

## Rapper Klay BBJ Acquitted Of Insulting Police By Appeals Court

Ahmed Ben Ahmed, also known as the rapper Klay BBJ, has [been acquitted](#) by a Tunisian appeals court of his conviction of insulting the police during a concert.

Ahmed is a rapper in his native Tunisia under the stage name of Klay BBJ. On August 22, 2013 Ahmed's performance at the International Festival of Hammamet included songs critical of the police and government authorities. Hammamet is a resort town of about 60,000 people on the Mediterranean Sea about 45 miles southeast of Tunisia's capital of Tunis.

Shortly after Ahmed's performance he was arrested along with another rapper, Alaa Eddine Yaakoubi whose stage name is Weld El 15, who performed his song "Cops Are Dogs" at the concert. After their arrest the two rappers were [beaten by police](#) wielding batons, and they had to be taken to a hospital emergency room for treatment before they were transported to jail.

The rappers were released after several hours, but they were charged with "insulting the police," defamation of public officials, and harming public morals, under articles 125, 226 bis, and 247 of Tunisia's penal code.

A week after the concert Ahmed and Yaakoubi were convicted *in absentia* on August 30 of all the charges by the First Instance Criminal Tribunal of Hammamet. Both rappers were sentenced to 21 months in prison.

### Turnpaugh cont. from p. 5

people to understand that – especially in the legal profession."

Under AB 534 Turnpaugh wouldn't have been entitled to any compensation or award for attorney fees. When asked about AB 534 he told the *Wisconsin Law Journal* that the bill appeared to be intended to prevent a case such as his from occurring again. [Turnpaugh said](#), "If the state intends to put people through a process that sucks your soul out and makes you want to kill yourself, then the current law is perfect. And now they want to make it worse."

Although Turnpaugh's Motion scheduled to be heard on December 4 was rendered moot by the Board's Decision of November 25, Turnpaugh informed Justice Denied on De-



Ahmed Ben Ahmed, aka Klay (AFP)

Ahmed appealed and he was granted a new trial on the grounds he wasn't present during his trial. Yaakoubi didn't appeal his conviction and went underground to hide from the authorities.

After Ahmed's retrial on September 18, 2013 he was again convicted of "insulting the police." Ahmed was immediately taken into custody after he was sentenced on September 26 to six months in prison.

During the October 17, 2013 hearing of Ahmed's appeal before the Grombalia First Instance Court his lawyer argued he had not insulted the police and even if he had, his songs are artistic creations protected by the right to freedom of expression under Tunisian and international law. His lawyer cited a case in France in which an appeals court acquitted members of the rap group Sniper of the charge of incitement to violence. That court determined rap songs are by their nature provocative and sometimes crude and that they must be respected and protected as a form of freedom of speech.

Ahmed's lawyer also argued the law against insulting the police (or any public servant) applies only to insulting an individual police officer and not the police as an institution, and he had been charged or convicted of insulting any particular officer. Six defense witnesses who attended the August 22 performance in Hammamet testified during the appeal hearing they had not heard Ahmed pronounce words or expressions insulting the police or other state institutions. Ahmed's lawyer argued his songs

December 2 that he intends to pursue recovering from the Board his attorney's fees and costs related to filing the Motion.

Turnpaugh's case up to the Court of Appeals' May 2012 ruling is set out in detail in *Justice Denied's* June 12, 2012 article, "[David Turnpaugh Owed Compensation For Wrongful Convictions Says Appeals Court.](#)"

Sources:

[David Turnpaugh v. State of Wisconsin Claims Board](#), No. 13-CV-000789 (Milwaukee County Circuit Court, 6-12-2013)

[David R. Turnpaugh, State of Wisconsin Claims Board](#), Claim No. 2009-031-CONY

[David R. Turnpaugh vs. State of Wisconsin Claims Board](#), No. 13-CV-789 (Milwaukee County Circuit Court), Motion for Contempt and Request For A Writ Of Mandamus, filed on October 25, 2013

[Contempt and Writ of Mandamus Turnpaugh](#), By Dan Shaw, *Wisconsin Law Journal*, November 27, 2013

denounce injustice and what he calls the authoritarianism of the current government.

After the hearing the appeals court announced it was [annulling Ahmed's conviction](#) and ordered his immediate release from custody. The court announced it would later release its ruling with its reasoning for overturning Ahmed's conviction.

After Ahmed was released Eric Goldstein, deputy Middle East and North Africa director at Human Rights Watch [told reporters](#): "It's great to see Klay BBJ free, but meanwhile he spent three weeks in prison and never should have been charged in the first place. Tunisia needs to stop arresting people for offending government officials or institutions and get rid of the laws that criminalize that kind of criticism. An artist should be able to offer critical and provocative work without fearing arrest and prosecution."

Since the Tunisian revolution in 2011 that was a part of the "Arab Spring," the government has repeatedly prosecuted speech criticism of the state it considers objectionable. The Johannesburg Principles on National Security, Freedom of Expression, and Access to Information, a set of principles that many experts agree upon and is widely used, [states in principle 7\(b\)](#):

No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies or public officials, or a foreign nation state or its symbols, government, agency, or public official unless the criticism or insult was intended and likely to incite imminent violence.

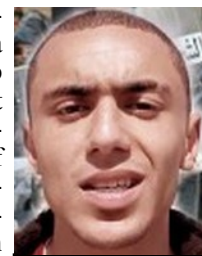
Yaakoubi remains on the run to avoid arrest and begin serving his 21 month prison sentence. Yaakoubi was 15 when in March 2013 he released his video, "Cops Are Dogs." In addition to its provocative lyrics the video contains a montage of scenes showing Tunisian police hitting people. The video has received more than 3,150,000 hits on Youtube.com and can be [viewed by clicking here](#).

Source:

[Tunisia: Rapper Acquitted After 3 Weeks in Prison](#), *The Arabic Network for Human Rights Information* (Tunis), October 21, 2013

[Tunisian rapper Klay BBJ jailed for six months](#), *BBC News*, September 26, 2013

[Tunisian rapper Klay BBJ is freed from jail on appeal](#), *BBC News*, October 17, 2013



Alaa Eddine Yaakoubi, aka, Weld El 15