



International Fair Trial Day

2025

# INTERNATIONAL FAIR TRIAL DAY & EBRU TIMTIK AWARD REPORT

TUNISIA EDITION REPORT

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This year's Steering Group members who contributed to the planning, organisation, and delivery of the 2025 IFTD Conference are: *Avocats Européens Démocrates / European Democratic Lawyers; Bars Human Rights Committee (BHRC); Bologna Bar Association; Conseil national des barreaux / French National Bar Council (CNB); Çağdaş Hukukçular Derneği / Progressive Lawyers Association (ÇHD); Défense Sans Frontières – Avocats Solidaires (DSF-AS); European Association of Lawyers / Fédération des Barreaux d'Europe(FBE); European Lawyers for Democracy and World Human Rights (ELDH); International Bar Association's Human Rights Institute (IBAHRI); the International Commission of Jurists (ICJ); Lawyers for Lawyers; National Bar Council of Italy (CNF); Observatoire International Des Avocats En Danger / International Observatory for Lawyers in Danger (OIAD); Özgürlük İçin Hukukçular Derneği / Association of Lawyers for Freedom (ÖHD); Republikanischer Anwältinnen- und Anwälteverein e.V. / Republican Lawyers Association (RAV); the Law Society of England and Wales (LSEW); and the Union Internationale des Avocats / International Lawyers Association – Institute for the Rule of Law (UIA-IROL).*

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THE ORGANISING COMMITTEE



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# 01 Introduction

## International Fair Trial Day



On 12 June 2025 legal professionals, bar association representatives, academics, human rights advocates, and journalists from around the world gathered online and in person in Brussels, Belgium to participate in the 2025 International Fair Trial Day (IFTD) Conference and Ebru Timtik Award focused on Tunisia.

This year, the spotlight was on Tunisia, where the independence of the judiciary, the legal profession, and human rights safeguards are under urgent threat – resulting in a dismantling of respect for fair trial rights. The situation for lawyers and judges has significantly deteriorated, marked by declining judicial independence, increased harassment, arrests and prosecutions of legal professionals for

exercising their right to freedom of expression and simply doing their job. Simultaneously, the Tunisian civic space is shrinking, with human rights defenders and NGOs being silenced. Many judges, lawyers and journalists are in prison denied their right to a fair trial or access to a lawyer and are ultimately facing judges who are put under pressure by the state.

Sustained pressure from the international community and solidarity and support for the Tunisian legal professions are crucial to improve the human rights situation in Tunisia. The 2025 IFTD sought to provide a concrete opportunity for dialogue and strategic analysis of policy and systemic conditions regarding the right to a fair trial.

### International Fair Trial Day

IFTD was established in 2021 by more than 100 legal associations across the world, to be observed every year on 14 June. It serves as an opportunity to raise awareness of the plight of those people and organisations in countries where fair trial principles are not being respected. The right to a fair trial has long been recognised by the international community as a fundamental human right. Without a fair trial, every individual risks becoming the victim of a miscarriage of justice, either as an innocent suspect wrongly convicted or as a victim unable to secure justice for a wrong perpetrated against them.



***"Access to fair trial is a barometer of democracy, where justice is respected, peace and hope prevails."***

**Salma Sassi** – Professor, Faculty of Law and University of Algiers & Commissioner of the African Commission on Human and Peoples' Rights, speaking at the 2025 IFTD Conference

Following a risk assessment which found it unsafe for Tunisian participants to take part in the conference in Tunisia, Brussels was chosen as the venue to leverage advocacy efforts with European Union (EU) institutions, as well as with the strong Brussels-based civil society to generate momentum around the event's central issues.

Recognising the escalating risks for Tunisian This report sets out the key concerns and recommendations examined over the course of the

2025 IFTD Conference on Tunisia. The information included in this report is based on speeches and discussions at the 2025 IFTD conference (see Annex A for programme details), as well as a series of advocacy meetings, supplemented by desk research. Any quotes that are not attributed to an individual were given during the 2025 IFTD conference - as a result of the aforementioned risk assessment these quotes have been kept anonymous.



## 02 Background context

### The political landscape in Tunisia

The 'Jasmine Revolution', beginning in January 2011, ousted former Tunisian President Zine El Abidine Ben Ali<sup>1</sup>. The change in regime brought a more progressive constitution in 2014, which enshrined civil liberties and allowed for political pluralism and free elections. At this time, the Tunisian republic represented "hope for democracy in the whole African continent"<sup>2</sup>. However, after a period of disenchantment among many in Tunisia who felt that politicians had failed to improve their lives since the regime change, in 2019, President Kais Saied, a populist outsider, was elected on an anti-establishment platform.<sup>3</sup>

On 25 July 2021, Saied invoked emergency powers, suspended parliament, dismissed the prime minister and began ruling by decree<sup>4</sup>. On 25 July 2022, a new constitution was adopted after an obscure and fast-tracked drafting process which lacked legal basis and democratic legitimacy<sup>5</sup>. The new constitution significantly weakened the

legislature and judiciary, with Saied's government subsequently dismantling democratic institutions, replacing electoral laws to marginalise political parties, and suppressing dissent through politically motivated prosecutions. The 2022 constitution grants the president largely unchecked powers, and Article 96, for example, does not adequately safeguard respect of human rights standards in a state of emergency as it fails to specify the rights which are non-derogable during such periods<sup>6</sup>.

The 2024 presidential election excluded all hopeful opposition candidates, bar two, and was widely perceived as lacking transparency. There was a notably low turnout with just 28.8% of those eligible participating in the vote<sup>7</sup>. Saied claimed victory with over 90% of the vote<sup>8</sup>. This new regime has led to a rapidly shrinking civil space and imposes a significant and active threat to the right to fair trial, human rights and the rule of law.

1. *Britannica*, "Jasmine Revolution," accessed 21 October 2025: <https://www.britannica.com/event/Jasmine-Revolution>

2. *Salma Sassi*, Professor, Faculty of Law, University of Algiers & Commissioner of the African Commission on Human and Peoples' Rights, speaking at the 2025 IFTD Conference.

3. *News Agencies*, "Tunisia presidential election: Kais Saied declared winner," *Al Jazeera* (14 October 2019), accessed 21 October 2025: <https://www.aljazeera.com/news/2019/10/14/tunisia-presidential-election-kais-saied-declared-winner>

4. *Amnesty International*, "Human rights under assault two years after President Saied's power grab" (24 July 2023), accessed 21 October 2025: <https://www.amnesty.org/en/latest/campaigns/2023/07/human-rights-under-assault-two-years-after-president-saieds-power-grab/>

5. *International Commission of Jurists*, "Tunisia: Proposed constitution codifies authoritarianism" (2022), accessed 21 October 2025: <https://www.icj.org/resource/tunisia-proposed-constitution-codifies-authoritarianism/>

6. *Amnesty International*, "Human rights under assault two years after President Saied's power grab" (24 July 2023).

7. *Le Monde*, Tunisian President Kais Saied wins second term in landslide victory, (7 October 2024), accessed 11 November 2025: [https://www.lemonde.fr/en/le-monde-africa/article/2024/10/07/tunisian-president-kais-saied-wins-second-term-in-landslide-victory\\_6728532\\_124.html](https://www.lemonde.fr/en/le-monde-africa/article/2024/10/07/tunisian-president-kais-saied-wins-second-term-in-landslide-victory_6728532_124.html)

8. *Wycliffe Muia*, "Tunisian president wins second term with landslide," *BBC News* (8 October 2024), accessed 21 October 2025: <https://www.bbc.co.uk/news/articles/cx25ree1g180>

## 03 The right to a fair trial

### International and regional instruments

***"The right to a fair trial is not a luxury. It is a fundamental right enshrined in all major international human rights instruments. It includes several essential elements: the right to a public hearing, the right to be tried within a reasonable time, the right to make full answer and defence, the right to be presumed innocent, and the right to be heard by an independent and impartial tribunal. These are the very pillars of justice."***

Margaret Satterthwaite - UN Special Rapporteur on the Independence of Judges and Lawyers, speaking at the 2025 IFTD Conference

The right to a fair trial is a fundamental principle in international law. It is enshrined in Article 10 of the Universal Declaration of Human Rights (UDHR)<sup>9</sup>, as well as key international human rights treaties Tunisia has ratified, namely Article 14 of the International Covenant on Civil and Political Rights (ICCPR)<sup>10</sup>, ratified by Tunisia in March 1969, and Article 40 of the UN Convention on the Rights of the Child (CRC), ratified by Tunisia in January 1992. At the regional level, Tunisia is also party to the African Charter on Human and People's Rights (ACHPR or African Charter)<sup>11</sup>, which sets out fair trial rights in Article 7.

These treaties establish the following fair trial rights for all:

- Equality before the law
- To be informed of their rights
- The presumption of innocence
- The right to be informed promptly, in detail and in an understandable language of the charges
- To have adequate time and facilities for the preparation of a defence
- The right to communicate with a lawyer of one's choice
- Trial before an independent, impartial tribunal and within a reasonable time
- A public hearing (subject only to certain specific exceptions permitted under international law)<sup>11</sup>
- To be present at their trial and be able to defend themselves personally or with legal assistance
- To receive free legal aid if justice requires and they cannot afford it
- To examine, or have examined, the witnesses
- Free assistance of an interpreter
- Not to be compelled to testify against themselves or to confess guilt
- The right to appeal to a higher court
- Not to be tried or punished twice for an offence for which they have already been finally convicted or acquitted.

9. United Nations, Universal Declaration of Human Rights (1948)

10. International Covenant on Civil and Political Rights (1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

11. African Charter on Human and People's Rights (1986), [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)

# 04 Systemic fair trial rights concerns in Tunisia

As a party to the ACHPR, Tunisia is legally bound to commit and uphold the human rights standards enshrined within it and is subject to scrutiny by the African Commission on Human and People's Rights (African Commission), through its mandate to monitor state compliance with the African Charter. Individuals can submit complaints of violations of the African Charter to the African Commission, subject to certain conditions<sup>12</sup>. Until recently, individuals and NGOs could also submit cases directly to the African Court on Human and People's Rights. However, on 7 March 2025, Tunisia withdrew its declaration enabling such redress to the Court. This will take effect on 7 March 2026, after this date no direct access to the court will be permissible for individuals and NGOs (this is explained further on page 7 and 8 of the report).

Furthermore, the UN Basic Principles on the Independence of the Judiciary (1985) uphold the right to fair trial by protecting the independence of the judiciary and the freedom of expression and association of judges. Similarly, the UN Basic Principles on the Role of Lawyers (1990) establish international standards that protect and support lawyers to uphold fair trial rights. The Basic Principles on the Role of Lawyers ensure that lawyers can effectively perform their duties to uphold the right to a fair trial and the rule of law, promoting access to legal representation and justice, safeguarding lawyer-client confidentiality and the independence of lawyers<sup>13</sup>.

12. Conditions of admissibility include an exhaustion of domestic remedies, the matter must not be pending before or already settled by another international body, and it must involve a right protected under the African Charter. For full admissibility requirement see: <https://achpr.au.int/en/communications-procedure>

13. These principles are reinforced and further elaborated by the new Council of Europe Convention for the protection of the profession of lawyer, the first binding treaty protecting the rights and role of lawyers, which, once in force, will be open for signature beyond the Council of Europe.

## Declining judicial independence

**"It is not possible to talk about fair trial, in any judiciary where the executive authority takes hold of the professional path of judges and their discipline"**

The judiciary in Tunisia underwent reform to guarantee its independence and proper functioning during the drafting of the 2014 constitution and the establishment of the Supreme Judicial Council (CSM), an independent body that appointed judges and monitored the judiciary<sup>14</sup>. This structure was entirely new to the Tunisian legal system. After President Saied came to power, there was a prevalent smear campaign against the CSM's membership at the hands of the state. Then, in February 2022, President Saied dissolved the CSM by issuing Decree-law 11. In June 2022, Decree law 35, which amended Decree-law 11 gave the president authority to fire judges and prosecutors on vague criteria and without due process.

14. International Commission of Jurists, Tunisia: Decree-Law 2022-11 on the temporary High Judicial Council – Questions & Answers, (May 2022), accessed 21 October 2025: <https://www.icj.org/wp-content/uploads/2022/05/Tunisia-decree11-QA-Publications-legal-briefing-2022-ENG.pdf>.

President Saied replaced the CSM with a provisional judicial council directly controlled by his office. This consolidated executive power over the judicial system, undermined judicial autonomy and violated the separation of powers, a cornerstone of democracy. Judges now face the threat of political reprisal for decisions that go against the executive, which compromises the impartiality necessary for fair trials. The lack of a system to hold the executive accountable for these actions has led to increasing concerns about the judiciary's ability to function independently. It has left judges vulnerable, as there is "total absence of institutional protection."

A panellist at the 2025 IFTD conference told the audience that the Tunisian Magistrates Association reported that during the period after the dissolution of the CSM, more than 150 magistrates were transferred from their roles, and deprived of their judicial responsibilities, some of which without pay.

**"It was clear that judges would be the first victims of growing populism"**





On 1 June 2022, President Saied summarily dismissed 57 judges, citing corruption and misconduct<sup>15</sup>. These dismissals were carried out without due process, leaving no opportunity for judicial review or appeals. 49 of these judges initiated criminal proceedings under the anti-corruption law. In August 2022, the Tunis Administrative Court ordered the reinstatement of 49 of these judges, but the Tunisian authorities did not comply with the court’s decision. This failure to execute a court decision is emblematic of the state’s growing disregard for the rule of law. Another panellist, speaking at the 2025 IFTD conference, outlined that legal challenges were brought against the decision to dismiss these judges and remove their licences but these requests for trial remain unimplemented. Instead, the executive authority opened criminal investigations against these judges.

In the absence of effective national redress, there was no option but to turn to international courts, namely, the African Court on Human and Peoples’ Rights (AfCHPR). In October 2024, the AfCHPR ruled that Tunisia’s Presidential Decree No. 2022-516 (the decree making it possible to dismiss said judges) was a violation of judicial independence under the African Charter on Human and People’s Rights, requiring Tunisia to suspend the decree and reinstate the judges. However, the Tunisian executive has not complied with the decision. In fact, in response to this decision, the Tunisian executive withdrew its declaration, under Article 34(6) of the African Court Protocol, enabling individuals and NGOs to directly petition the

courteffectively eliminating an important avenue for redress<sup>16</sup>.

Furthermore, during the 2025 IFTD conference it was also reported that since July 2021, more than 75% of magistrates have been affected by decisions made by the executive. The judicial year 2024/2025 has been marked by the exclusive management by the executive over the judiciary, with the minister of justice delivering more than 600 memos targeting two judicial divisions and sanctioning individuals who did not accept instructions. The executive power has replaced dismissed magistrates with around 350 new state-appointed magistrates. This is a distinct violation of the separation of powers and is in direct contravention of the 2014 constitution.

Articles 17-20 of the UN Basic Principles on Independence of the Judiciary covers standards for the discipline, suspension and removal of judges. According to these principles, a complaint against a judge should be processed under an appropriate procedure, the judge will have the right to a fair hearing, and judges will only be subject to suspension for reasons of incapacity or behaviour that renders them unfit to discharge their duties.

15. Amnesty International, Tunisia: Arbitrary dismissals a blow to judicial independence, (10 June 2022), accessed 21 October 2025: <https://www.amnesty.org/en/latest/news/2022/06/tunisia-arbitrary-dismissals-a-blow-to-judicial-independence/>.

16. Human Rights Watch, Tunisia’s Withdrawal of Individuals’ and NGOs’ Access to the African Court Marks a Serious Setback for Human Rights Accountability, <https://www.hrw.org/news/2025/03/27/tunisia-withdrawal-individuals-and-ngos-access-african-court-marks-serious-setback#:~:text=its%20ruling%20in%20August%202023,the%20judiciary%20as%20a%20whole.>

In addition to structural changes, the President has restricted the freedom of association and expression for judges. Decree-law 11, prohibited judges from striking or engaging in collective actions that might disrupt court operations, stripping them of these rights guaranteed under Article 36 of the 2014 Constitution<sup>17</sup>. Further, restrictions to judges’ freedom of association and expression contravene international legal standards, which protect the rights of judges to voice concerns and collectively advocate for the defence of their profession and its integrity (Articles 8 and 9 of the UN Basic Principles on the Independence of the Judiciary).

The consequences of these actions on fair trial rights are alarming. With the judiciary under executive control, the risk of political interference in legal proceedings increases. Judges may be pressured to rule in favour of the government in politically sensitive cases, undermining the fairness of trials, especially those of opposition figures or critics of the regime. For instance, some of the judges dismissed in 2022 had reportedly refused to prosecute opposition leaders at the government’s behest.

Another concerning development is the use of military courts to try civilians, a practice that has expanded in recent years. Military judges, who are part of the military hierarchy and subject to military discipline, cannot be considered independent or impartial. For example, on 10 October 2024, the Tunis Military Appeals Court sentenced Chaima Issa, a human rights activist, to a six-month suspended

prison sentence in connection with remarks she made on radio criticising President Saied<sup>18</sup>. This practice violates international legal standards, particularly the right to be tried by a competent, independent, and impartial tribunal as enshrined in the ICCPR.

Obstacles to the right of defense

Violations of lawyer-client confidentiality are a growing concern, particularly in cases involving political opposition figures and human rights defenders. Several instances illustrate the systematic erosion of this fundamental principle, which is crucial for ensuring a fair trial and protecting the rights of defendants. For example, in January 2024, prison guards reportedly searched the bag of lawyer Bechir Manoubi Ferchichi without his knowledge or presence, while he was visiting his client in detention. Despite the search being conducted unlawfully, it led to his arrest and investigation based on items seized that they claimed were intended to facilitate an escape<sup>19</sup>. The case sparked outrage within Tunisia’s legal community, as it was seen as a direct attack on the lawyer’s right to confidential communication with their client.

17. The Official Gazette of the Republic of Tunisia, Decree-Law No. 2022-11 relating to the creation of the provisional High Council of the Judiciary, (12 February 2022), accessed 21 October 2025: [http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX\\_10136-35-pEswGTeYJQ/RechercheTexte/SYNC\\_-15774930](http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX_10136-35-pEswGTeYJQ/RechercheTexte/SYNC_-15774930)

18. Center for Justice, Tunisia: Military Court of Appeal sentences activist Shaimaa Issa to six months in prison – CFJ calls for an end to arbitrary measures against her, (10 January 2024), accessed 21 October 2025: <https://www.cfjustice.org/tunisia-military-court-of-appeal-sentences-activist-shaimaa-issa-to-six-months-in-prison-cfj-calls-for-an-end-to-arbitrary-measures-against-her/>.

19. Lawyers for Lawyers, World Organisation Against Torture et al., Lawyers in Danger: The Ongoing Crackdown on Lawyers in Tunisia, (2024), accessed 21 October 2025: <https://omct-tunisie.org/wp-content/uploads/2024/01/Avocat-en-danger-ENG-Final.pdf>.

Furthermore, in the past lawyers in Tunisia were allowed unrestricted visits to their clients in prison. However, this has been reduced over the years and now lawyers are only permitted to visit their clients just one day per month. Judges will also arbitrarily decide whether a lawyer will be allowed to visit a specific detainee, and those who are representing more than one client are only allowed to visit one selected by the judge<sup>20</sup>.

Targeting of lawyers, human rights defenders and journalists

Since 2021, the situation for fair trials in Tunisia has become increasingly dire through the instrumentalisation of the law Tunisian authorities to harass lawyers, judges, critics, journalists and bloggers, civil society and political activists. This has included surveillance, arrest, enforced disappearance, detention, and prosecution of those exercising their right to freedom of expression, and/or their professional function.

Harassment and intimidation of lawyers, particularly those handling politically sensitive cases, has intensified significantly in recent years. This manifests in various forms, including criminal prosecution, physical aggression, and legal restrictions, severely undermining the independence of the legal profession and threatening the rights to a fair trial and access to justice.

The 2022 Constitution excluded legal protections present in the 2014 version, foreshadowing the regime’s intent to weaken the legal profession and

erode judicial independence<sup>21</sup>. The use of vague and broad legal provisions, such as those found in Tunisia's Telecommunications Code and Penal Code, has enabled authorities to target at least 20 lawyers with charges ranging from "spreading fake news" to "offending public officials." In line with such practices, lawyers, such as Abdelaziz Essid, are being tried for "offending others" and "accusing public officials of illegal acts" regarding comments made about a conspiracy case he was defending. This environment of judicial harassment has severely restricted lawyers' ability to carry out their duties, undermining their role in upholding the rule of law and defending human rights.

The various measures targeting lawyers have created a pronounced chilling effect on the legal profession, undermining both access to justice and the independence of the judiciary. This climate of intimidation discourages lawyers from taking on contentious cases, stifles robust legal advocacy, and erodes public confidence in the legal system. The targeting of legal professionals not only compromises their ability to defend clients freely but also sends a broader signal that dissent and accountability can be suppressed through intimidation, threatening the fundamental principles of the rule of law.

20. Euro-med Human Rights Monitor, Tunisia: Escalation of violations against rights defenders and activists undermines constitution, international obligations (29 August 2024), accessed 21 October 2025: <https://euromedmonitor.org/en/article/6447/Tunisia-Escalation-of-violations-against-rights-defenders-and-activists-undermines-constitution-international-obligations>

21. Lawyers for Lawyers, World Organisation Against Torture et al., Lawyers in Danger: The Ongoing Crackdown on Lawyers in Tunisia, (2024)

Case study

Conspiracy case

On 19 April 2025, 40 individuals including lawyers, human rights defenders and prominent political opposition figures were sentenced to prison terms ranging between 4 and 66 years<sup>22</sup> for their peaceful dissenting views, in a case that has become known as the 'conspiracy case'<sup>23</sup>. These sentences followed an accusation made in May 2024 by a Tunis prosecutor, who alleged there was a plot to overthrow President Saied, evidenced by the individuals’ dissenting opinions. As a result of the accusation, 40 individuals were charged under Tunisia’s Penal code and Organic Law No. 2015-26 of 7 August 2015 on terrorism.

The mass trial was marred with fair trial rights abuses, with the first session on 4 March 2025 taking place without detainees present, contrary to international law, and being adjourned to 11 and then 18 April 2025. Amnesty International have reported that the Tunis Bar Association had received notification from the court that terrorism trials in March and April 2025 would be conducted with detainees attending online from prison. This decision was challenged by the detainees and their legal teams, who declared they would not participate in

the trial online and insisted on being allowed to conduct their defence in person<sup>24</sup>. Their report also states that during the initial hearing, the court wrongly claimed that the detainees had refused to participate in the trial of their own accord<sup>25</sup>.

Conspiracy case 2<sup>26</sup>

On 8 July 2025, the Tunis Court of First Instance convicted 21 out of 24 defendants in a case now known as 'Conspiracy case 2', sentencing them to prison terms between 12 and 35 years. The trial targeted senior opposition figures, lawyers, formal officials and members of the Ennahdha Party, including its leader Rached Ghannouchi, who received a 14-year sentence in absentia. The case against the defendants was built on vague terrorism and state security charges, stemming from an alleged covert network of individuals who aimed to change "the structure of the state. No concrete evidence of criminal activity was found against the defendants. Defendants held in pretrial detention were forced to attend hearings via video link, limiting their communication with their lawyers and the strength of their defence. Journalists and family members were also not allowed to attend the hearings.

22. Agence Tunis Afrique Press, "Conspiracy" case: Sentences between 13 and 66 years in prison for the defendants, (19 April 2025), accessed 21 October 2025: <https://www.tap.info.tn/fr/Portail-%C3%A0-la-Une-FR-top/18676613-affaire-de>

23. Amnesty International, Tunisia: Mass convictions of opposition activists after sham trial marks a dangerous moment (19 April 2025), accessed 21 October 2025: <https://www.amnesty.org/en/latest/news/2025/04/tunisia-mass-convictions/>

24. Ibid.

25. Ibid.

26. Amnesty International, Tunisia: Mass convictions in 'Conspiracy Case 2' deepen rule of law crisis, (28 July 2025), accessed 21 October 2025: <https://www.amnesty.org/en/latest/news/2025/07/tunisia-mass-convictions-in-conspiracy-case-2-deepen-rule-of-law-crisis/>



Journalists and media outlets are also under serious threat, as recent years have been characterised by increased control of the media, limiting exchanges with journalists in favour of unilateral communiqués, and judicial harassment of journalists.

In September 2022, President Saied signed the now infamous Decree 54, which makes it illegal “to produce, spread, disseminate, send or write false news with the aim of infringing the rights of others, harming public safety or national<sup>27</sup> or sowing terror among the population”, punishable with a five-year prison sentence. The Decree in effect “turned every journalist into a suspect” who “can be summoned for questioning at any time over anything they post online”<sup>28</sup>. Figures from Human Rights Watch and Amnesty International suggest that, from the end of 2022 to May 2024, over 70 people, including political opponents, lawyers, journalists, activists, human rights defenders, and social media users had been subjected to arbitrary prosecutions; at least 40 remained arbitrarily detained, with most held in connection with the exercise of their internationally protected rights<sup>29</sup>. According to the Committee to Protect Journalists, as of 1 December 2024, at least 5 journalists were detained in Tunisia, the highest number since 1992. Despite its official objectives, Decree 54 has reportedly “never been applied to”<sup>30</sup>.

A panellist at the 2025 IFTD Conference explained how President Saied benefitted from Covid-19 restrictions when he came to power. During the coup on 25 July 2021, many journalists were not working, and this facilitated the transfer of power.

Already, on the eve of 25 July, Al Jazeera’s headquarters in Tunisia had been closed. On the evening of 25 July, they remember seeing a ‘constitutional expert’ justifying Saied’s coup on public television that evening. Since then, no opposition figures or representatives from civil society have spoken freely on public TV. They reported that those who have tried have been stopped by the army. Instead, public TV is dominated by experts in propaganda who have become spokespersons of the Tunisian Ministry of Justice and the executive power. Interference with the Higher Independent Authority for audio visual communication, a body established in July 2011 to regulate and oversee the audiovisual media sector, ensuring freedom of expression and independence from political interference, has entirely crippled its ability to operate. They also reported that journalists are unable to attend important trials, and in some cases only journalists who are deemed to be in line with the regime can enter the court room.

27. Ziad Debbas, President of the National Syndicate of Tunisian Journalists (SNJT), cited in Committee to Protect Journalists, Tunisia uses new cybercrime law to jail record number of journalists, (16 January 2025) accessed 27 October 2025: <https://cpj.org/2025/01/tunisia-uses-new-cybercrime-law-to-jail-record-number-of-journalists/>.

28. Amnesty International, Tunisia: Authorities escalate clampdown on media, freedom of expression, (30 May 2024), accessed 21 October 2025: <https://www.amnesty.org/en/latest/news/2024/05/tunisia-authorities-escalate-clampdown-on-media-freedom-of-expression/>.

29. Committee to Protect Journalists, Tunisia uses new cybercrime law to jail record number of journalists, (16 January 2025), accessed 21 October 2025: <https://cpj.org/2025/01/tunisia-uses-new-cybercrime-law-to-jail-record-number-of-journalists/>; see also, Reporters Without Borders, Tunisia, accessed 21 October 2025: <https://rsf.org/en/country/tunisia>.

30. Ziad Debbas, President of the National Syndicate of Tunisian Journalists (SNJT), cited in France 24, Tunisian Decree 54 on ‘false news’ stifles dissent: rights groups, (3 May 2024), accessed 21 October 2025: <https://www.france24.com/en/live-news/20240503-tunisian-decree-54-on-false-news-stifles-dissent-rights-groups>.

Although she acknowledges that Decree 54 is being used to silence dissent, she warns that it is not the only instrument of repression. Finally, they noted that governments of Western states spreading negative rhetoric against lawyers and journalists have inadvertently made it easier for the Tunisian executive to use this narrative to justify their actions. The lack of media freedom in Tunisia compounds the lack of fair trial rights, since a fundamental principle of a fair trial is the right to a public hearing.

**Kamel Al-Jendoubi**, human rights defender and former President of the Independent High Electoral Commission, in his testimony at the 2025 IFTD conference stated that despite the shrinking of civic space, dissenting voices persist. Groups remain resistant, if somewhat silently – magistrates are resigning, and lawyers are resisting, despite the pressure put on the Bar Association, activists are active on social media platforms, especially feminist voices and those involved in the movement of solidarity with immigrants. He noted, however, that the efforts of the remaining resistance movement are not coordinated, and called for further organisation and solidarity, referring to civic space as

“the pounding heart of the social contract”.

**Torture and ill-treatment of detainees and conditions of detention**

Conditions in Tunisian prisons are harsh: individuals are held in large, overcrowded dormitories with poor hygiene and nutrition, difficulty accessing medical care, inadequate visiting facilities, violence, and regular reports of torture. As of May 2025, Tunisian prisons operate at over 194% capacity, with almost 33,000 people detained in a system with official capacity for 17,000<sup>31</sup>.

Political prisoners have reported being targeted with humiliating and degrading treatment and subjected to extremely poor conditions of detention amounting to torture or ill-treatment. This has included being held in cells without access to a toilet or hot water and, in 2023, two political prisoners were reportedly moved to cells infested with bugs and insects, which were constantly illuminated by five neon light bulbs<sup>32</sup>.

31. World Prison Brief, Tunisia, accessed 21 October 2025: <https://www.prisonstudies.org/country/tunisia>.

32. Middle East Eye, Tunisia's political prisoners are being humiliated in filthy bug-infested cells, (1 April 2023), accessed 21 October 2025: <https://www.middleeasteye.net/news/tunisia-political-prisoners-filthy-infested-cells-bad-conditions>.





## Sonia Dahmani

*Tunisian lawyer and media personality Sonia Dahmani has faced numerous legal proceedings over recent years for public comments criticising authorities, in the context of an intensifying crackdown on freedom of expression in Tunisia. In November 2023, she was summoned by an investigative judge after she criticised detention conditions in prisons on a radio show. In January 2024, she was summoned in a separate case for criticising the Tunisian authorities and stating that "putting people in prison is not an accomplishment"<sup>33</sup>. On 11 May 2024, Sonia Dahmani was arrested from the Tunisian Bar Associations' office in Tunis by masked security officers in plain clothes, following comments she had made on television concerning the executive's crackdown on black African refugees, asylum-seekers and migrants. She was arbitrarily detained on "fake news" charges under Article 24 of Decree-Law 2022-54. Before a hearing on 20 August 2024, Sonia was allegedly sexually assaulted by a female prison guard and was forced to change her outfit before appearing in court for a hearing in her trial, in favour of a degrading and humiliating outfit - wearing a stained cloth - chosen by the prison governor<sup>34</sup>. On 11 September 2024, the Tunis Court of Appeal convicted*

*Sonia Dahmani and sentenced her to eight months' imprisonment. In addition, on 24 October 2024, the Tunis Court of First Instance convicted her of further "fake news" charges for comments she made on the radio in 2023 also criticising Tunisia's immigration procedures, and sentenced Sonia Dahmani to a further two years' imprisonment<sup>35</sup>. On 30 June 2025, the International Observatory of Lawyers (OIAD) attended a further hearing in Sonia Dahmani's case in which the judge sentenced her to two further years imprisonment. The OIAD reported that the defence's case was prematurely rejected by the court without proper discussion of evidence or examination of the case<sup>36</sup>. She is currently facing charges in five cases related to her public statements, with a further trial scheduled for 11 November 2025 where she faces a possible additional 10 years' imprisonment. There are also concerns that she has faced sexual assault in detention and is held in extremely poor conditions affecting her health and well-being. Reports indicate that she is in a damp and unhygienic cell, exposed to extremes of temperature, and a lack of access to basic necessities, such as adequate food, sanitary facilities, bedding and suitable clothing<sup>37</sup>.*

33. Amnesty International, Tunisia: Unjustly jailed lawyer treated inhumanely (2014), accessed 28 August 2025: <https://www.amnesty.org.uk/urgent-actions/unjustly-jailed-lawyer-treated-inhumanely>

34. CPJ Middle East and North Africa Staff, 'They want to break her': A Q&A with jailed Tunisian commentator Sonia Dahmani's sister, (29 September 2025), accessed 11 November 2025: <https://cpj.org/2025/09/they-want-to-break-her-a-qa-with-jailed-tunisian-commentator-sonia-dahmanis-sister/>

35. Committee to Protect Journalists, Tunisia adds 2 more years to jailed commentator (2025), accessed 28 August 2025: <https://cpj.org/2025/07/tunisia-adds-2-more-years-to-jailed-commentator-sonia-dahmanis-sentence/>

36. International Observatory of Lawyers, Tunisie: Lawyer Sonia Dahmani sentenced to two years in prison, (4 July 2025), accessed 21 October 2025: <https://protect-lawyers.org/en/tunisie-lawyer-sonia-dahmani-sentenced-to-two-years-in-prison/>

37. See statements made at the European Parliament joint committee meeting on 20 October 2025, accessed 24 October 2025: [https://multimedia.europarl.europa.eu/en/webstreaming/subcommittee-on-human-rights-extraordinary-meeting-jointly-with-juri\\_20251020-1900-COMMITTEE-DROI](https://multimedia.europarl.europa.eu/en/webstreaming/subcommittee-on-human-rights-extraordinary-meeting-jointly-with-juri_20251020-1900-COMMITTEE-DROI); see also Committee to Protect Journalists, 'They want to break her': A Q&A with jailed Tunisian commentator Sonia Dahmani's sister, accessed 24 October 2025: <https://cpj.org/2025/09/they-want-to-break-her-a-qa-with-jailed-tunisian-commentator-sonia-dahmanis-sister/>

Following its visit to Tunisia in 2022, the UN Subcommittee on Torture (SPT) stated that the visit "revealed severe issues of concern to the SPT, including prison overcrowding which prevents the separation of accused and convicted detainees. Police violence also persists because of the impunity of its perpetrators"<sup>38</sup>.

Overcrowding in Tunisian prisons has been attributed to extended delays in the legal process, long sentences and a large proportion of persons detained on remand, awaiting trial, contrary to the right to be tried within a reasonable time.

### Impunity and limited access to justice in the context of systemic violations of the rights of migrants and those seeking asylum

On 21 February 2023, President Saïed made a swathe of racist comments that triggered an array of assaults against African foreign nationals in Tunisia<sup>39</sup>. Following these remarks, police arrested at least 840 migrants, refugees and people seeking asylum across Tunisian cities<sup>40</sup>. Since then, migrants and those seeking asylum have been subjected to alarming treatment, including physical and psychological harm, as well as systematic violations of their right to fair trial and due process in Tunisia. Migrants and refugees are often subjected to arbitrary detention, denied access to legal representation and deprived of equitable and impartial judicial review. In May 2024, security forces expelled hundreds of migrants and refugees from Tunisia, including women, children and people seeking asylum who had camped outside the offices of UN High Commission for Refugees and

the International Organisation for Migration. This was quickly followed by the arrest and detention of Abderrazek Krimi and Mustafa Djemali, the project director and head of the Tunisian Refugee Council (TRC) respectively, who were interrogated by the criminal brigade police regarding the source of TRC's foreign funding, before being placed in custody and accused of illegally sheltering persons in Tunisia.

UN experts have expressed alarm at reports of human rights violations against migrants, refugees and victims of trafficking during search and rescue operations and transfers to border areas<sup>41</sup>, as well as the arrests and smear campaigns against migrant rights defenders<sup>42</sup>. Six members of civil society are currently in detention for assisting migrants, including representatives of the association Terre d'asile Tunisie, accused of facilitating the illegal residence of migrants<sup>43</sup>.

38. United Nations Human Rights Office of the High Commissioner, Tunisia: Progress made but concerns remain, says UN torture prevention body, (6 April 2022), accessed 21 October 2025: <https://www.ohchr.org/en/press-releases/2022/04/tunisia-progress-made-concerns-remain-says-un-torture-prevention-body>.

39. Amnesty International, Human rights under assault two years after President Saïed's power grab (24 July 2023)

40. Ibid.

41. United Nations Human Rights Office of the High Commissioner, Tunisia: UN experts concerned over safety of migrants, refugees, and victims, (14 October 2024), accessed 21 October 2025: <https://www.ohchr.org/en/press-releases/2024/10/tunisia-un-experts-concerned-over-safety-migrants-refugees-and-victims>.

42. United Nations Human Rights Office of the High Commissioner, Tunisia: UN expert alarmed by arrests and smear campaigns against migrant rights defenders, (1 October 2024), accessed 21 October 2025: <https://www.ohchr.org/en/press-releases/2024/10/tunisia-un-expert-alarmed-arrests-and-smear-campaigns-against-migrant-rights>.

43. TV5 Monde Info, Tunisia: The fate of Sherifa Riahi, imprisoned for harbouring migrants, (23 July 2025) accessed 13 November 2025: <https://information.tv5monde.com/afrique/video/tunisie-le-sort-de-sherifa-riahi-emprisonnee-pour-avoir-heberge-des-migrants-2786231>; Amnesty International, Tunisia: Year-long arbitrary detention of human rights defenders working with refugees and migrants, (7 May 2025), accessed 13 November

NGOs have also been summoned and subjected to tax inspections, resulting in the immediate freezing of their accounts, hindering their activities<sup>44</sup>.

These actions not only undermine the rights of migrants, refugees, and those advocating for their rights, but also create a chilling effect on civil society organisations. The lack of accountability for such repression signals a broader disregard for international human rights norms, which guarantee the protection of human rights defenders and the fundamental freedoms they champion.

In this context, on 16 July 2023, the EU and Tunisia signed a memorandum of understanding aimed at deepening their cooperation across five areas, including notably on migration. Human rights experts have warned particularly about the risks of a migration cooperation agreement which “only includes very general language on human rights, and no concrete indication of whether safeguards would be put in place or what those would be.”<sup>45</sup> These violations include grave abuses such as dangerous interception tactics at sea, physical violence against and abandonment of migrants, sexual violence, arbitrary detention and forced expulsions of sub-Saharan migrants to desert areas near Libya and Algeria without proper food, water and shelter provisions.

During the 2025 IFTD conference, a panellist outlined how transnational recourse can be used as a tool to strengthen access to justice for migrants and refugees, as well as those working on their behalf. When domestic remedies fall short, these

mechanisms can uphold core due process standards, independence of the judiciary, access to legal aid and interpretation, and protection from arbitrary detention or deportation, while also deterring reprisals against advocates. By creating external accountability and normative pressure, they have the potential to strengthen both individual redress and systemic respect for fair trial principles.

However, persistent impunity continues to undermine accountability. The 30 March 2023 ECtHR decision in *J.A. and Others v. Italy* (Application no. 21329/1) found Italy in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention for the poor conditions at Lampedusa, an area with a high concentration of immigrants. It also ruled that the applicants had been subject to a collective expulsion, violating Article 4 of Protocol No. 4. Yet, the lack of implementation of this ruling illustrates the ongoing barriers to effective judicial remedy and fair trial rights for migrants and refugees, as victims remain without redress and systemic violations persist.

44. Monia Ben Hamadi, Tunisia's government clamps down on civil society, *Le Monde*, (30 October 2025) accessed 13 November 2025: [https://www.lemonde.fr/en/le-monde-africa/article/2025/10/30/tunisia-s-government-clamps-down-on-civil-society\\_6746928\\_124.html](https://www.lemonde.fr/en/le-monde-africa/article/2025/10/30/tunisia-s-government-clamps-down-on-civil-society_6746928_124.html); Tarek Amara, Tunisia imposes one-month suspension on migrant-rights group, *Reuters*, (27 October 2025), accessed 13 November 2025: <https://www.reuters.com/business/finance/tunisia-imposes-one-month-suspension-migrant-rights-group-2025-10-27/>

45. Council of Europe, Commissioner for Human Rights, European states' migration co-operation with Tunisia should be subject to clear human rights safeguards, (17 July 2023), accessed 21 October 2025: <https://www.coe.int/en/web/commissioner/-/european-states-migration-co-operation-with-tunisia-should-be-subject-to-clear-human-rights-safeguards>.

## 05 Conclusion

The 2025 IFTD conference highlighted the alarming deterioration of fair trial rights in Tunisia, where judicial independence, legal safeguards and civic freedoms are under sustained attack. President Saied's consolidation of executive power through the dissolution of the Supreme Judicial Council, arbitrary dismissal of judges, and the use of military courts to try civilians has contributed to the systematic denial of fair trial rights in Tunisia and erased the separation of power between the executive and the judiciary. Lawyers, judges, human rights defenders and journalists face harassment, prosecution and imprisonment for performing their professional duties or expressing dissent. The shrinking of civic space, degrading prison conditions, and systemic violations of migrant's rights further illustrate the breadth of Tunisia's human rights crisis.

Fair trial rights and the independence of judges and lawyers are not merely procedural guarantees. They are the foundation of justice, accountability and trust in the rule of law. Their protection ensures that individuals can seek redress, ensure their proper defence, and serve as a check on arbitrary state power. For Tunisia, safeguarding these rights is essential to restoring democratic legitimacy, rebuilding the judiciary and other civic institutions and civil society, and ensuring that justice prevails over growing repression.





# 06 The Ebru Timtik Award

## About the award

The Ebru Timtik Award was established alongside the IFTD. Ebru Timtik was one of 18 lawyers in Turkey who were members of the Progressive Lawyers Association, some of whom were working at the People's Law Office, made subject to prosecution at the Istanbul 37th Assize Court under Articles 314 and 220 of the Turkish Penal Code for alleged "terrorist offences". She and her colleagues were convicted on 20 March 2019 after a trial during which basic procedural safeguards and internationally recognised fair trial principles were ignored.

Ebru Timtik's conviction was based on the testimony of anonymous witnesses, many of whom gave inconsistent accounts of alleged facts. Key documents used as evidence against her, including digital documents, were not made available to the defence. Her lawyers could not see, analyse or challenge these documents, which were never produced, verified or authenticated. In addition, lawyers acting in her defence were frequently prevented from participating in the proceedings and, in some circumstances, were excluded from the court.

The defects in the trial process led Ebru Timtik, together with one of her colleagues, Aytaç Ünsal, to commence a death fast, following a hunger strike that began on 5 April 2020, the 'Day of the Lawyer' in Turkey. On 27 August 2020, Ebru Timtik passed away while continuing to protest both her innocence of the charges on which she had been convicted and the lack of respect for fundamental fair trial principles in the criminal justice system that had prejudiced both her and her colleagues, and many thousands of other individuals in Turkey.

In recognition of her sacrifice, the annual Ebru Timtik Award was established to honour an individual or organisation that has made an exceptional contribution towards securing fair trial rights in the country in which International Fair Trial Day is focusing for the year in question. Each year, the recipient of the award is presented with a statuette of Ebru Timtik, which is offered by Défense Sans Frontières – Avocats Solidaires (DSF-AS) for the inaugural International Fair Trial Day in Ebru's memory.

***"Ebru Timtik did not die in vain; she became a signal of unwavering commitment to justice and a beacon for us all who believe in the rule of law"***

Berrak Çağlar - People's Law Office, Ebru Timtik's colleague, speaking during the 2025 Ebru Timtik Award ceremony

During the award ceremony, a video was shown commemorating Ebru's life and her struggle, the legal proceedings against her and her colleagues, the process leading to her hunger strike, and the events that followed.

**Dr Gülşah Kaya**, a lawyer, academic and activist from Turkey and member of the 2025 Ebru Timtik Award Selection Committee (see Annex B for the full committee) was at the 2025 IFTD conference to present the award. Accordingly, the Committee awarded the 2025 Ebru Timtik Award to one of Tunisia's most respected jurists and legal minds, Ahmed Souab, who was described by the committee members as *"a man whose entire career has been devoted to the fight for justice and the protection of human rights"*. Mr Souab is a prominent lawyer and human rights defender, known for his outspoken criticism of violations of fair trial rights and encroachment on judicial independence. He has previously served as a judge at the Tunis Administrative Court.

Ahmed Souab was arrested on 21 April 2025 following a press conference outside the Tunis Court of First Instance after the "conspiracy trial" in which he acted as defence for some of the accused was concluded<sup>47</sup>. In his remarks, he referred to the lack of due process which characterised the trial and the lack of independence of the court. He was held in incommunicado detention for 48 hours, denying him access to both his lawyer and his family members, pursuant to Organic Law No. 2015-26 on terrorism<sup>48</sup>, before presenting him to the investigative judge of the Judicial Pole for Counterterrorism in Tunis. On 23 April 2025, Mr Souab was charged with the offences of "forming a terrorist organisation", "supporting terrorist acts", and "threatening to commit terrorist crimes" under

47. UN OHCHR, Tunisia: UN experts alarmed by deteriorating human rights situation of lawyers, (14 July 2025), accessed 21 October 2025: <https://www.ohchr.org/en/press-releases/2025/07/tunisia-un-experts-alarmed-deteriorating-human-rights-situation-lawyers>

48. International Commission of Jurists, Tunisia: Arbitrarily detained lawyer Ahmed Souab must be released and criminal charges dropped, (6 May 2025), accessed 21 <https://www.icj.org/tunisia-arbitrarily-detained-lawyer-ahmed-souab-must-be-released-and-criminal-charges-dropped/>

the Counter Terrorism law, as well as offences of “spreading fake news” and “insulting others or disturbing their comfort through public telecommunications networks” under Decree Law 2022-54 on cybercrime and article 86 of the Telecommunications Code. Despite Mr Souab’s legal team appealing this decision, he was indicted under the above charges and referred to trial.

On 31 October 2025, the Tunis first Instance Court convicted Ahmed Souab on charges of “forming and organising a terrorist group” and “spreading false information” under Organic Law No. 201526 of 7 August 2015 and Decree Law No. 54 of 2022

respectively. Mr Souab was sentenced to five years in prison and three years of administrative control. The hearing was extremely brief, lasting less than ten minutes, and he was not physically present, having refused to appear by videoconference, a mode of appearance he considered incompatible with the proper exercise of his defense. Despite objections from interveners present in the courtroom, who argued that, in the name of the right to a fair trial and to a defence, Mr Souab should be entitled to choose his counsel, the Court disregarded these concerns and retired after approximately seven minutes to deliberate and deliver its decision.



International Fair Trial Day



**AHMED SOUAB**

*“a man whose entire career has been devoted to the fight for justice and the protection of human rights”*

*2025 Award Jury*

**2025 EBRU TIMTIK AWARDEE**

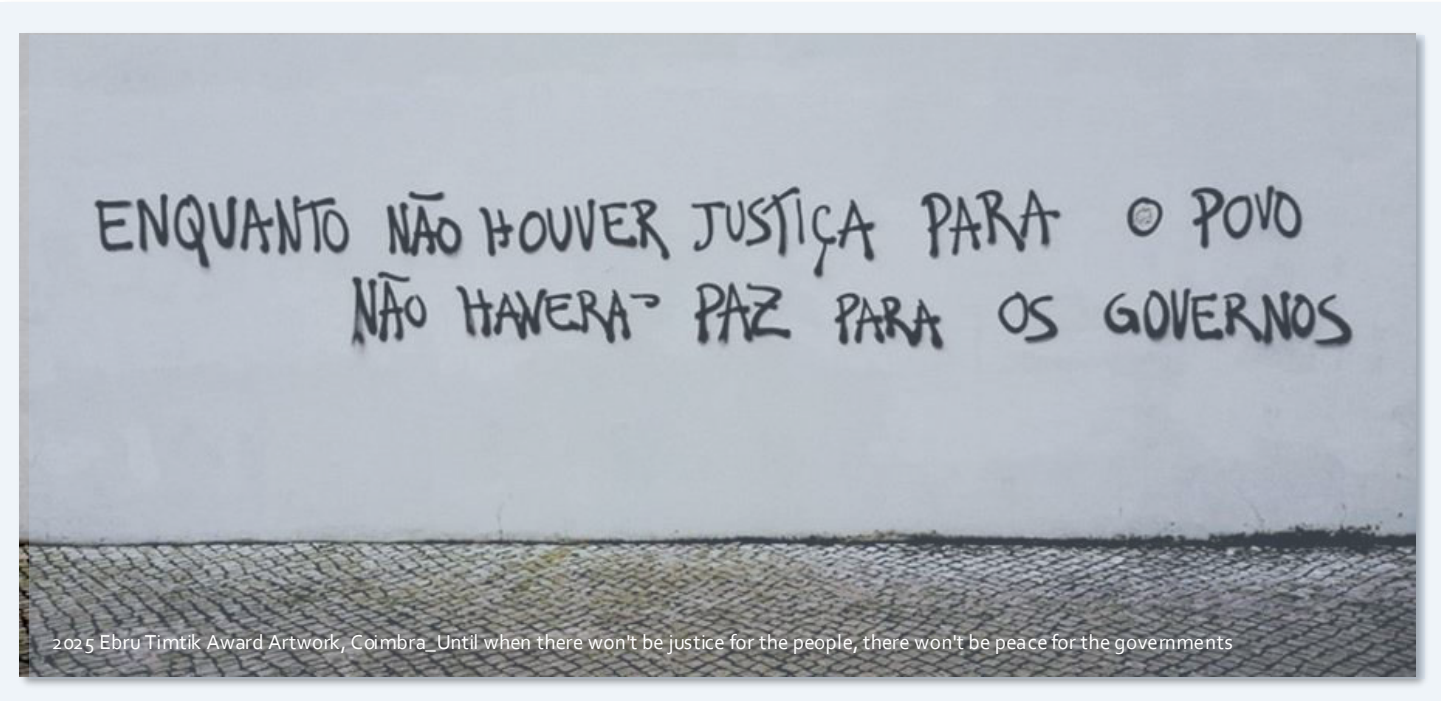
Each year, the Ebru Timtik award is accompanied by a unique piece of art, developed by an individual artist or as a collaborative effort, that symbolises the universal struggle for justice, courage, and the right to a fair trial.

A renowned Italian artist, Mario Rizzi, introduced to the Steering Group by the Ebru Timtik Award Art Consultant, Işın Önel, was the 2025 award artist. He dedicated his celebrated photographic work “Coimbra\_Until when there won't be justice for the people, there won't be peace for the governments” as the 2025 Ebru Timtik Award Artwork<sup>49</sup>. In presenting his work he stated:

*“In honouring Ahmed Souab, I present this photograph, taken in 2015 on a wall at the University of Coimbra. It reads: ‘As long as there is no justice for the people, there will be no peace for the governments.’ This is not mere graffiti. It is a universal truth.”*

At the Ebru Timtik Award ceremony, Ahmed Souab’s son **Saeb Souab**, a lawyer himself, delivered an acceptance speech on behalf of his father, stating his father stands for a “free and democratic Tunisia” and proclaiming that **“justice is the cornerstone of civilisation, it is the one that will lead to life.”**

49. International Fair Trial Day, 2025 Ebru Timtik Award Artwork by Mario Rizzi: “Coimbra\_Until when there won't be justice for the people, there won't be peace for the governments”, accessed 13 November 2025: <https://iftd.org/wp-content/uploads/2025/06/Presentation-of-the-2025-ET-Award-Artwork-1.pdf>





# 07 Recommendations

Drawing on the testimonies, case studies and legal analysis presented during the 2025 International Fair Trial Day conference, the Steering Group of the International Fair Trial Day and Ebru Timtik Award sets out the following recommendations. They are addressed primarily to the Tunisian authorities, as well as to the EU and other international institutions:

## To the Tunisian authorities:

### Uphold judicial independence

1. Reinstate the CSM and repeal decree laws 11 and 35 which undermine judicial autonomy and re-establish separation of powers
2. Reinstate judges who have been dismissed arbitrarily, including under Decree 2022-35
3. Ensure that procedures for the appointment, discipline, suspension and removal of judges are transparent, impartial and independent, in conformity with the UN Principles on Independence of the Judiciary
4. Ensure public and impartial trials, free from political or executive interference, in conformity with international law.
5. Repeal restrictions on judges' freedom of expression, association and collective action, including prohibitions on strikes and other legitimate professional protests, and guarantee that judges can organise independently in line with international standards on judicial independence.

### Respect fundamental safeguards to ensure a fair trial

1. Ensure lawyer-client confidentiality is respected and end all arbitrary searches, seizures and surveillance of lawyers
2. Reinstate the right to unrestricted visits by lawyers to their clients
3. Ensure that pre-trial detention is used only when strictly necessary and for the shortest time possible and provide judicial oversight of all detention decisions
4. Guarantee that individuals are tried promptly in procedures meeting international fair trial rights
5. Halt the practice of use of mass trials which deny individuals a right to fair trial and a proper defence
6. Halt the use of military courts to try civilians in conformity with international law
7. Guarantee defendants' right to be present in person at their hearings and ensure that any use of video-link technology does not undermine their ability to participate effectively in proceedings or to communicate confidentially with their lawyers.
8. Ensure that defence lawyers have timely and effective access to the full case file and all evidence relied upon by the prosecution, and prohibit convictions based solely or decisively on anonymous or undisclosed evidence.

### Protect lawyers, human rights defenders and journalists

1. Cease all harassment, arbitrary detention and wider persecution of lawyers, judges, human rights defenders and journalists who are exercising their professional duties and freedom of expression
2. Immediately and unconditionally release those lawyers, human rights defenders and journalists who have been arbitrarily detained
3. Repeal or fundamentally review Decree 54, the Telecommunications Code, Penal Code, Organic Law No. 2015-26 on counterterrorism and other laws to bring their definitions, procedures and detention powers into line with international human rights standards, including by prohibiting their use to criminalise peaceful expression or legitimate professional activities.
4. Ensure that lawyers are not identified with the clients or their client's causes, in conformity with the UN Basic Principles on the Role of Lawyers
5. Sign and ratify the Council of Europe Convention for the Protection of the Profession of lawyer, once it is open for signature beyond COE states.
6. Ensure the independence and effective functioning of the audiovisual media regulator and ensure that public and private broadcasters can operate free from political interference, with fair access for critical and opposition voices.
7. Guarantee that journalists, human rights organisations and other independent observers can attend and report on court hearings.

### Protect migrants, refugees and those seeking asylum

1. Immediately end arbitrary arrests and detentions of migrants, refugees and those seeking asylum
2. Cease the harassment, arbitrary detention, and financial restrictions targeting civil society organisations and human rights defenders
3. Ensure access to adequate shelter, food, healthcare, and asylum procedures, in line with protections for refugees and those seeking asylum under international human rights and refugee law.
4. Guarantee that all expulsions and border transfers comply with the principle of non-refoulement and avoid collective expulsions
5. Enable civil society organisations, migrant representatives, and international human rights bodies to participate in policy consultations on migration governance and protections for those seeking asylum
6. Investigate promptly, independently and thoroughly all allegations of human rights violations against migrants, refugees and those seeking asylum, including abuses during interceptions at sea, pushbacks and expulsions to border areas, and ensure those responsible are held accountable and victims receive effective remedies.
7. Strengthen avenues for transnational accountability, including engagement with regional and international courts, to address systemic violations.

Address poor conditions of detention and torture in places of deprivation of liberty

1. Immediately improve conditions in all places of deprived of liberty, ensuring compliance with Article 10 of the ICCPR, the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), and other international and regional standards governing the treatment of detainees
2. Adopt a zero-tolerance policy toward torture and other ill-treatment and ensure that law enforcement and prison officials receive regular training on human rights and investigative interviewing techniques that are in line with international law
3. Ensure all allegations of torture or other ill treatment are promptly, impartially, and effectively investigated by independent bodies, and perpetrators held accountable in proceedings complying with international law
4. Take immediate steps to implement the recommendations of the UN Subcommittee on Prevention of Torture following their visit to Tunisia in 2022 to address prison overcrowding and police violence
5. Implement urgent measures to improve sanitation, ensure access to clean water, adequate food, healthcare, and ventilation for detainees
6. Medical examinations should be conducted systematically, documented properly, and any evidence of abuse should trigger prompt investigations in accordance with international law
7. Ensure that the National Authority for the

Prevention of Torture has functional independence and adequate resources to carry out their mandate effectively and without interference, including the powers to carry out unannounced visits to all places where people are or may be deprived of their liberty

Combat impunity

1. Ensure the judiciary operates free from political interference by safeguarding the autonomy of judges and prosecutors.
2. Review and amend the 2022 Constitution and emergency legislation, including Article 96, to ensure effective checks and balances, meaningful parliamentary and judicial oversight of emergency measures, and full protection of non-derogable rights in line with Tunisia’s international obligations
3. Reinstate or reinforce independent judicial oversight bodies, such as the High Judicial Council, to guarantee impartial investigations and fair trials
4. Establish specialised units within the judiciary and prosecution service to investigate serious human rights violations, including torture, arbitrary detention, and extrajudicial killings
5. Enact and enforce legislation protecting victims and witnesses from intimidation or reprisals
6. Guarantee that all allegations of human rights violations are promptly, independently, and thoroughly investigated, with perpetrators held accountable in proceedings complying with international law

7. Strengthen the capacity of forensic and investigative mechanisms to collect and preserve evidence of human rights violations
8. Publish detailed reports on investigations, prosecutions, and disciplinary actions related to human rights violations
9. Reinstate individual and NGO direct access to the African Court on Human and Peoples’ Rights





### To the EU and other inter-governmental organisations:

1. Call on Tunisia to reaffirm its commitment to international human rights treaties—especially the ICCPR and the African Charter on Human and Peoples’ Rights, including the reinstatement of individual and NGO direct access to the African Court on Human and Peoples’ Rights
  2. Urge Tunisia to respect fair trial rights for all and halt the use of mass trials and military courts to try civilians in conformity with international law
  3. Establish high-level dialogue with Tunisian authorities, including the Ministry of Justice and the Presidency, on aligning judicial practices with international standards
  4. Urge Tunisia to guarantee that lawyers, judges, journalists and human rights defenders can perform their duties free from harassment, intimidation, surveillance, or retaliation
  5. Monitor reprisals against lawyers, judges, journalists and human rights defenders and publicly raise concerns when these actors face interference
  6. Call on Tunisia to sign and ratify the Council of Europe Convention for the Protection of the Profession of Lawyer, once it is open for signature beyond COE states
  7. Urge the Tunisian government to implement reforms to guarantee the independence of the judiciary, including the reinstatement of
- the CSM and repeal of decree laws 11 and 35, and call for the reinstatement of judges who have been dismissed arbitrarily
  8. Call for the repeal or fundamental review of Decree 54, the Telecommunications Code, Penal Code, Organic Law No. 2015-26 on counter-terrorism and other laws to ensure that their definitions, procedures and detention powers are in conformity with international human rights standards
  9. Call for the 2022 Constitution and emergency legislation, including Article 96, to be amended to ensure effective checks and balances, meaningful parliamentary and judicial oversight of emergency measures, and full protection of non-derogable rights in line with Tunisia’s international obligations
  10. Monitor the treatment of persons deprived of their liberty and conditions of detention and publicly raise concerns of violations, including torture or other ill-treatment
  11. Provide technical assistance to support the functional independence of the National Authority for the Prevention of Torture
  12. Call for an end to arbitrary arrests and detentions of migrants, refugees and those seeking asylum
  13. Ensure that EU financial and operational cooperation on migration is conditional upon measurable human rights safeguards
  14. Provide technical assistance aimed at restoring the separation of powers and ensuring that courts are free from political interference

## ANNEX

### Agenda

10.00 – 10.30	Opening remarks & Keynote Speech	14.00 – 14.15	Coffee Break
10.30 – 11.45	<b>Session 1: Institutional Framework and the Rule of Law</b> Breakdown of the rule of law, rapid decline in the independence of the judiciary and bar association, targeting of judges and lawyers.	14.15 – 15.30	<b>Session 3: Tackling Impunity and Access to Justice</b> Encouraging international best practices, advocacy, accountability and remedies, in the context of Tunisia’s withdrawal from the African Court on Human and Peoples’ Rights
11.45 – 12.45	Lunch		
12.45 – 14.00	<b>Session 2: Violations of Fair Trial Guarantees in the Context of Shrinking Civic Space</b> Systemic issues of arbitrary detention, misuse of pretrial detention, and other violations of the right to a defence, in the context of attacks on journalists and human rights defenders, including NGOs supporting migrants and refugees.	15.30 – 15.45	<b>Keynote Speech</b> UN Special Rapporteur on Independence of Judges and Lawyers, Ms Margaret Satterthwaite
		15.45 – 16.45	<b>Ebru Timtik Award Ceremony</b>
		16.45 – 17.00	Closing Remarks

### The 2025 Ebru Timtik Award Selection Committee

1. Neri Javier Colmenares - Lawyer, Presidential Adviser on Human Rights (2023–2025), Council Member, Human Rights Institute, Integrated Bar of the Philippines, Vice-President, Confederation of Lawyers in Asia Pacific (COLAP), Philippines Member, International Bar Association (IBA)
2. Dr. Gülşah Kurt - Academic in Criminal Law and Human Rights Defender, Turkey
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