Tunisia | Drop Terrorism and State-Security Charges Against Journalist Zied El Heni, Already Serving a One-Year Sentence

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HuMENA for Human Rights and Civic Engagement is concerned about the terrorism-related and state-security charges brought against Tunisian journalist Zied El Heni, who is due to appear before the criminal chamber specializing in terrorism cases at the Tunis Court of First Instance for a second hearing on 25 September 2026. El Heni is already serving a one-year prison sentence in a separate case under Article 86 of the Telecommunications Code, in relation to statements deemed critical of public authorities.

In a third case, El Heni faces charges over alleged financial and administrative irregularities linked to his former role in the administration of the Carthage municipality through a temporary municipal council. The case relates to the 2022 sale of municipal land to a private individual, allegedly below its market value. His first hearing in this case is scheduled for 2 October 2026.

The current case against El Heni dates back to September 2023, after an audio recording allegedly involving journalist Chahrazade Akacha and Mondher Lounissi, then Ennahdha's interim president, circulated on social media. El Heni is being prosecuted in connection with his journalistic work on the recording, including contacting both Akacha and Lounissi, whose voices allegedly appear in it, to verify its authenticity before reporting on its contents. The recording was first published on Facebook on 2 September 2023 and reportedly concerned internal divisions within Ennahdha, its leadership, and other political matters. According to the official Order Closing the Investigation, issued in 2024 by the First Investigating Judge of Office No. 12 of the Judicial Anti-Terrorism Pole at the Tunis Court of First Instance and reviewed by HuMENA, the investigation was initiated after the Fifth Central Unit for Combating Information and Communication Technology Crimes monitored information circulating on at least two Facebook pages in September 2023, concerning public affairs. The same unit considered the recording to "raise suspicions of conspiracy against the internal and external security of the State, communication with a foreign entity to obtain foreign funding, and acts aimed at undermining national security and causing public disorder."

According to the Order Closing the Investigation reviewed by HuMENA, the case concerns 12 defendants, including the son of former Ennahdha president Rached Ghannouchi, members of Ennahdha's Executive Bureau and Shura Council, at least two journalists, el Heni included, a former foreign affairs minister, former members of parliament, and a businessman. The Order attributes to the defendants allegations including establishing or organising a terrorist association, providing and disseminating information concerning persons linked to terrorist crimes with the alleged purpose of

facilitating such crimes or enabling perpetrators to evade punishment, and failing to notify the competent authorities of information concerning suspected terrorist offences. The order cites Article 32 of the Tunisian Penal Code on complicity and Article 60 on offences against the external security of the State, alongside Articles 1, 13 (new),32, 34, 37 and 40 of Organic Law No. 2015-26 of 7 August 2015, relating to Combating Terrorism and the Repression of Money Laundering. Some of these provisions define terrorist offences and establish criminal liability for conduct linked to terrorism. The offences carry serious penalties, with imprisonment reaching up to 20 years under certain provisions.

Under the Tunisian Penal Code, article 60 criminalizes treason and specified acts against Tunisia's external security, including assisting a foreign power in aggression against Tunisia, handing over national troops or assets, and, in wartime, recruiting or assisting personnel for a foreign power. These offences are punishable by death. Furthermore, article 32 criminalizes complicity, including inducing, facilitating, assisting, or helping others evade punishment for an offence. Article 33 provides that, unless otherwise provided by law, accomplices are subject to the same penalties as those prescribed for the principal offender.

According to a Facebook statement posted by Zied El Heni on 16 September 2023, officers from the National Anti-Terrorism Unit of the National Guard questioned him that day in L'Aouina. He said they initially questioned him as a witness, but after about an hour of questioning and waiting, they changed his status from witness to suspect. According to El Heni, investigators questioned him about allegations that he had obtained investigation reports related to a terrorism case. He said his lawyer was present during the questioning.

El Heni said investigators questioned him about statements he had made concerning his meeting with Lounissi, which he confirmed. They also asked him about investigation reports related to the case. He acknowledged obtaining such reports and said that getting information from sources was part of his professional work. When investigators asked him to disclose his sources, he refused. They also requested that he hand over his phone, but he asked them to provide a reasoned judicial authorization for its seizure. After several hours of waiting, he said investigators presented the authorization and again changed his status from witness to suspect. He then handed over his phone and was released after being informed that he would be required to appear again before the same unit, where he would be notified of the Public Prosecution's decision. El Heni's account was subsequently confirmed to HuMENA by his daughter.

The investigation subsequently continued in 2024. El Heni was summoned on 30 January 2024 to appear before the Investigating Judge at Office 12 of the Anti-Terrorism Judicial Pole of the Tunis First Instance Court for questioning as an accused, pursuant to a summons issued on 24 January 2024 and reviewed by HuMENA. El Heni's daughter told HuMENA that neither the family nor his defense team received formal notification of a court hearing scheduled for 25 September and that they learned of it only through online sources.

According to the investigation order reviewed by HuMENA, El Heni denied having any links or communications with terrorist groups and rejected the allegations against him. He said that he had

come across the recording circulating on Facebook pages and contacted Lounissi to verify its authenticity. He also contacted Chahrazade Akacha for the same purpose.

The order closing the investigation reviewed by HuMENA does not identify evidence that El Heni's contacts with sources amounted to participation in a terrorist offence or a threat to state security, including the lack of evidence about his links or communications with terrorist groups. These are serious charges that can carry severe penalties and have serious consequences for the person accused. However, the investigation order reviewed by HuMENA does not set out evidence sufficient to substantiate these allegations. Instead, it refers to conduct linked to El Heni's journalistic work, including his efforts to verify information. Contacting sources, checking the authenticity of information, and reporting on matters of public interest are part of legitimate journalistic work and should not be treated as terrorism or a threat to state security without evidence of conduct that meets the legal definition of a terrorist or state-security offence.

In addition to the current case, El Heni is serving a one-year prison sentence under Article 86 of the Telecommunications Code. On 7 May 2026, the Tunis Court of First Instance sentenced him over comments in which he criticized the judicial handling of journalist Khalifa Guesmi's case. The Court of Appeal upheld the sentence on 26 June 2026.

El Heni has faced repeated arrests and judicial proceedings in recent years over his public commentary. In June 2023, he was detained for two nights over comments made on the radio programme "Émission Impossible" that authorities considered insulting to President Kais Saied. He was arrested again in December 2023 after criticizing then-Commerce Minister Kalthoum Ben Rejeb. He was released on 10 January 2024 and received a six-month suspended prison sentence.

The prosecution and imprisonment of journalists for their reporting and public expression have continued in Tunisia. Recent cases documented by HuMENA include the one-year prison sentences handed to Zied El Heni in May 2026 and Haythem El Mekki in July, both under Article 86 of the Telecommunications Code, while Mourad Zeghidi and Borhen Bsaies remain imprisoned following their three-and-a-half-year sentences in January 2026. More recently, Mohamed Yousfi, editor-in-chief of *Al-Qatiba*, was arrested on 4 September 2026 while heading to Express FM for a programme on water policies and later placed in pre-trial detention over allegations including illicit enrichment, money laundering, conspiracy to cause harm, and receiving illicit financial benefits through an association. He has remained in preventive detention since 8 September.

On 8 September, Zied Dabbar, president of the National Syndicate of Tunisian Journalists (SNJT) described the Tunisian press as being in a "state of emergency", amid growing pressure on journalists. The SNJT later said it had documented more than 20 campaigns of harassment, defamation and intimidation against journalists since the beginning of 2026 and would refer those responsible to the judiciary.

More broadly, Article 86 and Decree-Law 54 of 2022 have been used against journalists, raising concerns about freedom of expression. In contrast, Decree-Law 115 of 2011 provides the legal framework and safeguards for journalistic work. This comes as Tunisia ranked 137th out of 180

countries in the 2026 World Press Index.

The proceedings against El Heni also raise concerns under Tunisia's constitutional and international obligations to protect freedom of expression and journalistic work. Article 33 of the 2022 Constitution guarantees the presumption of innocence and the right to a fair trial with the necessary guarantees for defence. Article 37 guarantees freedom of opinion, thought, expression, information and publication and prohibits prior censorship. Article 38 guarantees the right to information and access to information, while article 55 provides that restrictions on constitutionally protected rights and freedoms may only be imposed by law and where necessary in a democratic system, for specified legitimate aims. It further requires that such restrictions not affect the essence of the rights and freedoms guaranteed by the Constitution and be justified by their objectives and proportionate to the reasons for imposing them.

These protections are also guaranteed under Article 19 of the International Covenant on Civil and Political Rights (PDF), which protects the right to seek, receive and impart information and ideas. General Comment No. 34 (PDF) of 2011 of the UN Human Rights Committee further recognizes journalism and commentary on public affairs as protected forms of expression and requires restrictions on freedom of expression to meet the requirements of legality, necessity and proportionality.

The allegations against El Heni concern his journalistic work, including contacting sources and seeking to verify information. The use of terrorism-related and state-security provisions in this context raises concerns under these protections. Decree-Law 115 of 2011 provides the specific legal framework for press and journalistic offences and provides the specific legal framework and safeguards for journalistic work. HuMENA considers the prosecution to be a form of judicial harassment against El Heni and a means of restricting his criticism and keeping him in detention.

In view of these concerns, HuMENA calls for the following urgent measures:

- **Review the basis for El Heni's continued detention in the new terrorism-related and state security case and release him unless specific and lawful grounds justify it, in line with the recommendation above concerning his Article 86 conviction and sentence.**
- **Drop the terrorism-related and state-security charges against El Heni where they are based on his legitimate journalistic activities, including contacting sources, obtaining information and seeking to verify its authenticity. Legitimate journalistic work should not be treated as terrorism or a threat to state security in the absence of concrete and verifiable evidence establishing the legal elements of such offences.**
- **Guarantee El Heni's full fair-trial and defense rights, including timely and formal notification of all hearings and proceedings, access to the case file, and adequate time and facilities to prepare his defence.**
- **Guarantee El Heni regular and continued access to his family and defense team, in accordance with applicable legal safeguards and international standards, and ensure that his conditions of detention comply with the United Nations Standard Minimum Rules**

for the Treatment of Prisoners (the Nelson Mandela Rules), including access to necessary healthcare and medical treatment.

- **Review El Heni's one-year conviction under Article 86 of the Telecommunications Code and take steps to quash the conviction where it concerns protected expression and journalistic commentary. He should not face further prosecution or detention for his criticism of public officials, judicial decisions, government policies or other protected expression.**

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