

Partnership's Failure to Effectively Improve Press Freedom in North Africa

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As members of the Euro-Mediterranean Partnership, Maghreb countries (Algeria, Morocco, and Tunisia) look after their own interests and pursue different strategies to achieve economic advantage and political support. However, since the enlargement of the EU, the Maghrebi political elite is wary of their special relationship with the EU and of the weakness of the Barcelona Process. Civil society groups in the region, which are searching for financial and moral support from the Partnership, are more and more critical about the inefficiency of the Euromed mechanisms, especially with regard to the implementation of the human rights chapter of the Barcelona Declaration. The impact of the Partnership on human rights – and press freedom in particular – in the Maghreb countries has been minimal, if not absent. Press freedom in the three countries has been mainly influenced by internal economic and political factors.

Different Experiences of Press Freedom in Maghreb

During 2004 press freedom gained new ground in Morocco, but stagnated in Tunisia and experienced difficult times in Algeria. The Moroccan government has abol-

ished the state broadcasting monopoly and instated an independent broadcasting authority whose responsibility would be, –once the new law on Broadcasting passed by the Parliament comes into force– to grant licenses to private investors and to control their programming obligations. The Algerian government has ruled out any privatisation of broadcasting, but announced a series of measures to develop regional and thematic broadcasts, including television in Berber language.¹ In Tunisia, the government authorised in November 2003, the first commercial radio station, which had an impact for its professionalism and entertainment programmes, especially with young people. However, this station has not been given the freedom to comment on political affairs and it is said to be owned by associates of the president. A new private television station will be launched in February 2005.

The press in Morocco, despite its vibrant tone, has declined in circulation and experienced drops in advertising revenues. The newly established editors' association (la Federation marocaine des editeurs des journaux) is negotiating with the Ministry of Communication for a rescue package to shore up newspapers facing difficulties. The package, once agreed, will deliver financial assistance and training to journalists and newspaper managers. The advertisers' union and the Ministry of Communication requested an office to audit newspaper circulation, which was set up, however it is still inoperative due to the resistance of some editors.

In Algeria, the private press is heavily in debt to government printing houses and with tax arrears. Information was circulated in the press that the government intended to privatise state newspapers, but this was denied by the Minister of Communication.² The State continues to own and manage several dailies and weeklies and most of the printing presses.

A newly established federation of Algerian Newspapers, made up of editors of state newspapers, has caused a war of words between the new syndicate and the existing National Journalists Syndicate. The first accused the publishers of the private press of despotism and of pursuing personal wealth to the detriment of their journalists and the latter accused the new syndicate of being a puppet of the government with the single aim of destroying the private press.³

A draft information law is being prepared by a special commission, set up by the Ministry of Communication, to amend the 1990 information code which contains severe restrictions to freedom of expression, including the defamation provision, amended in 2001, which has been used in 2004 to criminalise journalists' investigative reports on corruption and criticism of the head of state and other officials. The new law will include provisions on ethics and the right of reply during election campaign periods, as well as on the conditions of the deliverance of press cards and journalists' rights to access publicly held documentation and information.⁴ The government also announced the future adoption of

¹ Younes Hamidouche, *La Tribune*, 20th December 2004.

² Boudjemaa, Haïchour (Minister of Communication) " Pas de privatisation des médias publics ". *Le Quotidien d'Oran* (8th December 2004).

³ Syndicat des Journalistes Algeriens " Le procès de la presse " *El Watan*, (29th June 2004).

⁴ Mellal, Nadia " Avant-projet de loi sur l'information. Un nouveau code pour la presse " *Liberté* (14th August 2004).

a law on advertising and opinion poll activities.

The public printing sector is also in crisis, because of the insolvency of many press titles and the growing debts to the state newsprint company which supplies the government printing houses. For example, the printing company Simpral announced in July 2004 that 1.6 billion dinars are owed by newspapers and that 370 millions dinars were lost because of the bankruptcy of some newspapers.⁵ In July, La Societe d'impression d'Alger (SIA) has forced *Le Nouvel Algérien* and *El Jarida* to close down because of their insolvency.⁶

In Tunisia, most of the print media was still controlled by the ruling party, or by individuals close to the ruling party. The private press benefited, in return for its support to President Ben Ali's re-election, from financial favours, such as public advertising and other subsidies. Partisan press had suffered low circulation and constant censorship and other economic pressures. Many would-be publishers are still prevented from launching their newspapers and magazines because of the licensing system, which discriminates against President Ben Ali critics.

The Tunisian Journalists' Association, suspended from the International Federation of Journalists –after it awarded President Ben Ali the prize for press freedom in May 2003– entered into negotiation with the Federation to reintegrate the Federation. The Tunisian Editors' Federation, a strong supporter of President Ben Ali, was still banned from the World Association of Newspapers.

The Persecution of Journalists Continues in Algeria...

During 2004, the prosecution of journalists in the countries of the region has increased. In the run-up to the presidential elections in Algeria on 8th April, most of the main national dailies campaigned against the re-election of Bouteflika and supported Benflis. Bouteflika, who was elected with more than 80 per cent of the votes, turned against its critics by allowing the government to legally pur-

sue many journalists. The cases which have mobilised Algerian journalists and international press freedom groups, were those of Hafnaoui Ghoul, a correspondent of the daily in Djelfa, who was sentenced in May 2004 to 8 months in prison for a series of defamation cases brought against him by different government departments. The main case concerned an article he wrote about corruption in the governorate of Djlfra and the death of toddlers in a local hospital. Mr Hafnaoui was released on 24th November 2004 after his family intervened on his behalf to the President Bouteflika.

Others cases concerned Benchicou editor-in-chief of *Le Matin* who, on 14th June 2004 was sentenced to a two-year prison sentence and a fine on charges of "illegally transferring money abroad." His lawyers denounced the proceedings and the verdict as political because Benchichou accused President Bouteflika and the Defense Minister of corruption in a pamphlet he released.

On 28th December 2004 Fouad Boughanem, the editor of the daily *Le Soir d'Algérie*, and three of his journalists, Mohamed Bouhamidi, Hakim Laâlam and Kamel Amarni, were given one-year suspended sentences by the Sidi M'Hamed court for "insulting the president." The newspaper was also fined 2.5 million dinars (approx. US\$34,000; 26,000 euros). They were prosecuted for several articles published before the April presidential elections about abuse of authority by President Abdelaziz Bouteflika and political corruption.

Redouane Boudjemaa, a journalist with the daily *El-Youm*, received an 18-month suspended sentence for libel over a series of articles criticising the management of public funds, the choice of programmes and the recruitment methods at state television broadcaster ENTV.

The Arabic-language daily *Essabah* was closed on 1st December, ostensibly due to financial problems. However, all signs indicate that the paper was closed because it published an article about President Bouteflika's alleged attempts to find out about "illegal" money deposited in Switzerland by Algerians.

Government action against the press

has also attained foreign journalists and media. In June 2004, the authorities closed down the office of the Arab satellite television al-Jazeera because of an alleged programme the television broadcast in which opposition figures criticised Algeria's military and President Abdelaziz Bouteflika's national reconciliation policy. Foreign journalists, who entered the country with accreditation to cover the elections, were banned from travelling to the Kabylie region for three days. The ban was lifted on the condition that the journalists were escorted by minders from the Ministry of the Interior.

... in Morocco...

In Morocco, 2004 started with good news of the King's pardon of the jailed journalists Ali Lmrabet, Mohammed El-Hourid, Mustapha Alaoui, Abdelmajid Ben Tahar, Mustapha Kechnini, Abdelaziz Jallouli and Miloud Boutrigui.

Ali Lmrabet, editor-in-chief of *Demain Magazine* and *Douman* was sentenced on 21st May 2003, by a Rabat court to four years in prison for "insulting the king's person," "threatening the integrity of the national territory" and "undermining the monarchy." On 17th June, his sentence was reduced on appeal to three years in jail.

El-Hourid, managing editor of the Oujda-based weekly *Asharq*, was sentenced on 4th August 2003 to three years in prison for "incitement to violence" under Morocco's anti-terrorism law. Ben Tahar, editor-in-chief at the same paper, was also sentenced on the same day to one year in prison for "incitement to violence." Alaoui, managing editor of the Arabic-language weekly *Al Ousboue*, was sentenced on 11th July 2003 to a one-year suspended jail sentence and his publication was banned for three months. He was charged with "condoning acts constituting terrorist crimes through publications offered for sale" after he published a letter by an Islamist organisation claiming responsibility for the terrorist acts on 16th May in Casablanca.

On 3rd November 2003, Kechnini was sentenced to two years in prison, and

⁵ " Le pouvoir refuse la privatisation des imprimeries " *El Watan* (22nd December 2004).

⁶ " Les journaux endettés dans le collimateur des imprimeurs " *El Watan* (25th July 2004).

ACTIVITIES OF THE INTERCULTURALITY AND HUMAN RIGHTS EUROMED OBSERVATORY

In accordance to the philosophy of the Interculturality and Human Rights Euromed Observatory, a series of activities have been developed centring on the promotion of the defence of dignity and values of liberty, safety, equality and education in the Mediterranean area.

Through these activities it has been made possible to diffuse information, increase awareness and provide the training necessary for civic involvement, solidarity and development. At the same time, the study, research and the generation of information systems and internationally interconnected knowledge banks have given support to the co-operation activity and contributed to the development of the public administrations and co-operating agents.

Launch of the electronic magazine *Ulisses Cibernètic*
(www.ulisses-cibernet.net).

Research, studies and reports on the Mediterranean basin

Fact sheets about countries in the Mediterranean basin. In 2004 information was published corresponding to three Mediterranean countries: Morocco, Tunisia and Libya.

Report: The Berber minority group in Morocco and Fundamental Rights. The result of the research has brought to light the level of respect enjoyed by these peoples in their daily lives and on an institutional level.

Study: Female Genital Mutilation in the Mediterranean basin. This study highlights the differences between north and south, both from the economic viewpoint as well as that of human rights. The evolution seen in Egypt where this practice has been eradicated is analysed.

CD-ROM: Women in the Arab World. The situation of women in the Mediterranean is reflected in this CD-ROM from the sociological, religious, political and cultural viewpoints. Course on Human Rights.

Freedom of the Press

Report about freedom of the press
Congress: Press Freedom in the Mediterranean Area. (October 2004) Round tables (*The situation of the press in the Mediterranean area; War journalism; Journalism from countries in process of democratisation; Journalism under pressure*) were formed by different professional journalists and experts from the Mediterranean area.

Official Presentation of web sites regarding Freedom of the Press. Result of research on freedom of the press in the Mediterranean area and a testimony of the continuity of the project as well as an example of its committed and energising character.

www.tinet.org/~pfreedom

More information on the Observatory's activities
www.humanrights-observatory.net

Jallouli and Boutrigui to 18 months. All of them for "failing to respect the king," "undermining the monarchy" and "incitement through printed words to acts likely to harm internal security."

However, the positive atmosphere that the royal pardon created in the country was quickly polluted with the arrest and harassment of several journalists. On 2nd April 2004, Anas Guennoun, director of the weekly *Al Ahali*, was sentenced to a 10 month prison term after being charged with criminal defamation for an article he wrote in which he allegedly defamed a politician. Released in August 2004, the journalist went into hiding after a court sentenced him to eight months in prison for a previous article – written five years earlier – about the private life of the governor of the city of Tangiers.

On 1st June 2004, a Rabat court sentenced Anas Tadili, editor of the weekly *Akhbar al-Ousbou*, to six months in prison with no parole. He had been charged with "defamation, vilification of a government official and spreading false news." Lahcen Aouad, of the weekly *Assahifa Al Ousbouia*, was assaulted by police while covering a march on Parliament by unemployed high school graduates

demanding work. Aouad received multiple bruises on his head and legs and was told to take three weeks' medical leave. The impact of Islamist organisations on free speech was also felt during the year. Many journalists complained about telephone threats they received by phone or letters from unidentified sources. The most targeted were journalists with newspapers known for their critical stand against Islamist groups, such as *al-Ahdath al-Maghribia*, *Tel Quel* and *Al-Ayam*. One serious case concerned the editor of the Arabic daily newspaper *al-Ahdath al-Maghribia*, Mohamed Lbrini, who on 5th January 2004, was sent a booby-trapped letter but escaped without injury when a member of staff spotted suspicious looking wires and took it to the police.

Regarding foreign journalists, one case was recorded in June 2004 which concerned two Norwegian journalists, Tor Dagfinn Dommersnes and Fredrik Refvem, a reporter and photographer respectively, with the Norwegian daily *Stavanger Aftenbladet*, who were expelled from Morocco. They were accused of breaking the law and they were told that they were persona non grata for

making contact with a Western Sahara activist who had campaigned for a referendum on self-rule to be held in the territory.

...and in Tunisia too

In Tunisia, censorship and self-censorship increased dramatically in the run-up to the recent elections which returned the incumbent president Zine el Abidine Ben Ali to power with close to 95 per cent of the popular vote. According to reports, voters were deprived of independent news and opinions as President Ben Ali and his ruling Constitutional Democratic Rally (RCD) party received a disproportionate share of time and space in the media compared with the other candidates and parties. One report concluded that the Tunisian media "demonstrated significant bias in their coverage of the elections favouring the RCD Party and the presidential candidate Ben Ali."⁷ There have been also cases of titles being delayed printing by the Ministry of the Interior because of the censorship system in place. These delays concerned, among others, *Ei*

⁷ According to an International Media Support (IMS) report, www.i-m-s.dk

Maoukef (Opinion) for more than 24 hours and *Ettarik El Jadid* (The New Path) up to 72 hours.⁸

There have also been cases whereby the authorities have confiscated foreign newspapers when they have criticised the internal situation in Tunisia (*Le Monde*, *El Quods El Arabi*, *Al Hayet*).

On 5th January, Salema Bensedrine, a journalist and human rights activist, was the victim of an assault that she believes was linked to her strong stand in support of free expression in Tunisia. On 13th January 2004, the Tunisian authorities refused the editor Sihem Bensadrine, authorisation to register her magazine *Kalima*. That was the third attempt since 1999, and on 14th January, she was subjected to a particularly thorough search at Tunis airport before boarding a flight to Germany. A copy of *Kalima* was con-

fiscated from her as well as three CD-roms containing personal data.

In February 2004, the suspended Islamist weekly al-Fajr journalist Abdallah Zouari went on hunger strike to protest against the worsening of his prison conditions. On 9th October 2003, Zouari was sentenced, on two separate charges, for a total of 13 months in prison for "defamation" and "failing to obey an administrative order." The journalist had been released on 6th June 2002, having served an 11-year sentence for "belonging to an illegal organisation."

Tunisia is also scheduled to host the second session of the UN-sponsored World Summit of the Information Society (WSIS) in November 2005. Many press freedom groups expressed concern over the government's poor human rights record and have called on UN member

states to press the Tunisian government to improve free expression conditions.⁹ Internet regulations are considered to be the second toughest in the world after China. Human rights groups complained about the systematic blocking of websites and the interception of e-mails by the authorities. On 8th December 2004 the Tunisian Court of Cassations decided to uphold heavy prison sentences against eight young Internet users from the southern city of Zarzis. They were convicted of using the Internet to promote terrorism, on the basis of downloaded files and confessions obtained under torture. The Zarzis Internet users were all accused of belonging to an al-Qaeda-linked terrorist group, although no evidence was ever presented to support this claim.

⁸ IMS Report.

⁹ Read among others the statement published by the 11th General Meeting of the International Freedom of Expression exchange (IFEX) in Baku, (Azerbaijan), 13th-18th June 2004 and the resolution on Tunisia passed by members of the Coordinating Committee of Press Freedom Organizations (meeting in Belgrade for World Press Freedom Day, 3rd May 2004. www.lfex.org).