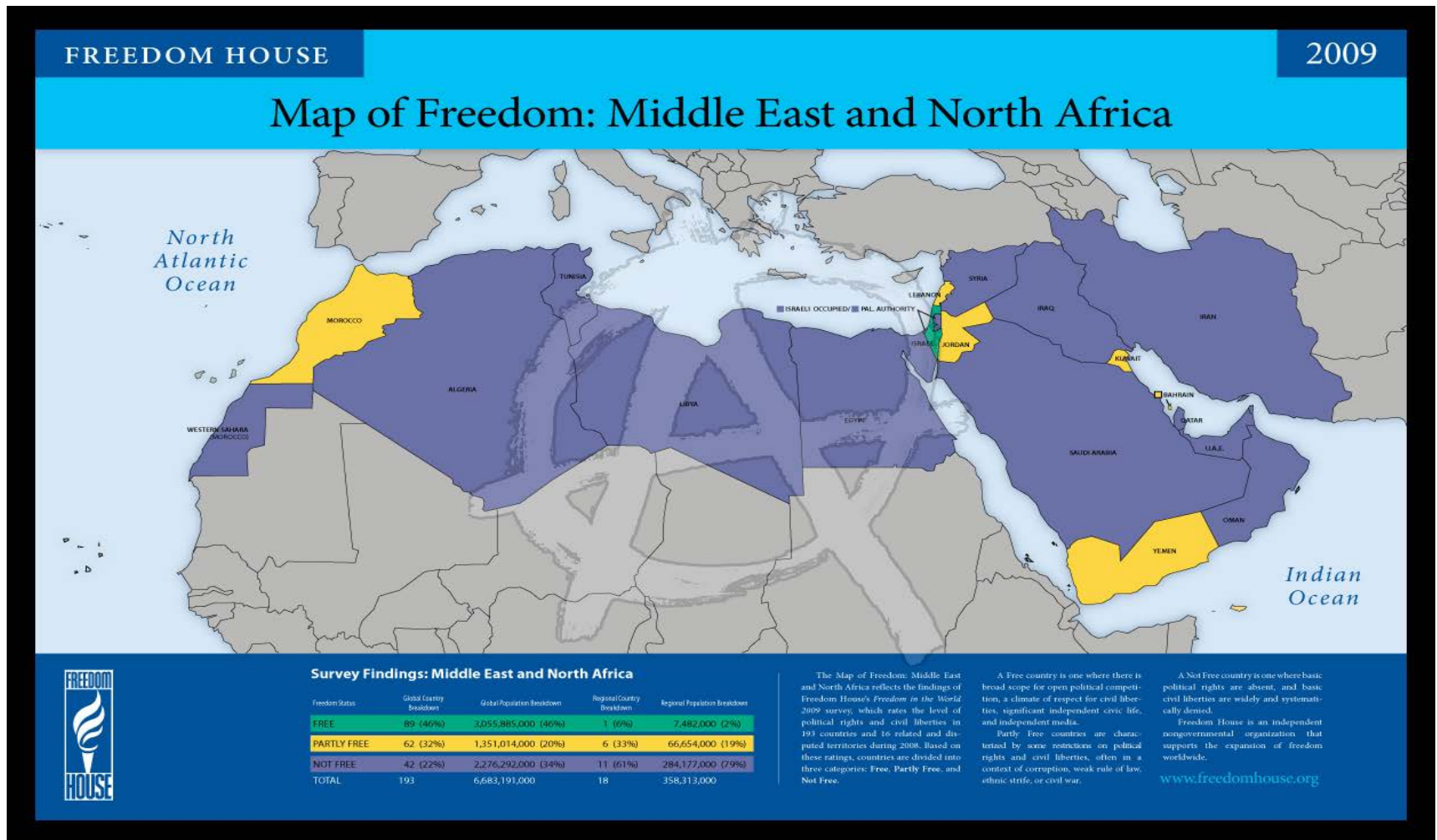


9 Years After Arab Uprising: Freedom Of Expression Still Not Welcome:



By Dr. Hind Arroub

Freedom of Expression Map in the Eve of the Uprising: 2009

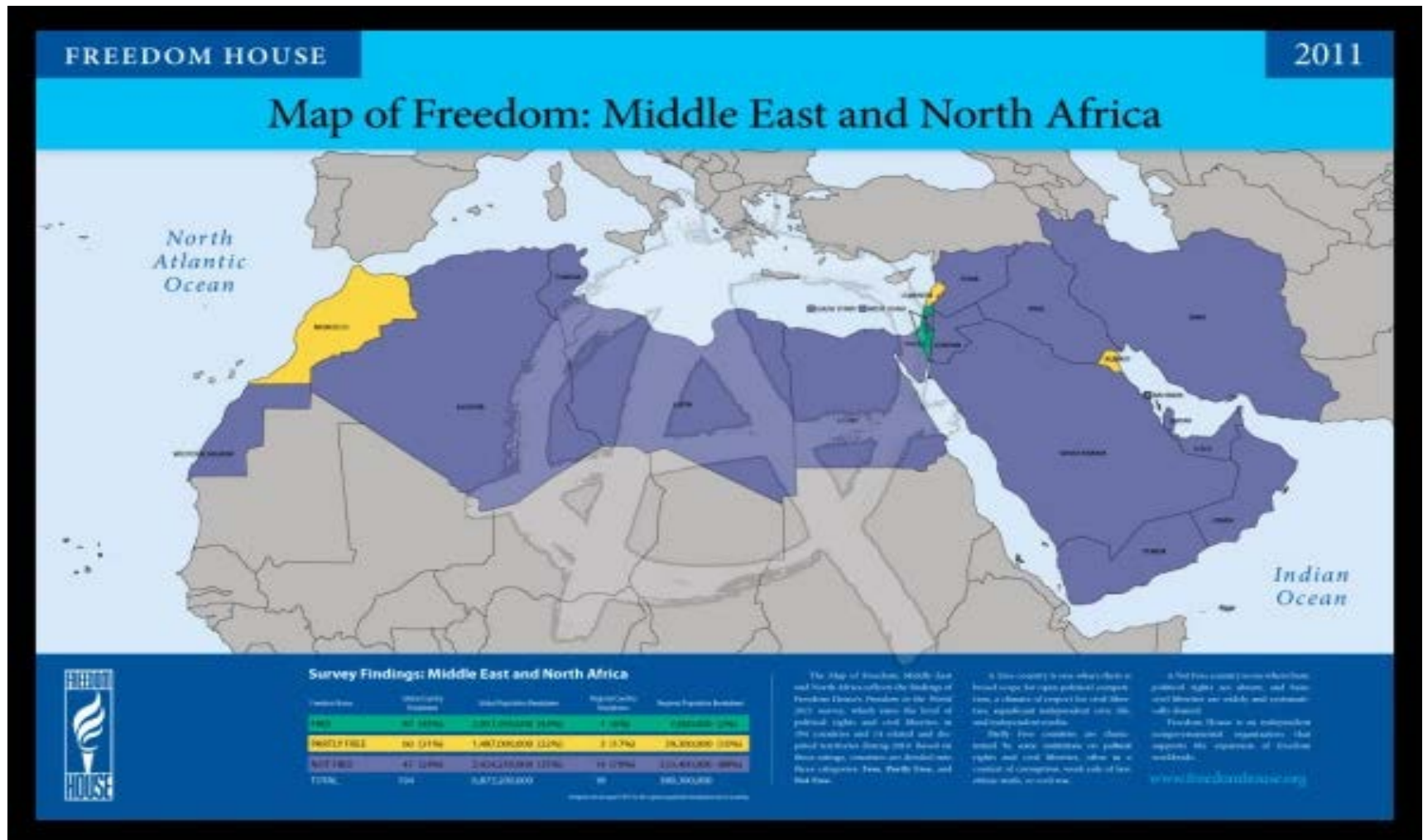


Freedom of Expression Map in the Eve of the Uprising: **2010**

Freedom of Expression was always a major lack in the Arab world.



FoE, the Year of Uprisings 2011



Expectations After the Arab Uprising

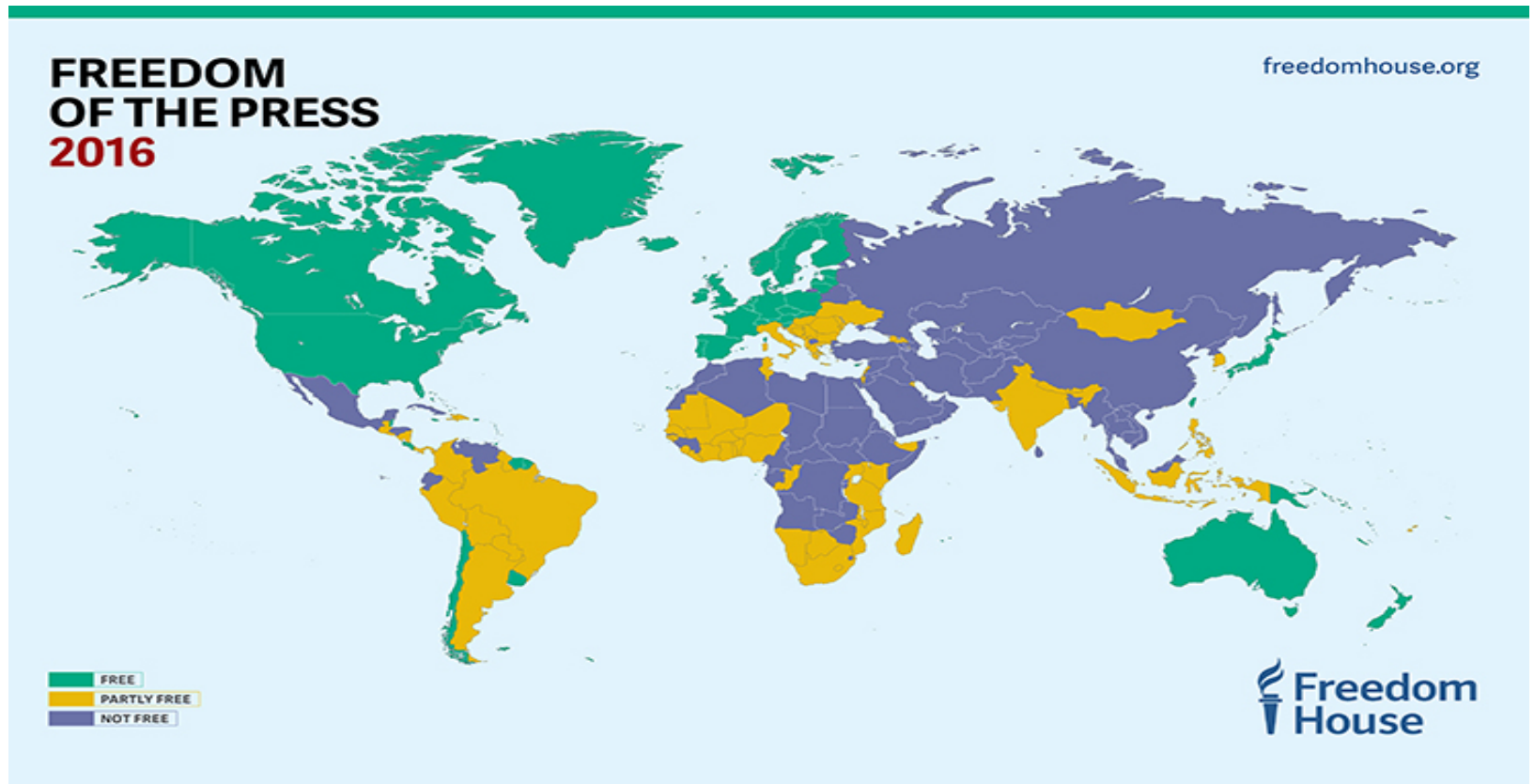
- Freedom, Dignity, Justice: expectations were very high that the Arab World would be freer and more independent but facts demonstrate the continuity of the oppression.



FoE in 2014



FoE in 2016

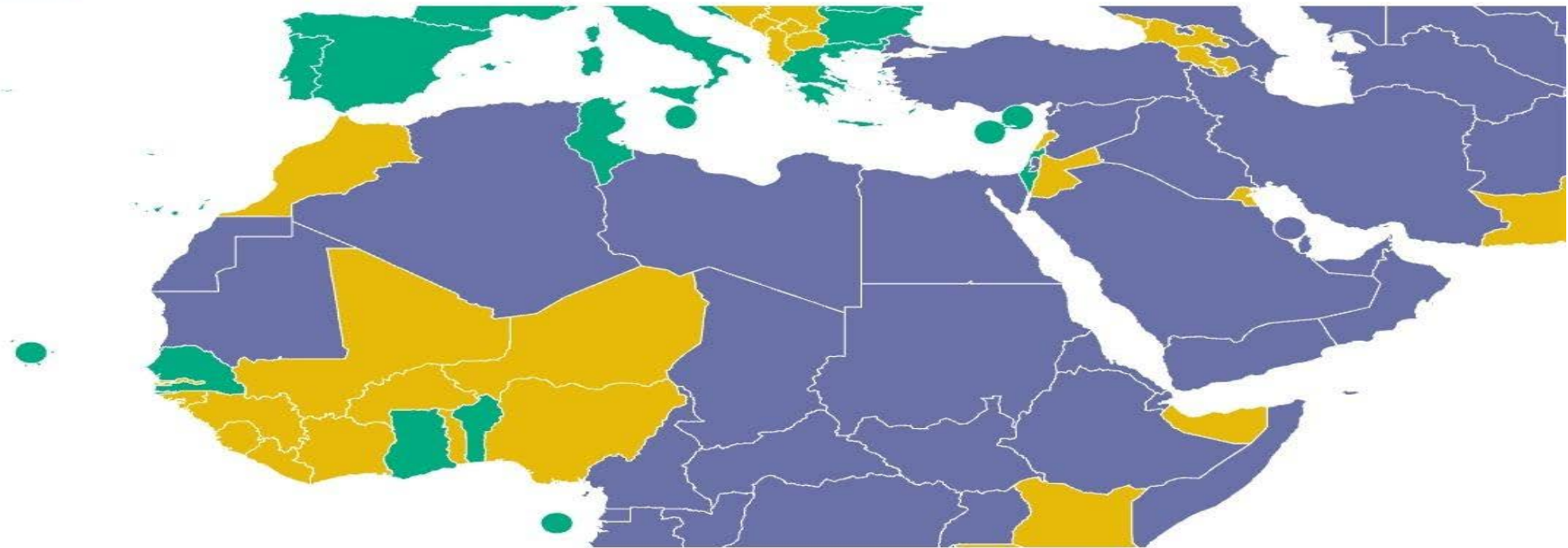


FoE in 2019



MENA ▼

Free Partly Free Not Free



Aggregate Score: 0=Least Free, 100=Most Free

General Context: The Continuity of Oppression/ No Rupture

- ✓ during the last 9 years Arab regimes continued their autocratic practices: **Security Pretext – Terrorism threat.**
- **Classic accusations:** Conspiracy- destabilizing the public order- Foreign money- Coup d'état.
- **Charges of libel:** Moral; Politics accusations; Apostasy; Blasphemy...etc
- **Practices:**
 - ✓ Censorship
 - ✓ Intimidation
 - ✓ Arbitrary detention
 - ✓ Jail Punishment
 - ✓ Banning events, voices, blogs, websites... etc.
 - ✓ Threat by state authorities / also by non-state actors
 - ✓ Financial tools
 - ✓ Economic Situation / Starvation
 - ✓ Psycho. Pressure

Legal Environment: Texts & Context

After Uprising

Most Arab states signed and ratified the international treaties related to the FoE

- **Constitutions:** Preambles recognize that states guarantee Freedoms in line with the Universal declaration of H.R. only if those universal values suit the traditional values of the society.
- **Organic law / domestic bills: Show the opposite.**

The march of Freedom and Human rights in MENA is chained
by the oppressive context and the security pretext



Tunisia 1

- **Constitution of 2014:**

Chapter 2 : Rights & Freedoms (ar. 21 to ar. 49)

Ex. Ar. 31: All type of freedoms are guaranteed: opinion-expression- information- publication- thought.

Press code: New decrees Nov 2011: a mixture of Ben Ali era and Uprising.

Chapter 5: Punishment:

Jail & fines

restrictive provisions

prosecuting of journalists

Tunisia 2

- **Advancement:** Tunisia has made steps forward on its ongoing democratic transition: a unique example in the region following the Arab Spring.
- **However,** some legislation and policy proposed by the government are regressive.
- Criminalising journalists, whistle-blowers, human rights defenders, and others who criticize the police.
- Protests and demonstrations have been banned in the name of public order
- Range of print and broadcast media restrictions.
- Journalists and bloggers being arrested.
- Authorities have also arrested and prosecuted individuals on **defamation charges for 'insulting' state officials and 'harming public order.'**

Tunisia 3: Emergency Bill

Draft governing state of emergency bill is a step backwards for human rights

- **ARTICLE 19 and MENA Rights Group have warned** that **draft law No. 91-2018**, governing state of emergency provisions in Tunisia will have a detrimental effect on fundamental rights and freedoms in the country.
- Amended by the parliament in April 2019, it contains a **list of exceptional measures** that give the executive discretionary powers:
 - The president can declare and extend a state of emergency without having to seek parliamentary approval.
 - The Ministry of Interior has exceptional powers to place anyone under house arrest or electronic or administrative surveillance whose “activities are deemed to endanger security” without obtaining a court order.
- **Continuous renewal of the state of emergency since 2015:** Following a suicide bombing in Tunis in November 2015, there has been a continuous state of emergency, with the last renewal taking place on May 3rd, 2019.

Algeria 1

- **Constitution 2016:**

Chapter 4: Rights & Freedom (32- 73)

Ar.41: FoE is guaranteed / **Ar.36:** Freedom of Opinion is untouchable.

- **Press Code:** Dec 2011 to replace the 1990 code:

32 articles to restrict FoE: Religion-, Security state-, National defense-, Emergency state...

- **Punishment:** Jail & fines (up to \$6000)

Algeria 2: "If we had freedom of expression in Algeria, we wouldn't write on walls." Elhamiz, Algeirs. November 2018. @la3moum (TRTWorld)



Algeria 3: Feb 2019 The Wall of Fear has been broken

- As protests enter their 8th month, Algerians continue to demonstrate for change, justice and accountability. Whether they will receive it is another question.

- **Soolking: Liberte/ freedom:** <https://www.youtube.com/watch?v=sc2iVMhxW94>

Apparently power can be bought, freedom, that's all we're left with

Freedom, It starts in our hearts

Freedom, It doesn't scare us

Free all those that are taken hostage, that's all we have

All we have is freedom

This is our message, our last words

Morocco

- **Constitution: 2011**
- **Chapter 2:** Fundamental Freedoms and Rights: Ar 19 to 40
Ar. 25: Freedoms of thought, of opinion and of expression under all their forms are guaranteed.
- **Press code 2016:** Restrictions: **Sacred trilogy / Red Lines: Religion – Monarchy – Territorial integrity**
- **Ex: Ar. 76 & 77** fines of up to US\$20,000 for publication of what can be seen as offensive content about the monarchy, Islam, and territorial integrity.
- Moroccan courts have punished journalists with jail terms, fines, and the suspension of publications.

Egypt

- **Constitution of Egypt 2014:** Chapter 3 (ar. 51 to 93): Public rights, freedoms and duties: “Freedom of thought & opinion is guaranteed”
- **Press law & Penal code:** The 1996 press code remained
 - Array of articles criminalizing FoE
 - Sentences of up to 5 years in prison + Fines
 - Authorizing censorship in times of war or general mobilization
- **New bill in Dec 2016: Stating state control**
 - **In 2015: Egypt was the world’s 2nd worst jailer of journalists**

International Agreements vs. Domestic Laws

Problem of Supremacy

International agreements approved & ratified are superior to the domestic laws

But texts & contexts are far away from each other.

The Anti-Terrorism Law

Anti-Terrorism Law

State of Emergency

Criminal Penalty (Penal Code)

Jail

Warning:

Does Change a Dust in the Eye?

- Local and international NGOs and institutions are warning that the situation is getting increasingly worse

The annual report published by The Arabic Network for Human Rights Information (ANHRI) in February 2016 concluded:

“Even though the changes took place to freedom of expression were less than expected”

- Tunisia is still the best country relatively, compared to other countries like Saudi Arabia, Egypt and Sudan
- Freedom of expression situation declined
- Hostility to criticism as well as attempts to stifle the independent press and the internet

Are New Media Freer?

- ✓ Are new media freer than the traditional mass media?
- ✓ To what extent can they avoid censorship or break taboos?
- ✓ Are the voices of bloggers and internet activists actually being heard and by whom?
- ✓ How democratic are the new media and what are their limitations (reaching people)
- ✓ The social media are not limited to pro-democracy activists. They are also used by autocratic governments, conservative groups and terrorists (ISIS)

Saudi Arabia: Khashoggi's Murder

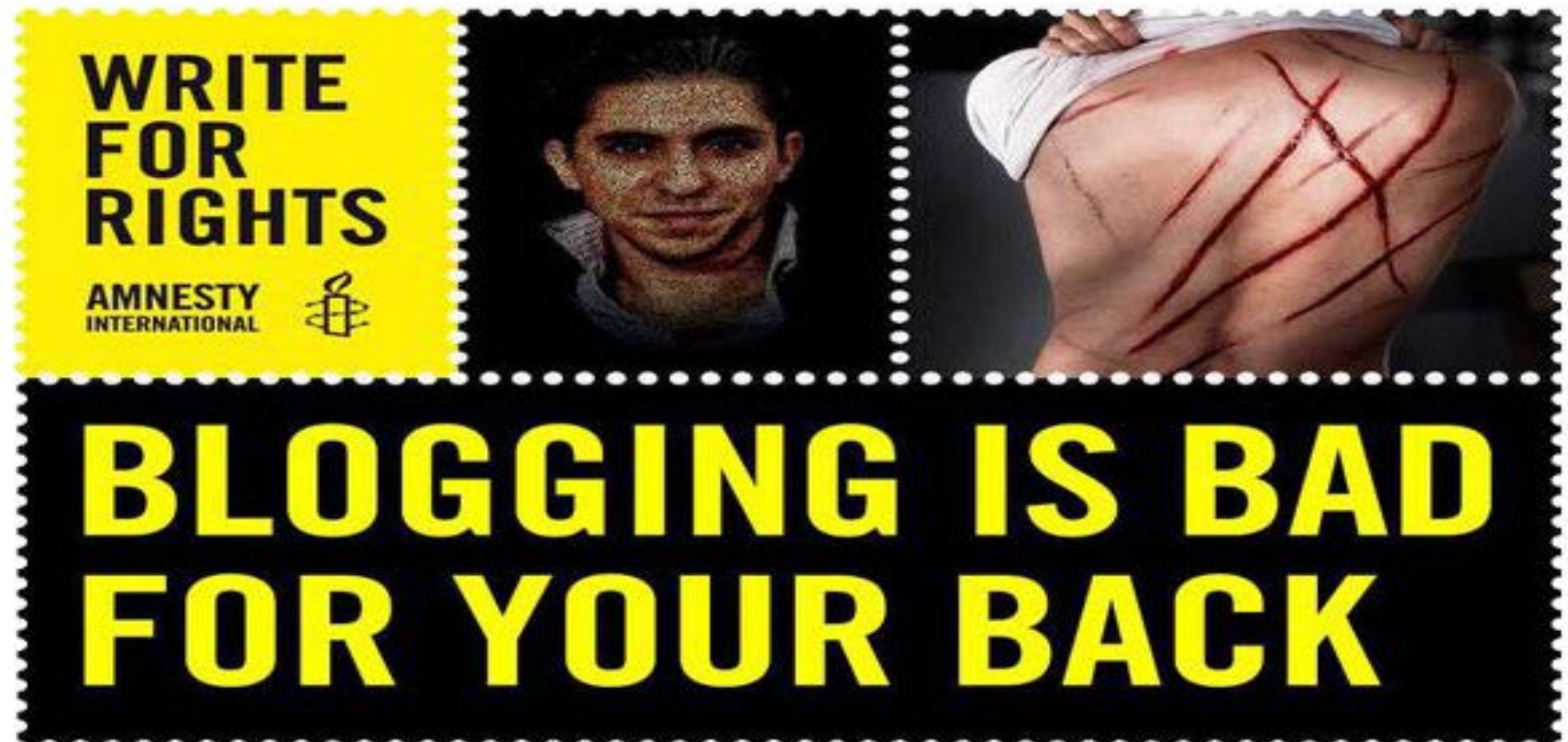


Cases:



Saudi Arabi: Raef Badawi: Writer & Blogger

- The Free Liberal Saudi Network. Arrested in 2012. Convicted in 2015: 10 years jail & 1000 lashes



Algeria: A Journalist Passed Away in Dec 2016

- Mohamed Tamalt, who was imprisoned after sharing a poem about the Algerian president on Facebook, dies in hospital.



Algeria: Arrest of an Independence War Veteran

- Lakhdar Bouregaa, 86, was arrested at the end of June for "insulting a state body" and "taking part in a scheme to demoralise the army with the aim of harming the nation's defence."



Egypt: Ali's Call to Take the Street

- Mohamed Ali, a 45-year-old construction contractor and part-time actor
- He got rich building projects for the Egyptian military
- He left for Spain to live in self-imposed exile
- he began posting videos on social media accusing El-Sisi of corruption and hypocrisy
- Defamation: His family members were used to attack him (wife, father and brothers)



Egypt: Execution of Nine Men after an Unfair Trial - a Monumental Disgrace 1

The 9 Egyptian young men



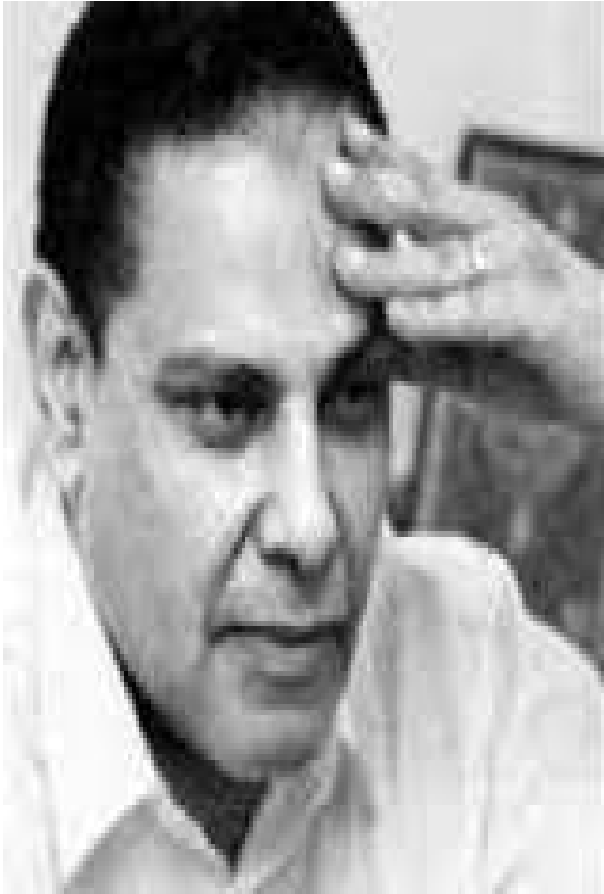
Egypt: Execution of Nine Men after an Unfair Trial - a Monumental Disgrace 2

- The 9 were among 28 men sentenced to death for the killing of the former public prosecutor in an attack in Cairo that took place in June 2015.
- Several of the men said they were forcibly arrested and tortured in order to confess the killing.

Egypt: Fatema Naoot: Writer: Jan 2016
Jailed for 3 Years / Charge: Blasphemy



Egypt: Homosexuality & Conspiracy Accusations Against Actors, Writers, etc.



Tunisia: Nouredine Mbarki, Chief Editor of Akher Khabar: 2015.
Charge: Complicity in Terrorism under the Counterterrorism Law



Tunisia: Day of Anger

- Journalists demonstrate **against** Tunisian government laws threatening people's right to criticize the state.
- **Amnesty International 2018 warning:** All people in Tunisia must be able to openly express their criticism of state institutions and public officials, including security forces, without the fear of prosecution.
- July 2018: A police union later filed a complaint before the Supreme Court against the rapper **Ahmed Ben Ahmed**, referring to the Penal Code crime of “insulting state officials”.
- the military court sentenced parliamentary deputy, **Yassine Ayari**: 3 processes between 2018 / 2019

Ayari / Ben Ahmed



Qatar: Mohammed al-Ajami: Poet: 2011
Sentenced to 15 Years in Jail
Charge: Inciting to Overthrow the Ruling System



Lebanon - July 2019: Mashrou' Leila: Lebanese Rock Band Pulled from Byblos Festival After Threats. Church Leaders Accused the Group of Blasphemy.



Morocco:

1-Moustapha Hasnaoui: Journalist: Charge 2013: Belonging to a terrorist group (3 years of jail)

2- Mouad Belgouat: Rapper: Jailed 3 times for his songs since 2011. Today, he lives in exile in Belgium



Morocco: Ali Anouzla: Chief Editor accused of inciting terrorism

- On 13 Sept. 2013, Lakome.com published an article about a new propaganda video allegedly posted by the al-Qaeda in the Islamic Maghreb organisation.
- The video was entitled "Morocco, the kingdom of corruption and despotism"
- charges: "providing material assistance to, defending and inciting terrorist acts.
- Provisional release



Morocco: Mehdi Boukillou: a 28 years old PH.D student in law:
arrested for terrorism when he wanted to establish a new Po. Party (in the
jail since March 4th, 2017)



Morocco: Hamid El Mehdaoui, journalist and director of news site Badil, has been arrested while he was reporting protests happening in the Rif Region (North of Morocco). The public prosecutor arrested him for “**inciting people to protest**”. In jail since July 2017. **In 2018:** He was Shortlisted for Reporters Without Borders’ Award



Morocco: Nasser Zefzafi, A leader of social Movement protest (Hirak) jailed for 20 Years'

- ✓ Recently, Zefzafi and other Hirak's detainees have announced their intention to renounce their Moroccan citizenship.

2018: One of the three finalists selected for Sakharov Prize



FoE is still not welcome

- ❖ Without FoE, the democratization process can not be achieved.
- ❖ Rule of law: Democratizing the legal system
- ❖ *Systemic change with different stockholders.*
- ❖ *Awakening of people's minds*

Arab cartoon on FoE:

“Please, express your opinion”



“In my own land, they wronged me.”

- <https://www.youtube.com/watch?v=KAdeLpa-Ylk>