaji writes that those who were assigned to control the media under Ben Ali communicated the image of a democratic regime to the world, one with a developed media landscape with modern technological development. But throughout the period, media content was subject to close control and censorship. Journalists were communicating official information and avoid controversy (Ennaji, 2014)

To secure this control, enemies of the free press used several methods: money, favoritism, preferential treatments, privileges granted to missions abroad, selective choice of beneficiaries of public and governmental advertising, senior positions responsibility, threats, etc.

The direct result of these continuous campaigns of oppression and forced submission of the journalistic sector, all categories included, was an insipid and monotonous journalism and a complete absence of investigative journalism. In the same way, very few new media plat-

forms were launched in Tunisia, since obtaining broadcasting licenses depended on the agreement of the leaders whose mission was precisely to curb the media. Even more stunning, the censorship under Ben Ali was not limited to local media contents but also included the international press. Indeed, many French newspapers, also satirical ones, such as *Charlie Hebdo* and *Le Canard Enchaîné* were banned and untraceable in Tunisia for more than a decade. In 1992, *Liberation* was temporarily prohibited, but then allowed again in very limited quantities. In 2007, one edition of the daily newspaper *Le Monde* and two editions of the weekly *Le Nouvel Observateur* were not distributed in Tunisia. The reason was that they contained articles written by Taoufik Ben Brik, a staunch opponent of the Ben Ali's regime. The different websites relaying journalist's items were also blocked.

### **Emergence of internet: the Ben Ali nightmare**

In the 1990's, the emergence of internet and the growth of new web technologies were immediately placed on the top list of threats for Ben Ali's dictatorship. His regime imposed a lot of restrictions on Internet. All Internet Service Providers (ISPs) were obliged to route their Internet traffic via the Tunisian Internet Agency (ATI). Many websites, blogs and forums were censored in Tunisia. Many cyber dissidents were arrested and tortured. So, despite the emergence and the rapid spread of the internet in the world, Tunisia stayed hermetic and Tunisians were still reduced to a stony, deafening silence. A noisy silence full of frustration, unarticulated violence and hate.

During Ben Ali's presidency, dealing with the absence of free and pluralistic media and in spite of the imminent emergence of internet, the access to a credible and relevant information was likely a mission doomed to failure. Censorship embraced also the web and many sites were inaccessible, meaning information sites, opponents' blogs, discussion forums, international NGOs defending human Rights, freedom of speech and transparency (Amnesty International, Freedom House, Reporters Without Borders, IFEX). Even video sharing platforms such as Youtube and Dailymotion were blocked. Rather early, Ben Ali seized the magnitude of the Internet phenomenon that transformed the world to a connected city and greatly reduced the distance and thus the access time to information (Benarous, 2016).

Considering this as an imminent threat, the former regime from 1996 implemented a sophisticated monitoring system aiming to spy on every user action, supervised by a “cyber police” division and set up by the Tunisian Internet Agency, which provided the equipment. Those techniques included some sites being blocked, but also interceptions of emails and immediate identifications and geolocations of IP user addresses.

To achieve this goal, international and especially U.S. and European companies were involved, spying email contents through their “Deep Packet Inspection” facilities. Vernon Silver confirmed it in the survey published by Bloomberg News (Silver, 2011). However, instead of deterring opponents, the sophisticated technological arsenal deployed by Ben Ali created a new battlefield. Feeling constantly spied and unsafe when surfing on the net, Tunisian citizens became experts in defeating censorship by regularly using proxy servers to visit the blocked sites and protect their electronic correspondences. Ammar404 was the nickname given by Tunisians to Internet censorship and it became one of the biggest symbols of militancy against internet block.

In January 2011, on the eve of his departure and in a desperate attempt to calm citizen’s anger, Ben Ali promised in his last speech as a president to put an end to censorship and to give more freedom to people. During that evening, censored Twitter and Youtube again became available for Tunisian netizens.

## **Post-revolution**

While trying desperately to block all information and communication channels and to impose his diktat on media, Ben Ali finally accelerated his downfall. In January 2011, Tunisia threw out this dictator and his subordinates. The Tunisian people were free. Their way to freedom was through an exemplary pacifism, which leads them to a pluralistic and sustainable democracy.

On this long and perilous road of emancipation, Tunisians learned how to free themselves from useless chains, to push the boundaries between theory and practice, to learn the importance of press freedom and freedom of expression. The 14th of January 2011 was the beginning of a new era. It was not only the end of a political dictatorial regime. It also marked the downfall of a complex and well positioned structure of media control and censorship. Since that date, Tunisian journalists have

worked without hindrance, forgetting censorship, hierarchical controls, imposed topics and items banned of diffusion. Since this revolution, a long cleansing up and professionalization of the journalistic sector, started expecting to provide a high-level quality of media content to better inform the citizens. However, this is no easy task, especially with the constant and accelerated flow of the news in the country since 2011.

Working every day under pressure and constantly seeking for scoops, make reporters, even the most professional of them, sometimes lose the notion of caution, abandoning the most basic rules of ethics and journalistic deontology, i.e. not to share information only after checking its accuracy with credible sources. Acting like this, journalists exposed themselves to strong reactions even to prosecutions, a notable change! Indeed, while under Ben Ali, journalists were subject to sanctions, abusive sacking, physical attacks or arbitrary arrests, today the dispute settlements with media take place before the courts. Thanks to this main achievement from the democratic process initiated since 2011, institutions of justice now position themselves as the third estate, authorized to deliver neutral and impartial judgments in the conflicts between media and complainants.

To protect journalists from attempted subjugation but also to make them more responsible about their work and more professional, the creation of an Independent Commission for Audio-visual Communication (HAICA) was announced in the decree law No. 2011-115 of November 2nd 2011 and officially started its activities in 2013. In November 2011, the Tunisian government also passed decree 115 (No. 2011-115 of 2 November 2011), which is intended to replace the restrictive press code of 1975. The new one allows journalists to freely access information and removed a requirement for prior authorization from the Interior Ministry for the diffusion of some kinds of publications. The code also included a reduction in the protections and privileges enjoyed by public authorities, including those related to defamation and information pertaining to state security.

Both these decrees were set up to regulate the media and to improve the quality of journalistic content. Furthermore, these texts also list sanctions applicable to the journalists in case of professional mistakes and omissions, considering the code of journalistic ethics. Periodically, organizations and especially the National Tunisian Journalists' Syndi-

cate (SNJT), initiated workshops and meetings with various actors of the media sector in order to identify potential improvements to the Decree 115. However, while journalists and media were learning to make their first steps on the path of democracy and press freedom, a phenomenon appeared to disrupt the process and to accelerate the rate. This terrorism caused great damages in Tunisia. Media coverage of terrorist attacks has become a major challenge for all editors and journalists.

Nowadays, more than eight years after the Revolution, Tunisia has definitely adopted democracy. Tunisians are practicing freedom of speech and journalist's freedom of press in their daily life. The learning process was not easy and many mistakes were made throughout this period. In its latest global report on press freedom, Reporters without Borders (RSF, 2018) ranked Tunisia 97th out of 179 countries. In 2010, the country was ranked 164rd. Can we say that press freedom is definitely acquired? The answer is very complex and many attempts to muzzle again journalists were noticed during the last years. Other point, most of media are owned by businessmen and they don't give interest to investigation. They only are looking for the buzz, for the advertising revenues and for the earning. Last but not least, some of the Tunisian media's owners give the opportunity to some political parties to do their propaganda on their media during elections campaigns. All these practices represent a threat for the sustainability of press freedom. That is why, journalists have opten for the creation of a new independent regulation's structure, The Council of Press (Le Conseil de Presse), to help reverse the decline in media freedom in the country.

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