

Tunis, 25 March 2013.

**Mr Mohamed Moncef Marzouki, President of the Republic**

**Mr Mustapha Ben Jaafar, Chairman of the National Constituent Assembly**

**Mr Ali Larayedh, Head of the Government**

**Subject:** Open letter concerning the setting up of the Independent High Authority for Audiovisual Communication (HAICA)

On 17 October 2012, the day when Tunisian journalists went on a historic general strike called for by their national union and supported by the Tunisian General Labour Union (UGTT), the government decided to implement decree-law 116 of 2011, and set up the Independent High Authority for Audiovisual Communication (HAICA). This decision came in the wake of many protests and much pressure exerted by mediamen and civil society activists for the completion of the reform process in the information sector. Hailed by the National Authority for Information and Communication Reform (INRIC), the National Union of Tunisian Journalist (SNJT) and the General Culture and Information Union affiliated to the UGTT, this decision was followed from early November 2012 by a series of consultations organised between the different stakeholders, as provided by articles 7 and 47 of decree-law 116.

The President of the Republic asked the different parties to nominate their candidates to HAICA membership, on the grounds of the objective criteria stipulated in the law.

It was agreed that the setting up of HAICA will be officially announced on 10 December 2012, the anniversary date of the Universal Declaration of Human Rights, but the agreement was not respected.

Since 14 January 2013, there have been many prevarication tactics, declarations of intent, and promises to announce the composition of HAICA. In the end we understood that the long negotiation and concertation sessions with the

representatives of the President of the Republic, the Head of the Government and the National Constituent Assembly had been totally useless and fruitless.

In violation of the provisions of decree-law 116, a coordination body made up of representatives of the three ruling parties assumed the right of examining the candidacies submitted by legally concerned structures and propose other candidates instead of those that they had arbitrarily discarded.

This coordination, body which has claimed excessive power for itself, has evaluated candidacies on purely political and ideological grounds, and dared exclude candidates who were well-known for their long experience, competence, integrity and independence, only to replace them by other candidates suspected of partisan allegiance and not particularly noted for their commitment to the defence of freedom of expression. Pressures were even exerted on the Tunisian Journalists' Union to coerce them into accepting that approach.

In this open letter we would like to inform you as well as our national public opinion of the following:

- We hold the President of the Republic and his counsellors accountable for the prevarication and delaying tactics that have marked the process of setting up HAICA.
- We denounce the interference of the three ruling parties in this matter that is supposed to be above political frictions and partisan calculations.
- We assert to our national public opinion our policy position of rejecting any membership of the HAICA that is not fully in conformity with the conditions and criteria provided in decree-law 116, and our decision to boycott such an authority and take the matter to the administrative court.

We are fully convinced that approach adopted to void decree-law 116 of its substance and maintain and use the present legal vacuum can only have one explanation: keep the existing chaotic situation in the audiovisual sector, encourage the illegal emergence of audiovisual media with dubious funding, and impose a *fait accompli* that will be difficult to change later.

We would like to inform all the actors of our public opinion that the right to pluralistic and free media in conformity with professional and ethical rules, and to free, fair and transparent elections can only be guaranteed by a fully independent regulatory authority for audiovisual communication.

The guarantee of this right also depends on the High Independent Elections Authority (ISIE) and the Independent Authority of the Judiciary, which, together with HAICA, make up the basic foundations of a democratic society immune to dictatorship and rigged elections.

**On behalf of the National Union of Tunisian Journalists (SNJT), the Chairperson:**

**Nejiba HAMROUNI**

**On behalf of the National Authority for Information and Communication Reform (INRIC), the Chairman:**

**Kamel LABIDI**

**On behalf of the General Culture and Information Union, the Secretary General:**

**Nabil JMOUR**