

URGENT ACTION

LAWYER ON TRIAL AT A MILITARY COURT

Human rights lawyer Najet Laabidi faces trial before a military court on charges of "insulting a public official while performing their duty". She risks up to two years in prison. The trial is a result of a complaint filed by a military judge who was presiding over the trial of former regime officials being prosecuted for torture. As the defense lawyer for victims of torture in this case, Laabidi flagged a number of violations during her pleading and questioned the impartiality of the military judge. The military judge subsequently filed complaints against Laabidi in 2015. She appeared in front of the military court and is awaiting a verdict on 12 March 2020.

TAKE ACTION:

1. Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
2. [Click here](#) to let us know the actions you took on **Urgent Action 27.20**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

Kais Said

President of the Tunisian Republic
Palais Presidential de Carthage
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Tunisia

H.E. Fayçal Gouia

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Contact form: <https://www.tunisianembassy.org/contact>
Salutation: Dear Ambassador

Your Excellency,

On 12 March 2020, lawyer and human rights defender Najet Laabidi could face a prison sentence by a military court of up to two years for "insulting a public official while performing their duty." 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 a defense lawyer in this case, Laabidi raised a number of procedural irregularities undermining 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, 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 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.

I therefore ask you to immediately and unconditionally quash any pronouncement rendered by a military court against Najet Laabidi. I ask you to take all measures in order to stop trying civilians in military courts as required by the Tunisian constitution and international human rights law. Finally, I call on you to reform Penal Code provisions and other laws to fully protect freedom of expression in Tunisia.

Yours sincerely,

AMNESTY
INTERNATIONAL



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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French or English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 22 April 2020.

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Najet Laabidi (she/her)