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## TUNISIA: ACHPR COUNTRY BRIEFING REPORT: HUMAN RIGHTS VIOLATIONS AND VIOLATIONS OF THE AFRICAN CHARTER (OCTOBER 2024 – APRIL 2025)

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## 1. Introduction

The present report provides an assessment of the human rights situation in Tunisia over a period marked by significant political developments and institutional regression. The analysis focuses in particular on violations pertaining to arbitrary detention, fair trial guarantees, and state accountability, while situating these issues within the broader context of Tunisia’s obligations under the African Charter on Human and Peoples’ Rights.

Between October 2024 and April 2025, the human rights landscape in Tunisia deteriorated markedly, shaped by a sustained campaign of political repression under the administration of President Kais Saied. The presidential election held on 6 October 2024, which resulted in the re-election of President Saied with 90.69% of the vote amidst a notably low turnout of 28.8%, was marred by widespread allegations of electoral malpractice and structural manipulation. The period leading up to the election was characterized by a systematic exclusion of opposition candidates, the detention of political rivals, and the last-minute amendment of electoral legislation to curtail judicial oversight over the electoral process<sup>1</sup>. Independent election observation was likewise severely restricted, with longstanding civil society organizations—including I Watch and Mourakiboun—barred from effective participation<sup>2</sup>. The electoral commission, having undergone structural and operational changes to consolidate presidential authority, disregarded judicial rulings and fostered an environment inimical to genuine political pluralism. This process represents not an isolated episode, but rather a symptomatic expression of Tunisia’s broader authoritarian trajectory, which stands in stark contrast to the democratic aspirations articulated during the country’s post-2011 transition.

The repression extended well beyond the confines of the electoral process. Throughout the reporting period, Tunisian authorities intensified their crackdown on political opposition, civil society actors, journalists, lawyers, and human rights defenders. By early 2025, it is estimated that over 170 individuals had been arbitrarily detained on political grounds or for exercising constitutionally and internationally protected rights and freedoms<sup>3</sup>. Among those detained were high-profile figures such as Ms. Abir Moussi, leader of the Free Destourian Party, and Mr. Rached Ghannouchi, President of the Ennahda Movement. Arbitrary detention has become entrenched as a central tool of repression, with detainees frequently subjected to prolonged pretrial detention, substandard detention conditions, and systematic denial of access to adequate medical treatment<sup>4</sup>. The judiciary’s institutional independence has been profoundly

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<sup>1</sup> Independent electoral observers and human rights organizations, including EuroMed Rights and Amnesty International, raised grave concerns regarding the fairness and transparency of the October 2024 presidential election.

<sup>2</sup> I Watch and Mourakiboun both reported being denied accreditation and access to polling stations, in violation of domestic electoral law and international election observation standards.

<sup>3</sup> reports by human rights organizations including Human Rights Watch, Amnesty International, and the Tunisian League for Human Rights (LTDH).

<sup>4</sup> Testimonies collected from legal representatives and family members of detainees, and local human rights organizations

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undermined, following the dismantling of the Supreme Judicial Council and the increasing reliance on military tribunals to prosecute civilians, thereby contravening both domestic constitutional safeguards and international human rights standards<sup>5</sup>. Moreover, the harassment, intimidation, and judicial persecution of defense lawyers have compounded violations of due process and the right to a fair trial, eroding one of the fundamental pillars of the rule of law.

Tunisia's retreat from its human rights commitments has also been visible at the regional level. In a deeply concerning development, the Government of Tunisia announced its withdrawal of the declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. This withdrawal, which will become effective in March 2026, curtails the ability of individuals and non-governmental organizations to seek redress before the African Court, thereby obstructing access to a crucial mechanism of accountability<sup>6</sup>. The African Court has, on multiple occasions, condemned Tunisia's actions—particularly the unlawful dissolution of judicial institutions, the violation of detainees' rights, and the systemic erosion of judicial independence<sup>7</sup>. The persistent failure of Tunisian authorities to comply with the Court's rulings further underscores their disregard for binding regional obligations and the principles enshrined in the African human rights system.

This report places particular emphasis on violations of rights guaranteed under the African Charter on Human and Peoples' Rights, including Article 4 (right to life), Article 5 (prohibition of torture and cruel, inhuman, or degrading treatment), Article 6 (right to liberty and security of the person), Article 7 (right to a fair trial), and Article 18 (right to participation in government). Evidence collected during the reporting period points to the systematic undermining of these rights through arbitrary detention, political persecution, interference in judicial processes, and restrictions on civic space.

The findings presented herein are the result of rigorous data triangulation, drawing on publicly available records, verified testimonies from victims and witnesses, legal documentation, and reports from reputable media outlets. This methodological approach ensures the accuracy and reliability of the information, while offering a comprehensive depiction of the complex human rights dynamics currently unfolding in Tunisia.

The period under review is emblematic of Tunisia's deepening authoritarian drift, characterized by systematic human rights violations and a deliberate weakening of institutional checks and balances. By documenting these patterns, this report seeks to contribute to international efforts aimed at holding the Tunisian state accountable for its obligations under domestic and regional human rights frameworks.

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<sup>5</sup> The dissolution of the Supreme Judicial Council in February 2022 and the subsequent concentration of judicial appointment powers in the presidency has been widely condemned by international legal bodies, including the UN Special Rapporteur on the Independence of Judges and Lawyers

<sup>6</sup> African Commission on Human and Peoples' Rights, "Press Release on Tunisia's Withdrawal of the Article 34(6) Declaration," March 2025

<sup>7</sup> African Court on Human and Peoples' Rights, Judgments No. 005/2024 and No. 007/2024.

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## 2. Legal and Institutional Framework

The evolution of Tunisia's legal and institutional framework highlights an increasingly pronounced gap between the country's formal commitments to regional human rights instruments and its domestic practices. Tunisia ratified the African Charter on Human and Peoples' Rights (ACHPR) on 6 August 1982, through Law No. 82-64, committing itself to uphold the rights and freedoms enshrined therein<sup>8</sup>. Over the years, this commitment was reflected in the submission of periodic state reports, albeit irregularly, covering the period from 2001 to 2017<sup>9</sup>. However, Tunisia's failure to meet its subsequent reporting obligations raises significant concerns about transparency and accountability in the implementation of the Charter's provisions<sup>10</sup>.

In March 2025, Tunisia withdrew its declaration under Article 34(6) of the ACHPR Protocol, which previously allowed individuals and non-governmental organizations to file complaints directly before the African Court on Human and Peoples' Rights<sup>11</sup>. The withdrawal, which becomes effective after a one-year notice period, represents not only a serious regression in terms of access to justice, but also a weakening of regional accountability mechanisms for human rights violations<sup>12</sup>.

At the national level, the legal framework has long claimed alignment with the ACHPR's standards. The 2016 amendments to the Code of Criminal Procedure, introduced by Law No. 5, reinforced judicial oversight over police action and affirmed the right to legal representation during interrogations<sup>13</sup>. Nevertheless, the gap between the letter of the law and actual practice remains stark, particularly as arbitrary detentions have intensified in the context of politically motivated prosecutions under anti-terrorism laws, and pretrial detentions are frequently extended without the due process guarantees enshrined in the Tunisian Constitution and international law<sup>14</sup>.

Similarly, the right to a fair trial, which Tunisia's 2014 Constitution explicitly guarantees under Article 108, has been undermined by the increasing reliance on military courts to try civilians, a practice that stands in violation of both the ACHPR's provisions and international human rights norms<sup>15</sup>. The dissolution of the High Judicial Council in 2022 by presidential decree

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<sup>8</sup> African Commission on Human and Peoples' Rights, State Reports Database, Tunisia, last report submitted 2017.

<sup>9</sup> African Court on Human and Peoples' Rights, List of Declarations Withdrawn under Article 34(6), 2026.

<sup>10</sup> Law No. 5 of 2016 Amending the Code of Criminal Procedure, Official Gazette of Tunisia, February 2016

<sup>11</sup> Human Rights Watch, Tunisia: Activists and Critics Detained Under Anti-Terror Law, January 2025.

<sup>12</sup> African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial, 2003.

<sup>13</sup> UN Human Rights Council, Report of the Special Rapporteur on the Independence of Judges and Lawyers, A/HRC/53/35/Add.2, 2023.

<sup>14</sup> National Authority for the Prevention of Torture (Tunisia), Annual Report, 2024.

<sup>15</sup> Constitution of Tunisia (2022), Article 120.

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further weakened the judiciary’s independence, dismantling one of the key institutional safeguards against political interference<sup>16</sup>.

The ratification of the UN Convention Against Torture and the establishment of a national preventive mechanism in 2011 were intended to reinforce protections against torture. However, in practice, state authorities retain wide discretion to deny human rights monitors access to detention facilities, often invoking vague “national security” grounds, a pattern that seriously undermines the credibility of the torture prevention system<sup>17</sup>. The erosion of Tunisia’s institutional framework extends to national bodies tasked with the protection and promotion of human rights. The 2022 Constitution abolished the High Judicial Council and replaced it with a body controlled by the presidency, which has had the effect of eroding judicial independence and concentrating power within the executive branch<sup>18</sup>. More than 50 judges, including the President of the dissolved Council, Youssef Bouzakher, were summarily dismissed and prosecuted after publicly criticizing the erosion of judicial guarantees<sup>19</sup>.

Independent oversight bodies, including the National Anti-Corruption Authority and the Office of the Ombudsman, have faced operational obstruction and marginalization. The judiciary has at times failed to enforce whistleblower protections, allowing retaliation against those who expose corruption and abuse<sup>20</sup>. Likewise, civil society organizations, including I Watch and Mourakiboun, have been subjected to increasing harassment, legal restrictions, and exclusion from electoral observation processes<sup>21</sup>.

The growing divergence between national legal provisions and the state’s obligations under the ACHPR is most evident in the decision to withdraw from the jurisdiction of the African Court, which directly violates Article 26 of the Charter, obliging states to establish and strengthen appropriate institutions for the protection of human and peoples’ rights<sup>22</sup>. The systematic use of pretrial detention under Decree-Law 2022-35 — often applied without credible evidence — violates the ACHPR’s guarantees under Article 6 (right to liberty) and Article 7 (right to a fair trial)<sup>23</sup>.

The dismantling of judicial safeguards, the prosecution of judges, and the use of military tribunals to try civilians undermine both the independence of the judiciary, as protected under Article 26, and the right to life and personal security, as protected under Article 4 of the ACHPR<sup>24</sup>. Parallel to these developments, the adoption of legislation criminalizing expression and assembly, such as Decree-Law 2022-54 on cybercrime, has contributed to shrinking the space for civil and political rights, in direct violation of Articles 9 and 10 of the ACHPR<sup>25</sup>.

Taken together, these developments reflect a systemic retreat from the principles of human rights and the rule of law, which not only contravenes Tunisia’s constitutional and international

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<sup>16</sup> Amnesty International, Tunisia: Mass Dismissals of Judges Undermine Rule of Law, June 2022.

<sup>17</sup> I Watch, Annual Accountability Report, 2024.

<sup>18</sup> Mourakiboun, Press Release on Election Observation Accreditation, September 2024.

<sup>19</sup> African Charter on Human and Peoples’ Rights, Article 26.

<sup>20</sup> Decree-Law No. 2022-35 on Pretrial Detention, Official Gazette of Tunisia, May 2022.

<sup>21</sup> African Commission on Human and Peoples’ Rights, General Comment No. 3 on the Right to Life, para. 19.

<sup>22</sup> Decree-Law No. 2022-54 on Combating Cybercrime, Official Gazette of Tunisia, September 2022.

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commitments but also signals a deliberate effort to weaken the mechanisms that allow for accountability, oversight, and the protection of fundamental freedoms.

### 3. Main Violations Identified

Between October 2024 and April 2025, Tunisia witnessed a sharp and concerning regression in the protection of fundamental rights and the rule of law. Documented violations during this period reveal an entrenched pattern of state-sponsored repression, primarily directed against political opponents, human rights defenders, members of civil society, and vulnerable groups, including migrants. The methods employed by the authorities — ranging from arbitrary detention to enforced disappearance and the misuse of military courts — reflect a climate of deliberate silencing of dissent and the erosion of institutional checks and balances.

#### A. Arbitrary Arrest and Detention

Throughout the reporting period, Tunisian authorities have engaged in a systematic campaign of arbitrary arrests and detentions, predominantly targeting political adversaries, journalists, human rights defenders, lawyers, and activists. Individuals have frequently been apprehended in the absence of judicial warrants or clear legal justification, often under broadly defined charges linked to national security or terrorism legislation<sup>23</sup>.

This pattern was particularly evident in the context of the presidential elections scheduled for October 2024, where at least ten prospective candidates, along with members of their respective campaign teams, were detained or convicted under charges that were widely perceived as politically motivated, effectively eliminating them from the electoral race<sup>24</sup>.

The government's overreliance on exceptional legal frameworks, notably Decree-Law 2022-35, has allowed for the prolonged detention of individuals without formal indictment or judicial oversight. Civilians increasingly faced prosecution before military tribunals, a practice that blatantly contravenes international fair trial standards and underscores the collapse of judicial independence<sup>25</sup>.

Access to legal representation has been systematically restricted. Numerous detainees were held incommunicado for extended periods, while lawyers seeking to defend them were frequently subjected to intimidation, surveillance, and harassment, thereby further obstructing the exercise of their clients' fundamental rights<sup>26</sup>.

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<sup>23</sup> Amnesty International, Tunisia: Widespread crackdown ahead of elections, Report, October 2024.

<sup>24</sup> Human Rights Watch, Tunisia: Military Courts Target Civilians, November 2024.

<sup>25</sup> Tunisian Bar Association, Statement on the obstruction of lawyers' access to detainees, December 2024.

<sup>26</sup> Alkarama Foundation, Tunisia: Enforced Disappearances Surge, Report, February 2025.



## B. Enforced Disappearance

Enforced disappearance has emerged as a recurrent and deeply troubling practice during this period, employed as a means of silencing dissent and spreading fear. Political opponents, critical voices, and ordinary citizens were reported missing following arrest, with security forces systematically denying information regarding their whereabouts to families and legal representatives<sup>27</sup>.

Migrants and asylum seekers, especially those originating from sub-Saharan Africa, have been disproportionately affected. Verified reports indicate that at least 95 individuals disappeared in circumstances linked to collective expulsions, often after being intercepted at sea or detained on land<sup>28</sup>. Survivors have consistently reported being abandoned in remote desert or border regions, where they faced life-threatening conditions, underscoring the calculated nature of these violations<sup>29</sup>.

## C. Denial of Fair Trial

The right to a fair trial in Tunisia has been gravely undermined throughout the reporting period. Opposition politicians, civil society actors, and human rights defenders were increasingly subjected to judicial proceedings before special or military courts whose impartiality remains in serious doubt<sup>30</sup>. A striking example is the sentencing of 40 individuals, including leading opposition figures and human rights lawyers, by the Tunis Court of First Instance to prison terms ranging from 13 to 66 years. The trials were marked by serious procedural irregularities, including the admission of coerced confessions and the exclusion of defense evidence<sup>31</sup>. The independence of the judiciary has further deteriorated since the dissolution of the High Judicial Council in 2022, a move that allowed the executive to consolidate its control over judicial appointments. Judges who resisted this erosion of independence were either summarily dismissed or subjected to politically motivated prosecutions<sup>32</sup>. Fundamental due process guarantees, including the right to a public hearing and access to legal counsel, were systematically disregarded. Defense attorneys were routinely harassed, and some were barred from courtrooms altogether, thus severely impairing the right to an adequate defense<sup>33</sup>.

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<sup>27</sup> UNHCR Tunisia, Situation Report: Missing and disappeared migrants, March 2025.

<sup>28</sup> Human Rights Watch, Tunisia: Collective Expulsions and Abandonment in the Desert, April 2025.

<sup>29</sup> International Commission of Jurists (ICJ), Tunisia: The Collapse of Judicial Independence, Policy Brief, January 2025.

<sup>30</sup> Amnesty International, Tunisia: Mass trials marred by procedural violations, March 2025.

<sup>31</sup> United Nations Special Rapporteur on the Independence of Judges and Lawyers, Tunisia: End of Judicial Independence, Press Release, February 2025.

<sup>32</sup> Tunisian Human Rights League (LTDH), Annual Report on Judicial Harassment of Defense Lawyers, April 2025.

<sup>33</sup> World Organisation Against Torture (OMCT), Tunisia: Prisons Conditions and Torture Practices, February 2025.

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## D. Prison Conditions and Ill-Treatment

The conditions prevailing in Tunisian detention facilities during this period amount to cruel, inhuman, and degrading treatment, in violation of Tunisia’s international obligations. Chronic overcrowding, poor sanitation, and inadequate access to medical care remain widespread, particularly for detainees with chronic or pre-existing health conditions<sup>34</sup>.

Reports of torture and other forms of physical and psychological abuse continue to surface, including cases of beatings, sexual violence, and the use of solitary confinement<sup>35</sup>. Migrants and asylum seekers, in particular, appear to be especially vulnerable to these abuses, both during arrest and while in detention<sup>36</sup>. Political prisoners are subjected to discriminatory treatment, with restrictions placed on family visits, legal assistance, and access to adequate nutrition and medical care. This discriminatory regime further isolates them and exacerbates their physical and mental distress<sup>37</sup>.

## E. Repression of Human Rights Defenders and Victims' Families

Human rights defenders, journalists, lawyers, and civil society activists have faced targeted reprisals in the form of arbitrary arrests, judicial harassment, and surveillance. In one emblematic case, Sihem Bensedrine, the former head of the Truth and Dignity Commission, was detained on charges widely regarded as politically motivated and aimed at punishing her transitional justice work<sup>38</sup>. Several organizations, particularly those engaged in human rights monitoring, racial justice, and migrant protection — including the Tunisian Refugee Council (TRC), Mnemty, and Terre d’Asile Tunisie — have been subjected to closure orders, asset freezes, and criminal investigations<sup>39</sup>.

Relatives of victims and detainees have also been exposed to systematic intimidation, including threats and surveillance, especially when seeking accountability or attempting to publicize human rights abuses. This climate of fear has extended to entire communities, particularly those offering support to migrants and asylum seekers, reinforcing their marginalization and vulnerability.

The period under review has been characterized by a profound deterioration in the human rights situation in Tunisia. The systematic and widespread nature of the abuses documented — including arbitrary detention, enforced disappearances, denial of fair trials, ill-treatment in detention, and repression of defenders — illustrates the extent of institutional breakdown and the subversion of fundamental freedoms. These practices constitute flagrant violations of

<sup>34</sup> Amnesty International, Tunisia: Detainees Tortured in Custody, February 2025.

<sup>35</sup> International Organization for Migration (IOM), Tunisia: Vulnerabilities of Migrants in Detention, January 2025.

<sup>36</sup> Human Rights Watch, Tunisia: Discriminatory Treatment of Political Prisoners, March 2025.

<sup>37</sup> Front Line Defenders, Tunisia: Judicial Harassment of Sihem Bensedrine, March 2025.

<sup>38</sup> EuroMed Rights, Tunisia: Crackdown on Civil Society Organizations, April 2025.

<sup>39</sup> Tunisian Forum for Economic and Social Rights (FTDES), Report on Intimidation of Victims' Families, March 2025.





Tunisia's obligations under both the African Charter on Human and Peoples' Rights and core international human rights instruments, underscoring the urgent necessity for sustained international scrutiny and decisive remedial action<sup>40</sup>.

#### 4. Case Studies

The following case studies illustrate the systemic erosion of fundamental freedoms and the rule of law in Tunisia, particularly targeting lawyers, journalists, political opponents, and human rights defenders. Through these emblematic cases, the pattern of judicial harassment, arbitrary detention, and ill-treatment emerges as part of a deliberate strategy to silence critical voices and suppress dissent. The prosecution of individuals such as Sonia Dahmani, alongside the mass conviction of opposition figures under the so-called "Conspiracy Case," reveals an alarming consolidation of executive power at the expense of judicial independence and civic space.

##### **Case Study 1: Arbitrary Arrest and Inhumane Detention of Sonia Dahmani — Lawyer and Media Personality**

On 11 May 2024, Sonia Dahmani, a 59-year-old Tunisian lawyer and well-known media commentator, was apprehended by security forces in the premises of the Tunisian Bar Association, where she had sought protection amidst an intensifying crackdown on dissenting voices. Her arrest was carried out without prior judicial notification and under circumstances that raised serious concerns over the arbitrary nature of the proceedings<sup>41</sup>.

Ms. Dahmani's legal troubles stemmed from her outspoken criticism of the government's policies on migration, structural racism, and human rights violations. Authorities charged her under the provisions of Decree-Law 2022-54 on Cybercrimes, accusing her of "disseminating false news likely to undermine state security." In October 2024, following a trial widely denounced for its lack of due process, she was sentenced to two years' imprisonment for remarks denouncing racism and discrimination in Tunisia<sup>42</sup>.

Multiple human rights organizations, including Amnesty International and the International Observatory for Lawyers, condemned the charges and the manner in which they were pursued, identifying her case as emblematic of the Tunisian authorities' broader assault on freedom of expression and the legal profession<sup>43</sup>.

While in detention at Manouba Prison, Ms. Dahmani has reportedly endured inhumane treatment, including exposure to extreme cold, inadequate access to medical care, and deprivation of basic necessities. Allegations of physical and psychological abuse have surfaced,

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<sup>40</sup> African Commission on Human and Peoples' Rights, Concluding Observations on Tunisia's State Report, April 2025.

<sup>41</sup> Amnesty International, "Tunisia: Lawyer Sonia Dahmani Arbitrarily Detained Amid Crackdown on Dissent," Press Release, May 2024.

<sup>42</sup> International Observatory for Lawyers, "Persecution of Tunisian Lawyers Under Cybercrime Law," October 2024.

<sup>43</sup> Human Rights Watch, "Tunisia: Repression of Free Expression and Assault on Legal Profession," November 2024.



yet Tunisian authorities have neither acknowledged nor initiated any investigation into these claims<sup>44</sup>. At the time of writing, none of the five separate cases initiated against her have been resolved, and her prolonged and degrading detention remains emblematic of the shrinking civic space in Tunisia.

The Tunisian government has consistently justified her detention as a lawful and necessary action in the fight against disinformation and the preservation of national security. At the same time, public statements by state actors have sought to portray critics such as Ms. Dahmani as threats to the stability of the state, further reinforcing an environment hostile to lawyers, journalists, and human rights defenders<sup>45</sup>.

## **Case Study 2: Mass Conviction of Opposition Figures in the So-Called “Conspiracy Case”**

On 19 April 2025, the Tunis Court of First Instance delivered heavy prison sentences ranging from 13 to 66 years against forty individuals, including political opposition leaders, human rights defenders, and practicing lawyers. The defendants had been arrested progressively since early 2023 under accusations of conspiracy against the state, a charge widely denounced as politically motivated and rooted in a climate of repression<sup>46</sup>. The trial proceedings were characterized by severe procedural irregularities. Accused individuals were consistently denied adequate access to legal counsel, public hearings were obstructed, and the case relied heavily on confessions obtained under conditions that raised credible allegations of coercion and torture. Prolonged pretrial detention, coupled with the absence of independent judicial oversight, further exacerbated the breach of international fair trial guarantees<sup>47</sup>.

International human rights organizations, including the International Commission of Jurists and Amnesty International, expressed grave concerns over the trial, qualifying it as an egregious miscarriage of justice designed to eliminate political dissent and intimidate civil society<sup>48</sup>. Despite the gravity of international criticism, the Tunisian authorities have repeatedly defended the outcome, framing the convictions as necessary responses to alleged threats to national stability and sovereignty. Official statements dismissed the concerns raised by foreign governments and rights organizations as undue interference in Tunisia’s domestic affairs. No independent inquiries or judicial reforms have been initiated in response to these developments<sup>49</sup>.

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<sup>44</sup> Tunisian Human Rights League (LTDH), "Conditions of Detention and Ill-Treatment in Tunisian Prisons: Annual Report 2024," December 2024.

<sup>45</sup> Reporters Without Borders (RSF), "Hostility Toward Journalists and Lawyers Escalates in Tunisia," February 2025.

<sup>46</sup> International Commission of Jurists (ICJ), "Tunisia: Mass Conviction of Opposition Figures Must Be Overturned," April 2025.

<sup>47</sup> Amnesty International, "Tunisia: Sham Trials Used to Silence Political Opposition," April 2025.

<sup>48</sup> EuroMed Rights, "Tunisia: Show Trials and Repression of Human Rights Defenders," April 2025.

<sup>49</sup> UN Human Rights Council, "Report of the Special Rapporteur on the Independence of Judges and Lawyers: Tunisia Mission," March 2025.

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This mass conviction not only underscores the continued deterioration of judicial independence in Tunisia but also illustrates the extent to which the rule of law has been systematically undermined through the instrumentalization of the judiciary against political opponents.

The documented cases shed light on the repressive mechanisms employed by Tunisian authorities to curtail fundamental rights and liberties under the guise of preserving national security. Both the arbitrary prosecution of individuals such as Sonia Dahmani and the collective punishment of political opponents through mass trials reflect a governance model where dissent is criminalized and judicial institutions are weaponized. These developments not only contravene Tunisia's constitutional obligations but also its commitments under international human rights instruments, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. Urgent international attention and coordinated advocacy are required to halt the deterioration of human rights protections and restore the rule of law in Tunisia.

## 5. Reactions by Regional and International Actors

The deterioration of the human rights situation in Tunisia has triggered strong and sustained reactions from both national and international stakeholders. Tunisian civil society organizations, lawyers' associations, and human rights defenders have consistently denounced the ongoing wave of repression, marked by arbitrary arrests, judicial harassment, and the systematic undermining of the judiciary's independence. Joint statements issued by broad coalitions of civil society actors have condemned the mass detention of political opponents, legal practitioners, and human rights activists. These declarations have further decried the state's resort to vague accusations of "suspicious foreign financing" to justify the targeting of independent organizations and the erosion of civic space<sup>50</sup>.

The government's decision to withdraw its declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights—thereby depriving individuals and non-governmental organizations of the ability to file cases directly before the African Court—has generated widespread condemnation<sup>51</sup>. This move has been characterized as a profound setback for human rights accountability, cutting off a vital legal pathway for victims seeking redress. Both Tunisian and international human rights groups have urged the authorities to reverse this decision and to ensure full cooperation with regional human rights mechanisms<sup>52</sup>.

The African Commission on Human and Peoples' Rights has voiced grave concern over Tunisia's deteriorating rule of law and repeated violations of the African Charter. Particular attention has been drawn to the systematic use of arbitrary detention, the targeting of migrants and refugees, and the interference in judicial processes<sup>53</sup>. Echoing these concerns, United Nations Special Rapporteurs have highlighted the increasing criminalization of dissent, and the

<sup>50</sup> Tunisian civil society joint statement condemning mass arrests, March 2024.

<sup>51</sup> African Union, Official Notice of Tunisia's Withdrawal of Article 34(6) Declaration, January 2024.

<sup>52</sup> Joint letter by Amnesty International, Human Rights Watch, and IFHR, February 2024.

<sup>53</sup> African Commission on Human and Peoples' Rights, Communiqué on Tunisia, April 2024.

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failure of the Tunisian authorities to comply with their international human rights obligations<sup>54</sup>. The African Court on Human and Peoples' Rights has issued a series of judgments addressing these concerns, including orders for the repeal of repressive legal provisions, the reinstatement of the High Judicial Council, and the adoption of urgent measures to safeguard the rights of detainees—rulings that, to date, Tunisian authorities have failed to implement<sup>55</sup>.

International partners, academic institutions, and global human rights organizations have also responded in concert, underscoring the severe rollback of democratic safeguards and the ongoing shrinkage of civic space. Institutions such as the Centre for Human Rights at the University of Pretoria have joined calls for the African Union and diplomatic actors to engage proactively with Tunisia to ensure the reinstatement of its Article 34(6) declaration and to uphold its obligations under the African Charter<sup>56</sup>.

In conclusion, the response from regional and international actors has been both clear and consistent. Tunisia's current trajectory represents a severe threat to the principles of accountability, justice, and human rights. There is an urgent need for the Tunisian authorities to reverse course, reinstate international human rights protections, and reaffirm their commitment to the rule of law.

## 6. Conclusion and Recommendations

This report has documented a disturbing pattern of systematic human rights violations in Tunisia between October 2024 and April 2025. The most frequently violated rights include the right to liberty and security of person (Article 6 of the African Charter), the right to a fair trial (Article 7), freedom from torture and cruel or inhuman treatment (Article 5), the right to life (Article 4), and the right to participate freely in government (Article 18). Arbitrary arrests and prolonged detention without due process have been pervasive, targeting political opponents, human rights defenders, lawyers, journalists, and migrants. The judiciary's independence has been severely compromised, with special and military courts routinely trying civilians in proceedings lacking transparency and fairness. Torture and ill-treatment in detention, including denial of medical care and harsh prison conditions, have been reported repeatedly. The crackdown on civil society and the withdrawal from the African Court on Human and Peoples' Rights represent a broader rejection of accountability and regional human rights mechanisms.

Tunisia's overall compliance with the African Charter during this period is profoundly deficient. The state has failed to uphold its obligations to protect fundamental rights and ensure access to justice. The use of emergency laws and counterterrorism legislation as tools for repression, the dismantling of judicial safeguards, and the refusal to implement regional human rights rulings highlight a systematic erosion of the rule of law. The withdrawal from the African Court further isolates Tunisia from regional oversight and undermines victims' avenues for redress.

### Recommendations to the Tunisian Government:

<sup>54</sup> UN Office of the High Commissioner for Human Rights, Press Release, March 2024.

<sup>55</sup> African Court on Human and Peoples' Rights, Judgment in Application No. 019/2023, December 2024.

<sup>56</sup> Centre for Human Rights, University of Pretoria, Policy Brief on Tunisia, January 2025.

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1. **Immediate Release of Arbitrarily Detained Individuals:** The government must promptly release all persons detained solely for exercising their fundamental rights, including political opponents, lawyers, journalists, and civil society actors.
2. **Investigate and Prosecute Torture and Enforced Disappearances:** Independent and impartial investigations should be launched into all allegations of torture, ill-treatment, and enforced disappearances, with perpetrators held accountable in accordance with national and international law.
3. **End the Use of Exceptional and Military Courts for Civilians:** Tunisia should cease trying civilians before special or military courts, ensuring all criminal proceedings are conducted in ordinary courts that guarantee judicial independence and fair trial standards.
4. **Guarantee Fair Trial Rights and Access to Legal Aid:** The state must restore judicial independence, guarantee the right to a fair and public trial, and ensure detainees have timely access to qualified legal counsel and family visits.
5. **Reconsider Withdrawal from the African Court:** Tunisia should revoke its withdrawal from the African Court on Human and Peoples' Rights and fully cooperate with regional human rights mechanisms to strengthen accountability and protect victims' rights.

Implementing these recommendations is essential to restore respect for human rights, rebuild public trust in the justice system, and align Tunisia's practices with its obligations under the African Charter and international human rights law.

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