Tunisia | Criminalizing Journalism: Zghidi and Bessis Sentenced

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During the hearing on 22 January 2026, the court sentenced journalists Mourad Zghidi and Borhane Bessis to three years and six months' imprisonment on charges of money laundering and tax-related offences. The ruling also imposed fines, ordered the confiscation of their assets, and provided for the seizure of their shareholdings and associated rights in companies in which they hold shares, for the benefit of the public treasury.

This judgment comes within the broader context of the continued arbitrary detention of Mourad Zghidi and Borhane Bessis since May 2024, in proceedings brought under Decree-Law No. 54. This judicial trajectory reflects a growing instrumentalization of legal procedures to deprive journalists of their liberty in connection with their professional activity. Proceedings began on 11 May 2024 following an official communication from the Head of the Criminal Affairs Division to the Public Prosecutor's Office. In the first case, Zghidi was prosecuted on charges of "spreading false news" and, at first instance, sentenced to one year in prison, later reduced on appeal to eight months' imprisonment, a sentence he served in full.

Despite having completed that sentence, both Mourad Zghidi and Borhane Bessis remained in detention in connection with a second, separate case involving allegations of tax fraud and money laundering. On 5 January 2026, the Criminal Chamber of the Tunis Court of First Instance rejected their requests for release, prior to issuing the above-mentioned ruling. Since May 2024, the two journalists have remained detained under multiple proceedings, raising serious concerns regarding respect for fair trial guarantees and the principle of proportionality.

Since 2021, Tunisian authorities have pursued a systematic policy of restricting freedom of expression and targeting independent journalism, in a clear effort to silence critical voices. This policy has manifested through arbitrary prosecutions and the imprisonment of several journalists, including Shatha Belhaj Mabrouk, Mourad Zghidi, and Borhane Bessis, alongside sustained pressure on independent media outlets, entrenching a climate of intimidation and self-censorship within the journalistic community.

In this context, the authorities have relied on vaguely worded punitive provisions, most notably Decree-Law No. 54 and the Telecommunications Code, to bring abusive charges that fail to meet the standards of necessity and proportionality. Such charges include "undermining the external security of the State," "conspiracy against State security," "membership in a terrorist organization," or "using information and communication systems to publish news or information falsely attributed to others with intent to defame or harm reputation." This selective and abusive application of the

law reflects a serious abuse of power, whereby legal instruments are used to suppress press freedom rather than to protect public order.

These practices have resulted in prolonged pretrial detention for several journalists, in clear excess of legal time limits and in serious violation of the presumption of innocence. Under international human rights law, the State is required to ensure humane treatment of detainees and to uphold minimum standards of detention, including those set out in the Nelson Mandela Rules, as well as to guarantee effective judicial oversight over pretrial detention and detention conditions.

In parallel, administrative restrictions have further undermined press freedom. Tunisian authorities have refrained from issuing the professional press card for the year 2025, citing the lack of quorum within the independent commission responsible for granting the card, placed under the Prime Minister's authority. This obstruction has deprived a large number of journalists of their professional credentials for 2025, further exacerbating their professional and social precarity.

Additionally, on 14 January 2026, the National Union of Tunisian Journalists documented three cases in which international media correspondents were prevented from working in Tunisia due to the absence of work permits, which are supposed to be renewed monthly. This situation stems from the authorities' refusal to renew such permits since September 2025, without providing any legal justification or reasoned decision, constituting a flagrant violation of press freedom and the public's right to access information.

With regard to public media, the authorities continue to obstruct the implementation of amendments to the statutes governing public media institutions, including Tunisian Radio, Tunisian Television, and the Tunis Afrique Presse news agency, despite the expiration of the legally mandated implementation deadlines in January 2024. This deliberate obstruction perpetuates executive control over these institutions, undermines their independence, and strips their public service mandate of its substance. This trajectory is consistent with broader indicators of declining press freedom, including the World Press Freedom Index published by Reporters Without Borders, which ranks Tunisia 129th out of 180 countries, reflecting a severe deterioration in the media freedom environment and institutional independence.

Taken together, these violations constitute a serious infringement on the constitutionally guaranteed rights to freedom of the media and independent reporting, the public's right to access information, as well as fair-trial guarantees and the presumption of innocence. They also represent a breach of Tunisia's international obligations, particularly under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. This repressive approach has inflicted severe harm on the journalism sector, depriving hundreds of journalists of their material and professional rights and deepening their vulnerability, in a context that signals the systematic erosion of the foundations of free and independent media in Tunisia.

Accordingly, HuMENA calls on the Tunisian authorities to:

- Immediately release Mourad Zghidi and Borhane Bessis and put an end to the arbitrary detention of journalists for their professional activities.

- Cease the use of vague and punitive criminal provisions, particularly Decree-Law No. 54, to criminalize journalistic work and the peaceful expression of opinions on public affairs, in violation of the principles of necessity and proportionality.
- Guarantee fair trials and the public nature of proceedings, ensure full access to case files for defense teams, and uphold the presumption of innocence and the principle of proportionality.
- Lift administrative restrictions obstructing journalistic work, including by issuing professional press cards and work permits through transparent procedures and within reasonable timeframes.

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