

**Mr. Béchir Tekkari**  
**Minister of Justice and Human Rights**  
**31 Boulevard Bab Bnet**  
**Tunis 1019**  
**Tunisia**

Paris, 16 July 2009

090720

Dear Minister,

Reporters Without Borders, an organisation that defends press freedom worldwide, would like to refer you to the case of Khedija Arfaoui, a 69-year-old human rights activist who was sentenced by a Tunis court on 4 July to eight years in prison for posting a message about the rumoured abduction of children for their organs on the social-networking website Facebook.

The rumours about children being kidnapped had already circulated widely in Tunisia and had already been reported in the press. Ms. Arfaoui did not start the rumours but she was the only person to be prosecuted and we believe she has been made a scapegoat.

She was convicted of “disturbing public order” under article 121 of the Tunisian criminal code, which states that “anyone stirring up rebellion by means of speeches in public places or meetings, or placards, posters or written texts is punishable as if they had participated in the rebellion.”

In response to our 13 July press release on this subject, a Tunisian government official was quoted by *Agence France-Presse* as saying that M. Arfaoui’s conviction was “fully justified in legal terms.”

As regards judicial procedure, we must point out that Ms. Arfaoui did not know that her trial was due to begin on 6 June until she read it in the newspapers on 31 May, and she did not receive any formal notification until 5 June. When a second hearing was held on 27 June, her lawyers were not allowed to see the prosecution case file. She and her lawyers did not know that a verdict and sentence had been issued until they read it in the newspapers on 5 July.

As regards the substance of the case, disturbing public order is punishable by six months to five years in prison and a fine of 120 to 1,200 dinars (72 to 720 euros) under article 121 of the criminal code, which forbids the distribution, sale or display, or possession with a view to distribution, sale or display, of leaflets, newsletters or stickers of foreign or national origin liable to disturb public order or decency.

This article applies to public spaces whereas Facebook is regarded as a private space. The indictment itself violated the confidentiality of correspondence. This is guaranteed by article 9 of the constitution, which says: "Domestic inviolability, the confidentiality of correspondence and the protection of personal data are guaranteed, except in particular cases specified in the law."

We urge you to intervene to ensure that Ms. Arfaoui's conviction is quashed. Tunisia has no law governing the Internet and Reporters Without Borders therefore regards her conviction as baseless.

We trust you will give this request your careful consideration.

Respectfully,

A handwritten signature in black ink, appearing to be 'J. Julliard', written over a horizontal line.

Jean-François Julliard  
Secretary-General  
Reporters Without Borders