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PRESS LAW¹

28 April 1975

PRESS LAW

In the name of People

We, Alhabib Bourkibah, President of the Republic of Tunisia,
Following approval of the Parliament,

Promulgate the following law:

Article (1):

Text published below relates to the printing, publication, selling of books and journalism was compiled under one title "Press law". (2)

Article (2):

As of the effective date of the entry of the press law into force, all previous provisions contradicting to these new provisions, especially the order dated 9 February 1956 related to printing and press are hereby canceled. (3)

This law shall be published in the official gazette of the Republic of Tunisia and shall be implemented as a law of the state.

Issued at Kurtag Palace 28 April 1975.

**President of the Tunisian Republic
Alhabib Bourkibah**

CHAPTER ONE:
LEGAL DEPOSITION

Article (1):

Freedom of press, publication, distribution and sale of books is guaranteed and shall be exercised pursuant to the controls contained in this law.

Article (2):

The following is subject to legal deposition:

1. All printed items of all kinds including all books, publications, periodicals, drawings, pictured items, ornamental postal cards, scripts, geographical maps, leaflets, calendars, magazines and others.
2. The following works: Musical, sound and video recordings, photographs and information software which is put in the hands of public in a paid or free of charge manner or those delivered for the purpose of re-publishing.

Article (3):

The following items are not subject to legal deposition provided for in the previous article:

- Administrative printed materials such as forms, standard formats, invoices, lists and registers...etc.
- Small publications called "city publications" such as messages, invitation and notification cards, addresses, visit cards, envelopes ...etc.
- Commercial publications such as presentations, cards, signs, sample cards...etc.
- Electoral cards and financial receipts

(last paragraph): "news publications in national newspapers are not subject to legal deposition provisions such as:

- Daily and periodic newspapers
- Periodical press journals (3)

Article (4):

Legal deposition shall be carried out by the printing house, producer, publisher or distributor pursuant to the provisions of this chapter.

Article (5): Deposited counterparts must correspond to those published, oriented, made, offered for sale, lease, distribution for promotion or republished in a condition that allows maintenance of the same.

Article (6): All writings indicated by article (2) above must be registered in special books either by the printer, producer, publisher or distributor as appropriate and each registration shall have a serial number in a non intermitted series. (4)

Article (7): The mentions that must appear on all counterparts of the same produced work in Tunisia and submitted to the legal deposition as well as the models of registration on the registers of works are determined by a decree.

Article (8): The deposition by the printer of any periodical work should be made in twenty samples with the Ministry of Information for the provinces of Tunisia, Ariana, Ben Arous and Manouba and at the headquarters of the province for the other provinces in order to distribute them to the relevant departments. A deposition by the printer of any non periodical printed work is made in one counterpart with the territorial competent Public Prosecutor's Office and in seven counterparts with the Ministry of Culture (one of these counterparts should be addressed to the House of Representatives and another counterpart to the Ministry of Interior and four counterparts to the national library.

When the matter is related to a musical composition or musical phonic registrations produced or reproduced in the Tunisia the deposition shall be by their composer in one counterpart with the Arab and Mediterranean Musical Center before releasing them to the public.

The deposition is effected by the producer in relation to other works in one counterpart with the territorial competent republican agency and in six

counterparts with the Ministry of Culture (one of these counterparts is allocated to the Ministry of Interior and four counterparts to the national library).

If the work is printed, produced or reproduced abroad but publication is effected in the Tunisian territories the deposition is entrusted to the publisher in accordance with the conditions provided by the previous paragraphs in relation to those who assume printing or production.

When the matter is related to a work which the performance necessitates the collaboration of several specialists the deposition is the duty of the one who performed the last work before releasing to the disposition of the public.

In case of total or partial non performance of the said deposition indicated by this article it may be possible to revert to the market to purchase the counterparts not deposited at the expense of the physical or moral person who must have performed the legal deposition. (5)

Article (9): The distributor performs the legal deposition for everything printed or produced item abroad, entered to the Tunisian territories and expressly released to the public for sale, lease or distribution before releasing the same to the disposal of the public.

One counterpart of all non periodical works issued abroad and entered to the Tunisian territories should be deposited with the Republic Agency in Tunis, one counterpart with the Ministry of Interior and one with the Ministry of Culture.

If the matter is related to musical composition or phonetic registrations produced abroad and entered to the Tunisian territories the distributor must deposit one counterpart with the Arab or Mediterranean Musical Center before putting them to the disposal of the public. (6)

Article (10): The modalities of application for legal disposition shall be determined by a decree (7)

Article (11): (8)

Article (12): A fine ranging between TD 200 to TD 400 and TD 400 to TD 800 in case of repetition shall be applied to whoever violates the duties imposed thereto in accordance with the provisions of this article and the provisions enacted for application.

Furthermore, whatever has been published or entered to the Tunisian territories in violation of the above provisions may be seized in accordance with a decision of the Minister of Interior after having the opinion of the Minister of Culture, the Secretary of State in the Cabinet charged with Information pursuant to the competence of each.

The court may consider permitting the confiscation of counterparts illegally put under the disposal of the public. (9)

**CHAPTER TWO:
PERIODICAL PUBLICATIONS**

**SECTION ONE
NATIONAL PUBLICATIONS (5)**

Article (13): Before the publication of any periodical a notification drafted on a stamped paper and signed by the director of the periodical is submitted to the Minister of Information with a receipt thereof.

The notification should provide the following:

One: Title of the periodical and periodicity

Two: Name, surname, nationality and domicile of the publisher

Three: The printing house in which it shall be printed

Four: The language or languages in which it shall be edited

Five: Place and number of registration in the Commercial Register

Six: Names, surnames, professions and domiciles of the members of the Board of Directors or the managing body and in general the managers of the moral entity.

Any change effected on the above data shall be notified within the five following days.

To this notification the following is added:

- Extract from the judicial registry dated back less than three months
- Justification of satisfying the legal formalities of incorporation in case of a company

The Ministry of Interior refers to the State Secretariat of Information and the General Prosecution copies of the notification together with mentioning all documents provided by the concerned.

Article (14): Before printing of any periodical the printing house must ask for the receipt delivered by the Ministry of Interior which the date of delivery must not exceed one year (10)

Article (14) bis - Each change of the printing house in which the periodical is printed in accordance to the requirements of article (14) of this law may not be performed except after a notification to the Ministry of Interior by a registered letter with acknowledgement of receipt five days before such a change is effected (11)

Article (15): The same physical or moral person may own, control or manage maximum two periodicals of political and general information of the same periodicity.

Additionally, the global edition of the owned, controlled or managed periodicals by the same person within the conditions provided by paragraph (1) above may not exceed 30% of the overall edition of the periodicals of political and general information of the same periodicity published in Tunisia. (12)

Article (15) bis- Each director of a general information periodical must establish at any time that he employs full time journalists holders of the national professional card and either a diploma in journalism and information science issued by a higher

Tunisian establishment of education or an equivalent recognized diploma of the same specialization.

The number of these employees must be at least equal to half of the permanent editorial staff employed in each publication.

For printing houses employing one or two full time persons in the edition one of them must be obligatorily a holder of a diploma in the sense of paragraph one of this article. (13)

Article (16): Each periodical must have a director. The director must be a holder of Tunisian nationality with real domicile in Tunisia, enjoying civil and political rights. When the periodical is published by a moral person the director must be selected as appropriate from among the members of the board of directors or the administration body.

However, when the same person holds the majority of the capital of the company publishing the periodical this person is obligatorily the director of the periodical. (14)

Article (17): In case of infraction of the dispositions provided by articles (13) to (16) of this code the proprietor, director or printer shall be punished in a fine of TD 120 to TD 1200. The periodical may not continue publication except after satisfaction of the formalities prescribed by articles (13) to (16) under penalty, if the irregular publication continues, of a fine of TD 240 pronounced jointly against the same persons for each published issue starting the day of pronouncing the verdict of conviction if this verdict is in presence and from the third day subsequent to his notification if the verdict is issued in absentia notwithstanding any appeal or protest and the court may additionally order the suspension of the periodical.

The convicted has the right of appeal even in absentia which is decided by the appeal court within ten days.

Article (18): Each periodical must make the public aware of the names of those in the management. Furthermore, each periodical must mention its edited number on all its counterparts drawn at each publication. On another part it must publish its annual budget, the expenditure account and the final results in the 1st of July of the following year in which it completed its operations.

Each issue published in violation of one of these provisions of this article shall be liable to a fine of one hundred Tunisian Dinar (100) to one thousand (1000) Tunisian Dinar. (15)

Article (19): All proprietors, associates, shareholders or funders and others contributing to the financial life of the periodical who have no precise scientific, artistic or technical character must be of a Tunisian nationality.

Each person whose name is established to be lent in any manner whatsoever to a proprietor or funder of a publication shall be fined an amount of TD 10,000 to TD 40,000 and the penalty shall extend to include the principal perpetrators and their associates. Additionally, the court may order the suspension of the publication.

In case the operation of "lent name" is committed by a company or association the penal responsibility provided by this article shall extend to the chairman of the board of directors, manager or to the directors according to the type of the company or association. (16)

Article (20): Each periodical must decide for a period of three months a tariff for its advertisement for a sole periodical, if necessary, and the tariff of advertisement associated with several periodicals which should be communicated to every interested person. The advertiser may adopt the tariff of his choice. It is prohibited to practice a tariff different of that decided for a period of three months.

Article (21): The infractions of article 20 shall be penalized in a fine of one hundred TD (100) to one thousand TD (1000) (17)

Article (22): Subject to other conditions required by the applicable legislation the act by a proprietor, director or a collaborator of a periodical of receiving directly or indirectly funds or advantages from a physical or moral person of a foreign nationality with the exceptions of those resulting from subscription or expressly agreed by the Secretary of State for Information and funds allocated for the payment of advertisement in conformity with article (20) of this regulation shall be penalized by one to five years of imprisonment and a fine of TD 200 to TD 2000 or only one of these two penalties which shall be applied against the perpetrator, collaborator or accomplice in such an act.

Article (23): Each advertisement in the form of an article must be preceded or followed by an indication of "advertisement" or an indication of "communiqué" and must have an introduction which distinct it from the remaining articles. Any infringement of these provisions shall be penalized by a fine of two thousand (2000) Tunisian Dinars.

The act by the proprietor and director of or collaborator with a periodical of receiving an amount of money or any other advantage with the objective to disguise advertisement with information is penalized in a fine equivalent to the received amount without being less in all cases of 50,000 dinars.

Whoever has received that amount or that advantage and whoever consents thereto shall be penalized as principal perpetrators. (18)

Article (23) bis- Any borrowed article in whole or in part in its original language or translated must be accompanied with a reference to its source. Any infringement of the provisions of this article shall be considered as literary theft which shall be penalized in a fine of one hundred (100) to one thousand (1000) dinars. (19)

SECTION TWO

FOREIGN PUBLICATIONS

Article (24): All works whether periodicals or not whatever their language of expression may be which are issued abroad or edited by a corporation which has

an office in Tunisia but with a wholly or partially foreign owned capital are considered foreign with regard to this code. (20)

Article (25): The publication, introduction and circulation in Tunisia of foreign works, either periodical or not may be prohibited by a decision of the Minister of Interior after having the opinion of the Secretary of State with the Prime Minister assigned with information.

SECTION THREE

RECTIFICATION AND RIGHT OF RESPONSE

Article (26): The director of publication is obligated to insert free of charge at the top of the next issue of the periodical all rectifications addressed thereto by one of the public authority officials in relation to acts of his function which were inexactly reported by the periodical.

In case of refusal of insertion the director of publication shall be fined in an amount of 24 to 240 dinars

Article (27): The director of the publication shall be obligated to insert the replies of each person who was expressly or implicitly targeted subject to a fine of 12 to 120 dinars without prejudice to other penalties and damages and advantages to which the infraction may give rise.

In order to do this the delay is 3 days for the daily publications and in the following issue of the day after tomorrow for the non daily publications. The delay starts from the date of receiving the replies.

Article (28): This insertion shall be made in a place where the readers shall be surely informed in the same letters as the article which provoked it without any intercalation.

Without considering the familiar address, greetings, introductions and signature which shall never be counted in the reply this shall be limited to the length of the

article which provoked it. Yet, it may not exceed two hundred lines even though this article may have been longer.

Article (29): The reply shall be always free of charge and mandatory in the edition and editions in which the article is published. It may be sent by a registered letter.

Article (30): The below provisions are applicable to replies where the journalist associates the reply with new comments.

Article (31): The courts assume putting a limit to the right of response whenever it becomes evident that the response terms are in violation of the law and the good conduct and the legal interest of the others or the honor and respect of the journalist.

Article (32): The deletion of the response in any of the editions of an issue which should have been published therein is considered as refusal and the perpetrator is penalized in the same penalties apart from claiming damages.

The court decides within the ten days following the date in which the case is filed or from the summons on the complaint of the refusal of insertion. It might decide that the verdict order the insertion but in relation to the sole insertion it shall be executed immediately after drafting apart from contest or appeal. If there is appeal it should be constituted within the ten days of submission of the statement to the clerk's office of the court.

Article (33): However, within the election period the three days delay provided by the insertion in article (27) is reduced to twenty four hours in relation to the daily newspapers. The reply must be delivered six hours at least before printing the newspaper in which the reply is intended to be published. Immediately after opening the electoral period the director of the publication is obligated to inform the office of the public prosecutor of the time in which he wants to proceed in printing his newspaper within the above period otherwise he shall be liable to penalties provided by article (27) at the hour in which during this period he intends to start the edition of his journal. The delay of convocation for refusal of insertion

is reduced to twenty four hours and the convocation may be delivered from one hour to another by a permission issued by the president of the primary court. The verdict ordering the insertion shall be executive. But in relation to this insertion alone it shall be executable immediately after writing the draft of the verdict notwithstanding contest or appeal . In case the insertion so ordered is not performed within the twenty four hours as from the pronouncement of the verdict the director of the newspaper shall be liable to a penalty of imprisonment of 16 days to three months and a fine of 200 to 2400 dinars or one of the penalties only.

Article (34): The case related to forced insertion is prescribed within six months period. This period commences as from the coming out of the newspaper in which the reply should have been published in accordance with the above provisions. (21)

CHAPTER THREE

POSTING ON THE WALLS, MOVEMENT AND SALE ON THE PUBLIC ROAD

Article (35): (22)

Article (36): (23)

Article (37): (24)

Article (38): (25)

Article (39): (26)

Article (40): (27)

Article (41): (28)

CHAPTER FOUR

CRIMES, OFFENSES COMMITTED BY THE PRESS AND BY ALL OTHER MEANS OF PUBLICATION

Section 1: Instigation of crimes and offenses:

Article (42): They shall be punished as accomplices in actions described as a crime or offense in the sense of article (43) and the following articles those who directly and intentionally instigate one or several persons to commit the said action if the

instigation is followed by an act. This provision is also applicable if the instigation is only followed by an attempt of a crime provided by article (59) of the penal code.

Article (43): Whoever instigates by one of the means stated by the precedent article whether on the crimes of theft, killing, robbery, fire or any of the crimes or offenses penalized by articles 208 to 219 of the penal code or to one of the crimes or offenses against the external security of the State shall be penalized in case this instigation is not followed by an act by 5 years imprisonment and a fine of 100 to 2000 dinars and this without prejudice to the application of article (32) of the penal code. These provisions are also applicable on whoever directly instigates by the above said means on committing any of the crimes against the internal security of the State provided by articles 63, 64, 67 and 80 of the penal code.

The same penalty is applied to whoever threatens with the same means by crimes of killing, robbery, fire, theft or the crimes provided by articles 304, 305 and 306 of the penal code or the crimes of war or collaboration with the enemy.

Article (44): A penalty of imprisonment for two to three months and a fine of 1000 to 2000 dinars is applied to whoever calls by the above means in article (42) to hate between races, religions, population or dissemination of opinion based on discrimination, religious extremism or instigate committing the offenses provided by article (48) or incite people to violate the laws of the country. (29).

Article (45): (30)

Article (46): If, for infractions of articles 42 to 44 the court has pronounced a conviction of imprisonment penalty without suspension it may additionally decide depriving the convicted from being neither elector or electable for a period not to exceed five years. As soon as this verdict becomes definitive it shall result in the lapse of the current elective mandate.

Article (47): An imprisonment penalty of one to five years and a fine of 1000 to 2000 dinars is applied against any provocation by any of the means stated by article (42) addressed to the soldiers with the objective of prompting them to neglect their military duties and disobey their superiors in all orders to them to

implement orders and military obligations or to prevent the youth from conscription or delay of conscription in the military service or prevent those who are not yet called to military service but who shall be called in accordance with the conscription law not to abide by their military duties.

SECTION TWO

OFFENCES COMMITTED AGAINST THE PUBLIC ORDER

Article (48): The offense against the President of the Republic committed by any of the means stated under article (42) of this regulation is penalized by imprisonment of 1 to 5 years and a fine of 1000 to 2000 dinars.

Whoever commits an offense by the described means against any of the worships which practicing is permitted shall be penalized by imprisonment of three months and a fine of 100 to 2000 dinars. (32)

Article (49): The publication, diffusion or reproduction by any means whatsoever of false news, fabricated or falsified papers attributed to others when committed by bad intention, trouble of the public order or susceptible to trouble it shall be penalized by two to three months imprisonment and a fine of 100 to 2000 dinars or by only one of these two penalties.

Section three : Offenses against persons

Article (50): Any public allegation or attribution that may dishonor or disgrace a person or an official body's prestige shall be deemed defamation of character. The declaration of such allegation or reference whether directly or through quoting shall be punishable even if it was mentioned in the form of probability or was meant to refer to a person or official body whose name was not expressly stated. However, it can be understood from the content of expressions in speeches, calls, threats, writings, publications posters, drawings or contested declarations.

Article (51): Imprisonment of one to three years and a fine of 120 to 1200 dinars is applied to the perpetrator by any of the means indicated by article (42) of this regulation of defamation against judicial authority, land, sea and air armies, official authorities and the public departments. (33)

Article (52): The same punishment is applied for defamation not being proven committed by the same means indicated above because of their functions or their capacity against a member or several members of the government, one deputy or several deputies for their plan or capacity or against a deputy or a number of deputies of the parliament, public employee, guardian, public authority servant, assistant in the public authority, a citizen assigned a public concern or mandate whether temporary or permanent or a witness because he delivered his witness.

Punishment applied may not be less than the minimum limit provided by the precedent paragraph.

Additionally, the court may authorize the publication of the content of its verdict on the columns of a weekly newspaper on the expense of the convicted person.
(34)

Article (53): The defamation committed against the private persons by any of the means set out in article (42) of this code and without prejudice to the provisions of article (87) of the code of obligations and contracts shall be punished by imprisonment of 16 days to 6 months and a fine of 120 to 1200 dinars or only by one of these two penalties.

The defamation committed by the same means against a group of persons not designated by this article but who pertain by their origin to a race or a certain religion shall be punishable by imprisonment of one month to one year and a fine of 120 to 1200 dinars when the objective is to provoke hate between the citizens or the habitants. (35)

Article (54): Each outrageous expression, term of disdain or abuse not including any charge of a precise act is an insult.

The insult committed by the stated means in article (42) against the official bodies or persons designated by articles 51 and subsequent articles of this code when it is not preceded by a provocation shall be punishable by imprisonment of sixteen days

to three months and a fine of 120 to 1200 dinars. The pronounced penalty may not be reduced below the minimum provided by the precedent paragraph. The penalty of imprisonment shall be one year maximum and a fine of 1200 dinars when the abuse is committed by the same described means against a group of persons who do not pertain by their origin to a race or a particular religion and this with the objective of provoking hate between the citizens or the habitants. (35)

Article (55): The provisions of articles (51) and (54) of this code shall not be applicable to defamations or insults targeting the memorials of the dead except in cases where the perpetrators of these defamations or insults have the intention of dishonoring or prejudicing the consideration of the live heirs, wives or the universal legates.

The live heirs, wives or legates shall be entitled to exercise the right of response provided by article (27) of this code whether this defamation, insult, dishonoring or consideration prejudice is intentional or unintentional.

Article (56): (36)

Article (57): The act of defamation may be evidenced by the ordinary methods when the act is relative to functions in the case when the allegation concerns the official bodies, the land, sea or air armies, the public administration or to all the persons provided by article (52) of this code.

The defamatory act may only be evidenced when the act is relative to functions and may also be established against the directors and managers of all industrial, commercial or financial companies which publicly depend on the funds of saving or credit.

The act of defamation may not be evidenced in the following cases:

- a- When the attributed allegation is related to the private life of the person
- b- When the allegation refers to matters which date back to more than ten years
- c- When the allegation refers to a matter constituting an infraction amnestied or prescribed or a punishment covered by rehabilitation.

In the cases provided by paragraphs 1 and 2 of this article the contrary proof may be produced. If the defamatory act is established the pursuit may be stopped. When the ascribed act is the subject of a penal pursuit assumed by the public prosecutor or by virtue of a complaint from the accused the procedures of pursuit and prosecution in the defamation offense shall be suspended pending the completion of the investigation which must be conducted. (37)

Article (58): Any reproduction of an accusation ruled as defamatory shall be accused as an act of bad intention except proven otherwise.

SECTION FOUR

OFFENSES COMMITTED AGAINST THE PRESIDENTS OF STATES AND FOREIGN DIPLOMATIC CORPS

Article (59): The open offensive committed against the Presidents of States and the foreign governments members shall be punished by an imprisonment of three months to one year and a fine of 120 to 2000 dinars or by one of these two punishments only.

Article (60): The committed open assault against the diplomatic missions' chiefs and other personnel accredited with the government of the Republic of Tunisia shall be punished by imprisonment of sixteen days to one year and a fine of 120 to 1200 dinars or by one of these two punishments only.

SECTION FIVE

THE PROHIBITED PUBLICATIONS AND THE IMMUNITY OF THE DEFENSE

Article (61): (38)

Article (62): (39)

Article (63): It is prohibited to publish a decision of accusation and all other decisions of penal procedure before they are read in a public session and this act lies under punishment of a fine of 120 to 1200 dinars.

The same penalty is applied to whoever publishes the reproduction by any means particularly by photography, engraving, design, portrait films of all or part of the

circumstances of a crime or offense provided by articles (201) to (240) inclusive of the penal code.

However, there is no offense when the publication is made by a written request of the magistrate assigned the investigation. This request shall be annexed to the file of the investigation.

Article (64): It is prohibited to give information about any lawsuits of defamation in the cases provided by paragraphs a, b, c, and d of article (57) of this code as well as the lawsuits related to cases of evidence of affiliation, divorce and abortion. This prohibition is inapplicable to verdicts that may be always published by authorization of the judicial authority.

In all civil cases the courts and panels may prohibit the account of lawsuits. It is also prohibited to account the internal deliberations of the courts and panels. During the progress of debates and in the halls of the sessions of tribunals the utilization of sonic registration devices, photographic devices or cinematographic devices is prohibited except with permission of the competent judicial authority.

It is prohibited to account any lawsuits of defamation in the cases provided by paragraphs a, b, and c of article (57) of this code as well as debates of lawsuits in acknowledgement of affiliation, divorce and abortion. This prohibition is inapplicable to verdicts that may always be published but with permission of the judicial authority.

In all civil cases the courts and tribunals may prohibit the detailed publication of lawsuits. It is also prohibited to account the internal deliberations of the courts and tribunals during the progress of discussions and in the halls of the sessions of tribunals, the utilization of sonic registration devices, photographic devices or cinematographic devices is prohibited except with permission given by the competent judicial authority.

Any violation of the provisions of this article shall be punished by a fine of 120 to 1200 dinars together with confiscation of the used means in this act. (40)

Article (65): It is prohibited to publicly open or announce subscriptions having the objective to indemnify the fines, expenses and damages pronounced for judicial convictions in penal matters under penalty of imprisonment of sixteen days to six months and a fine of 120 to 1200 dinars or one of these two penalties only.

Article (66): The account in good faith of the public sessions of the national assembly does not give rise to any action.

The faithful account, act of good faith of the judicial debates neither give rise to any action of defamation, abuse or insult nor the speeches pronounced or written before the tribunals.

However, the magistrates undertaking the case who consider the substance may declare the dismissal of speeches implying blaspheme, insult or defamation and rule, if necessary, damages to the person who sustained the condemned act.

However, defamation acts in the case of the victim may give rise to a civil action if the court reserve his right and other parties may in all cases raise a civil action.

Article (67): if there is conviction the magistrate may within the cases provided by articles (43) to (47) of this code and article (81) of the military justice code pronounce the confiscation of the writings, prints, advertisement boards, designs, posting bills, films, discs, magnetic bands and other incriminated and order the seizure, the abolition or the destruction of all copies which will be placed for sale, distributed or exposed to the public.

However, the abolition or the destruction may not be applied except on certain parts of the seized copies.

Without prejudice to the provisions of the penal code in relation to offenses of blackmail all conviction of repetition of blackmail shall entail the abolition of the pursued written periodical.

The printing, the fabrication, placing for sale or distribution of the abolished publication or reproduction are punishable in a fine of 120 to 1200 dinars.

CHAPTER FIVE CONSEQUENCES AND PENALTIES

SECTION ONE

PERSONS RESPONSIBLE FOR CRIMES AND OFFENSES COMMITTED BY THE PRESS

Article (68): They shall be punishable as principal perpetrators the penalties which constitute the repression of crimes and offenses committed by the press in the below order:

One: The directors of publication or editors whatever their professions and denominations may be

Two: In case of absence the authors

Three: In case of the absence of authors the printers or the fabricants

Four: In case of the absence of authors or fabricants the vendors, distributers or advertisers

Article (69): When the directors or editors of publications are accused the authors are pursued as accomplices.

Pursuits may also be followed in the same title and in all cases of persons to whom article (32) of the penal code is applicable. The said articles may not be applicable to printers for acts of printing. However, the printers may be pursued as accomplices if the criminal irresponsibility of the director of the publication is pronounced by the tribunal. In this case, the pursuits are engaged within the three months of the offense or at least within the three months of the judicial establishment of irresponsibility of the director of the publication.

Article (70): The proprietors of written publications, sonic or visual are civically responsible with the persons designated by the above two articles and particularly jointly respondents with the delinquents for the amount of fines and expenses.

Within the case provided by article (15) of this code the recovery of fines and damages may be pursued on the assets of the company.

Article (71): The civil action resulting in defamation offenses provided by articles (51) and (52) of this code may not be pursued separately from the public action except in case of death or amnesty of the perpetrator of the incriminated act.

Article (72): The pursuits of crimes and offenses committed by the press or by any other means of publication shall have their venue at the office and request of the public prosecutor within the forms and delays described and before the jurisdictions determined by the penal procedure except for the following modifications:

- One:** In case of defamation against the private provided by article (53) and in case of insult provided by article (54) of this code the pursuits may not take place except by a complaint from the defamed or insulted person. Yet, the pursuits may be exercised from office by the public prosecutor when the defamation or the insult committed against a group of persons particularly pertaining to a particular race or religion with the objective to excite the hate between the citizens or the inhabitants.
- Two:** In case of insult or defamation against the courts, the tribunals, the constituent body and the public administration the pursuits shall take place at the office with the care of the public prosecutor.
- Three:** In case of insult or defamation against one or several deputies the proceedings shall take place only on the complaints of the concerned person or persons.
- Four:** In case of insult or defamation against the public employees, the guardians or agents of the public authority other than the government members or against citizens assigned to a service or public mandate the pursuits shall take place whether on their complaint or the complaint of the head of the department which raised them.
- Five:** In case of defamation against a witness provided by article (52) of this code the proceedings shall not take place except by complaint of the witness who alleges being defamed.

Six: In case of an offense or insult provided by article (59) or (60) of this code the proceedings shall take place in accordance with a request from the offended or the insulted addressed to the Minister of Foreign Affairs who refers it to the Minister of Justice with the aim of proceedings.

Article (73): The Minister of Interior may, after having the opinion of the Secretary of State with the Prime Minister assigned with the Information and without prejudice to the criminal sanctions provided by the applicable texts, order the seizure of any issue of a periodical which the publication shall be of a nature of troubling the public order. The reparation of the sustained prejudice may, if necessary, be requested in conformity with applicable legal provisions. In case of proceedings in application of the dispositions of articles (43), (44) and (46) to (49) of this code the tribunal which considers the cause of the action after hearing the concerned parties and within eight days may decide in the chamber of counsel the suspension of the periodical subject of proceedings for a period not to exceed three months for the daily periodicals and for a period not to exceed six months for the other types of periodicals. Any periodical that is suspended must cease publication. The publication of a periodical is considered as pursued if it results in circumstances of act particularly of the collaboration of all or part of the personnel pertaining to the suspended periodical or external signs that the new publication appear under a new title but in reality it is a continuation of the suspended periodical.

The suspension of a periodical shall not affect the work contracts which bind the employer which keep all contractual or legal obligations resulting therefrom.

Whoever continues the publication of the periodicals shall be punished with imprisonment of sixteen days to six months and a fine of sixty (60) to six hundred (600) dinars.

Article (74): the summons or the convocation shall describe and state the discriminated complained act and indicate the applicable legal provision to the proceedings. If the convocation comes from the part of the complainant it should

contain election of the domicile in the town in which the court to which the case is filed is located and this shall be notified to the accused and the public prosecution otherwise the proceedings shall be void.

The delay between the convocation and the appearance before the tribunal shall be twenty days. This delay of appearance shall be reduced to 48 hours in case of the defamation or abuse during the electoral period against a candidate to an electoral function.

However, the session may not be delayed to the day after the previous day designated for elections and in this case the provisions of articles 75 and 76 of this code are inapplicable.

Article (75): If the accused desires to be permitted to prove truth of the subject of defamation in accordance with the provisions of article 57 of this code he must provide to the public prosecution within a period of ten days after the convocation by deposit to the clerk of the court or to the complainant the domicile he elected pursuant to the issue of the convocation either by the request of the first or the second.

- One:** A statement of the acts attributed and described in the convocation or the summons which he desires to prove
- Two:** Copy of the documents
- Three:** The names, professions and domiciles of the witnesses through whom he intends to submit his proof. Furthermore, the accused must within the same delays elect a domicile in the tribunal otherwise his right to deliver his proof shall be prescribed.

Article (76): Within the following five days and in all cases three days at least before the session the complainant or the public prosecutor as appropriate in order not to lose his right shall be obligated to notify the accused at the domicile he elected the first through the door keeper of the court and the second through administrative means that the copies of documents and the names, professions

and domiciles of witnesses by whom he intends to deliver the contrary proof are at his disposal at the registry of the court.

Article (77): In the correctional matter the tribunal must decide within a maximum delay of one month as from the first session.

Article (78): The public and the civil actions resultant from crimes, offenses or infringements provided by this code prescribe after three months as from the day of the last action of proceedings if it was held. (42)

Article (79): Article (53) of the penal code is applicable in all cases provided by this code. (43)

Article (80): All contrary previous provisions to this code are abrogated particularly the decree of 9 February 1956 related to the printing, library and press.

(1) Law no (22) of the year 1975 dated 28 April 1975 is related to the issue of the press law 9the official gazette number 29 dated 29 April 1975 page (992)

(1) This article is amended by the statute law no 85 of the year 1993 dated 2 August 1993

(2) This article is amended in accordance with the statute law no. (85) of 1993 dated 2 August 1993

(3) Last paragraph was added to the article (3) in accordance with the statute law no. (1) of the year 2006 dated 9 January 2006 related to the revision of the press law.

(4) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(5) This article is revised by the statute law no. (43) of 2001 dated 3 May 2001(1) this article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(6) See order no. (536) of 1997 dated 8 June 1977 related to the regulation of public methods for the application of law no. (32) of 1975 dated 28 April 1975 related to the issuance of press law

(7) Abrogated by article (2) of the statute law no. (85) of 1993 dated 2 August 1993

- (8) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993
- (9) This article is revised by the statute law no. (1) of 2006 dated 9 January 2006 related to the revision of the press law
- (10) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993
- (11) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993
- (12) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (13) This article is revised by the statute law no. (43) of 2001 dated 3 May 2001 and this article became effective within six months as from the date of the statute law application no. (43) of 2001 dated 3 May 2001 (article 4)
- (14) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (15) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (16) This article is revised by the statute law no. (43) of 2011 dated 3 May 2001
- (17) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (18) This article is added by the statute law no. (89) of 1988 dated 2 August 1988
- (19) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (19) This article is revised by the statute law no. (43) of 2001 dated 2 May 2001
- (20) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993
- (21) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
- (22) This article is withdrawn from the press law and included in the penal law under no. (315) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001
- (23) Abrogated by article (4) of the statute law no. (89) of 1988 dated 2 August 1988
- (24) This article is withdrawn from the press law and included in the penal law under no. (303) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001
- (25) This article is also withdrawn from the press law and included in the penal law under no. (303) three in accordance with the statute law no. (43) of 2001 dated 3 May 2001
- (26) This article is withdrawn from the press law and included in the penal law under no. (321) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001
- (27) Abrogated by article (4) of the statute law no. (89) of 1988 dated 2 August 1988

(28) Abrogated by article (4) of the statute law no. (89) of 1988 dated 2 August 1988

(29) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(30) This article is withdrawn from the press law and included to the penal law under no. (220) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001

(31) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988

(32) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(33) This article is revised by the statute law no. (43) of 2001 dated 3 May 2001

(34) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(35) This article is also revised by the statute law no. (85) of 1993 dated 2 August 1993

(36) This article is withdrawn from the press law and included in the post law under no. (59) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001

(37) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(38) This article is withdrawn from the press law and included in the penal law under no. (121) bis in accordance with the statute law no. (43) of 2001 dated 3 May 2001

(39) This article is withdrawn from the press law and included in the penal law under no. (21) three in accordance with the statute law no. (43) of 2001 dated 3 May 2001

(40) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(41) This article is revised by the statute law no. (43) of 2001 dated 3 May 2001

(42) This article is revised by the statute law no. (85) of 1993 dated 2 August 1993

(43) This article is revised by the statute law no. (89) of 1988 dated 2 August 1988
