

JUDICIAL OBSERVATION REPORT

Trial of Sonia DAHMANI

**5th Chamber of the Court of First Instance of Tunis, 30 June
2025, 11 a.m.**



Tunis Court of First Instance

I. CONTEXT OF THE HEARING

1. Summary



Sonia Dahmani is a 60-year-old Tunisian lawyer and columnist.

Sonia Dahmani is currently the subject of at least five legal proceedings based solely on her legitimate professional activities and the exercise of her freedom of expression, three criminal proceedings and two criminal proceedings.

On 7 May 2024, Sonia DAHMANI made statements on a television channel in which she criticised the humiliating treatment of sub-Saharan migrants in Tunisia and the government's policy towards migrants. The following day, she received a summons to appear before an investigating judge at the Tunis Court of First Instance.

On 10 May 2024, the lawyers representing Sonia Dahmani requested a postponement, which was rejected. The investigating judge issued an arrest warrant against Sonia Dahmani and announced that she would be tried under Article 24 of Decree 54, which is widely contested in Tunisia.

On 11 May 2024, Ms DAHMANI was arrested at the premises of the Tunisian Bar Association in Tunis, where she had taken refuge the day before. Images of her arrest were widely circulated, particularly on social media.

On 13 May 2024, Sonia Dahmani was subject to a warrant of committal issued in connection with legal proceedings initiated on the basis of Article 24 of Decree-Law No. 2022-54 relating to the fight against offences relating to information and communication systems for media statements, which provides for a sentence of five years' imprisonment and a fine of 50,000 dinars.

Since then, Ms Sonia DAHMANI has been detained in the women's prison in Manouba, in a high-security wing, under strict surveillance.

Sonia DAHMANI has already been sentenced to

- **to one year in prison, reduced to eight months on appeal**, for comments critical of Tunisian immigration policy, namely for having ironically commented in May 2024, on the widely watched television programme L'Émission impossible, the widely watched television programme on the Carthage + channel, about the alleged intention of sub-Saharan migrants to remain in Tunisia while the country is going through a severe economic crisis (first instance judgment of 6 July 2024; appeal judgment of 10 September 2024);

- **to two years' imprisonment, reduced to eighteen months on appeal**, for statements about racist practices and behaviour in Tunisia against Black people and people from the sub-Saharan region, more specifically for denouncing racist practices and the situation of sub-Saharan migrants in Tunisia on a national radio station in 2021, such as segregation in cemeteries and buses, and for denouncing systemic anti-Black racism (first instance judgment of 24 October 2024 and appeal judgment of 24 January 2025).

For the third case, i.e. the case that was the subject of the hearing on 30 June 2025, the charges are similar and relate to statements identical to those in the case heard on appeal on 24 January 2025 (denouncing racist practices and behaviour against Black people and people from the sub-Saharan region) but made on television.

These three proceedings are therefore criminal proceedings.

The other two proceedings in which Sonia DAHMANI has been implicated concern criticism of prison conditions and the policy of the Minister of Justice (consisting of filling prisons). These are criminal proceedings.

In the first case, Sonia DAHMANI is being prosecuted by the General Committee for Prisons and Rehabilitation, under Decree 54, for spreading false news and information with the aim of undermining public safety, defaming and inciting others following comments she made on air (in November 2023) in which she criticised prisons in Tunisia.

The last and fifth case concerns the complaint filed against her by the Tunisian Minister of Justice after she pointed out that many people had been imprisoned.

Neither of these two criminal cases has resulted in an arrest warrant.

After being strip-searched in 2024 in front of several people and sexually assaulted by a female guard, Sonia Dahmani's family filed a complaint for torture and rape. Her health is deteriorating.



2. Background to the investigation

The investigation was opened on the basis of Legislative Decree No. 54 of 2022 on "fake news".

The alleged offence is the dissemination of false news and news contrary to public order.

The alleged offence is provided for in Article 24 of Legislative Decree No. 54 of 2022, a highly controversial provision.

No investigative measures have been taken by the authorities.

The defence submitted videos of certain journalistic documentaries that reported the same facts as those reported by Sonia DAHMANI, but these were no longer included in the file. These elements are naturally of considerable importance as they aim to establish the veracity of the statements made by Sonia DAHMANI.

The defence therefore filed a complaint for suppression of evidence, but the authorities took no action.

The defence also filed two other complaints (including at least one for torture), but these were not followed up.

3. Reminder of the legal proceedings

The hearing on 30 June 2025 was held before the Fifth Criminal Chamber of the Court of First Instance of Tunis, ruling in first instance.



Entrance to the Fifth Chamber, Court of First Instance.

As mentioned, the contested offence (dissemination of false news contrary to public order) is provided for in Article 24 of Legislative Decree No. 54 of 2022.

II. PROCEEDINGS OF THE HEARING OF 30 JUNE 2025

The hearing of Sonia DAHMANI before the ^{Fifth} Chamber began at around 11 a.m. on Monday 30 June 2025.

International observers (foreign lawyers) were not allowed to enter immediately (the court authorised their entry, but the police, at the request of the public prosecutor's office, did not allow them to enter immediately; the police waited for the opinion of the public prosecutor; a discussion took place on this matter between Sonia DAHMANI's lawyers and the police for a few minutes).



Finally, the foreign lawyers were allowed to enter to attend the trial. The courtroom was not particularly large.

However, it was extremely crowded (with members of the public, lawyers, international observers and police officers).

Sonia DAHMANI was also present, visibly tired and surrounded by numerous police officers. Her hair has turned white. She no longer resembles the photographs we know of her. She was very dignified but looked very tired.

Sonia DAHMANI's lawyers took the floor (at least five or six defence lawyers spoke in her favour, one after the other). One of them explained the presence of foreign observers and the solidarity of the many foreign lawyers present with our colleague. He expressed his shame that Sonia DAHMANI was surrounded by so many police officers. The lawyers challenged the president.

Bar President Chawki then pleaded on her behalf and requested a postponement to establish the *res judicata* effect, as Sonia Dahmani's defence lawyers maintain that she has already been convicted for the same statements.

The statements by Sonia Dahmani's Tunisian lawyers lasted approximately two hours.

Preliminary objections and questions were raised, and an adjournment was requested to allow the defence to provide evidence that Sonia Dahmani had already been convicted for the same offences, as the case file was empty.

In particular, the following were raised:

- the violation of the principle of *ne bis in idem* was contested, as Sonia had already been convicted for the same statements;
- the violation of the right to defence was contested, as not all defence lawyers were able to meet with Sonia in prison (restrictions on the number of daily meetings with defence lawyers);
- the disappearance of documents produced by the defence was reported again.

The prosecutor did not intervene in the hearing while we were in the courtroom.

The court rejected all preliminary questions and objections without explanation. It denied the request for postponement and indicated that the judgment would be handed down on the same day.

The lawyers stated that under these circumstances, they could not defend their client and withdrew their representation so as not to be complicit in such proceedings.

Sonia DAHMANI left the bar and the courtroom, surrounded by numerous police officers.

The court then withdrew to deliberate on the case without hearing the case at the hearing, without taking statements from the defendant, without hearing witnesses, without reading the documents, without the intervention of the prosecutor and, above all, without allowing the defence to debate the case and argue the merits of the case.

At around 8 p.m., the sentence of two years' imprisonment was announced. We were not called to attend the pronouncement of the verdict.



III. CRITICAL ANALYSIS OF THE TRIAL AND THE HEARING

The negative assessment of the trial and the hearing was unanimous: there was a clear lack of a fair trial and a blatant violation of the rights of the defence.

This was the view expressed by Sonia's defence lawyers, the representative of the Tunis Bar Association, Mr CHAWKI, and other international observers (French, Italian and Mauritanian).

Furthermore, the court withdrew to deliberate without allowing the defence to discuss the merits of the case, which until that point had only dealt with preliminary issues underlying the request for referral.

Equally serious are:

- the disappearance of documents produced by the defence;
- the failure to follow up on three complaints lodged by the defence;
- the fact that no time was granted to obtain the previous conviction against Sonia;
- the fact that the court did not take into account any of the decisions of the Tunisian Court of Cassation read out by the defence during the hearing;
- the restrictions imposed on conversations between lawyers and their clients.

Criticism also focused on the legislation, in particular the offence of spreading false news, which allows opinions to be criminalised.

The following therefore appear to be clear:

- the violation of the right to defence and the right to a fair trial;
- violation of freedom of expression and opinion;
- violation of the right to participate in public life,

Rights guaranteed by Articles 5, 19 and 21 of the Universal Declaration of Human Rights and Articles 9, 14 and 19 of the International Covenant on Civil and Political Rights, ratified by Tunisia on 18 March 1969.



International delegation

IV. MEETINGS IN THE CONTEXT OF THE MISSION

On 30 June 2025, at around 9 a.m., the delegation of international observers met with the former President of the Tunis Bar Association, Mr CHAWKI TABIB, a representative of the current President of the Tunis Bar Association, who was unable to attend, and a member of Sonia's defence team.

They all denounced:

- the serious situation in Tunisia;
- increasing violations of fundamental rights;
- the undermining of the independence of judges and lawyers;
- repeated arrests, complaints and prosecutions against lawyers (currently, seven lawyers are detained, around 50 lawyers are on trial for crimes of opinion and others are subject to control measures).



Mr CHAWKI TABIB, former President of the Tunis Bar Association, accompanied by the President of the Mauritanian Bar Association and a representative of the President of the Tunis Bar Association

Tunisian lawyers also highlighted divisions within the legal profession.

Many lawyers do not engage with their colleagues and do not actively defend rights.

They carry out their work without getting involved in political issues.

On this occasion, the delegation also met with Mehdi Dahmani, Sonia's brother.



Mehdi Dahmani, Sonia's brother, after the trial

Mehdi is very concerned about his sister's long detention, her state of health and the difficulties in visiting her.

On 30 June 2025 at 5.30 p.m., lawyer Alessandro MAGONI, accompanied by lawyer Barbara Porta (CCBE), was received by the Italian ambassador and consul, who had been informed of their presence to follow Sonia DAHMANI's trial.

The meeting is to be considered confidential. The ambassador was aware of Sonia DAHMANI's situation. However, he discussed the general situation in Tunisia.

He acknowledged that the situation in Tunisia was very critical, but maintained that there was no alternative at present.

He recalled the good relations between Tunisia and Italy.

He made the following recommendation: when reporting violations, it is preferable to always refer to Tunisian standards (constitutional or ordinary laws) or international treaties ratified by Tunisia.

Tunisia is currently very sensitive to outside intervention and criticism.

In parallel with this visit, in the same manner and under the same conditions of confidentiality, Ms Noémie SAIDI-COTTIER, together with seven other lawyers, six French and one Mauritanian, was able to meet with the French Ambassador to Tunisia, Ms Anne GUEGUEN.

Discussions focused on the worsening situation and multiple human rights violations in Tunisia.



French Embassy in Tunis

Here is the list of delegation members who were present:

- Pedro ANDUJAR, from Lyon, for **DSF AS**
- Stéphane CAMPANA, former President of the Bar, for the Bar Association of **Seine Saint Denis**, and **DSF AF**
- Cyril CRUGNOLA for the **Bar Association of Nantes**, and **DSF AS**
- Pavel DEBANNE, for the **Bar Association of AIX EN PROVENCE**
- Brahim EBETY, former President of the Bar Association of Mauritania, for the **CIB**
- Emeline GAYET, for the **Bar Association and the IDH of GRENOBLE** and **DSF AS**
- Pierre-Ann LAUGERY, former President of the **Bar Association of HAUTS DE SEINE**
- Alessandro MAGONI, for the Bar Association of **BRESCIA and the OIAD**
- Christine MAZE, former President of the **Bar Association of BORDEAUX**, the **Conference of Bar Presidents and the SO Regional Conference (DSF AS)**
- Sophie MIGLIANICO for the **Nantes Bar Association** and **DSF AS**
- Laurence NEEL, for the **Grenoble Bar Association** and **DSF AS**
- Marie-Dominique PARISOT-PORTAL, President of the **Marseille** Bar Association, on behalf of her Bar
- Barbara PORTA, for the **Turin Bar Association, the National Council of Italian Bar Associations and the CCBE**
- Karine RIVOALAN, former President of the Bar Association of Saint Brieuc, on behalf of the **Conference of Bar Presidents**
- Noémi SAIDI-COTTIER, from PARIS for the **OIAD**
- Richard SEDILLOT, for the **Bar Association of ROUEN**, (DSF AS)
- Ghislaine SEZE, from BORDEAUX for **DSF AS**
- Ketty-Anne TAMBURINI, from Lyon for **DSF AS**
- Adrien VERRIER, former President of the **Nice** Bar Association (DSF AS)

V. CONCLUSION / RECOMMENDATIONS

1. Next deadlines

Sonia DAHMANI has appealed the judgment of 30 June 2025.

Three court dates are scheduled for 11 July 2025

It is necessary to continue to monitor the situation and the trials of Sonia Dahmani.

However, it is also necessary to stay informed and follow the other lawsuits filed against other lawyers.

- **A substantive hearing before the Criminal Division** for the case that was mentioned on 24 June 2025 and postponed to 11 July 2025 pending the decision of the Court of Cassation (proceedings for criticising the conditions of detention, an appeal was lodged against the judgment of the Indictment Division, which had ruled after referral following cassation; in principle, the case should be referred back again)

- **The appeal referred to above (in joint chambers):** since the Court of Cassation had, on a first instance, overturned the decision of the indictment division and ruled that Decree 54 did not apply to journalists or columnists, it is in principle the joint chambers that should rule. The judgment should in principle be handed down before the Criminal Court can rule.
- **Appeal against the 18-month prison sentence in the first so-called racism case.**

2. Recommendations

It is necessary to strengthen relations with the Tunisian legal profession.

It is also necessary to raise awareness among European lawyers about the situation of their Tunisian colleagues.

And we must consider what pressure European lawyers could exert on their governments.

Finally, we must not forget that one of the most important issues influencing Tunisian political life and relations between Tunisia and Europe is that of migration policy.

Noémie SAIDI COTTIER
Lawyer



Avv. Alessandro Magoni
Via Crispi, 35 - 25121 BRESCIA
Telefono 030.45122
Codice Fiscale: MGN LSN 68R23 B157N
PARTITA IVA: 03264850177

