

Association des Magistrats  
Tunisiens  
Palais de Justice  
Tunis



جمعية القضاة التونسيين  
قصر العدالة  
تونس

The Association of Tunisian Magistrates  
Tunisia on: May 4, 2024

## Statement

### Attack on the judges' trade union right

The Executive board of the Association of Tunisian Magistrates, following the submission of both the President of the Association and the Treasurer on April 9, 2024, with notification of leaving the country in accordance with the law requirements, requesting a five-day leave to participate in the annual meeting of the African Group of the International Association of Judges, which will be held in the city of Monrovia in the Republic of LIBERIA From May 5, 2024 to May 10, 2024. The Treasurer received the Ministry of Justice's response on April 29, 2024, according to the oral notification communicated to him by the President of the Court, and so did the President of the Association, on May 3, 2024, according to the accompanied written letter communicated to him on the same date one day before the scheduled date of travel; rejecting their request without any justification or explanation,

#### Therefore:

**First:** Condemns the position of the Ministry of Justice aimed at depriving the officials of the Association of their constitutional right to move and travel in their trade union capacities and at further restricting the activities of the Association in defending the independent judiciary and the basic guarantees of the independence of judges in accordance with the requirements of its statute and the principles of its affiliation with the International Association of Judges and the African Group of Judges, which is part of the Union.

**Second:** Recalls in this context that the International Association of Judges is an international organization that includes judicial associations in 92 countries and holds the ECOSOC consultative system at the United Nations and that one of its objectives is to work to support and ensure the independence of the judiciary and judges in its member states and to protect judges against all forms of pressure as a prerequisite for consolidating the rule of law and protecting rights and freedoms.

**Third:** It expresses its deep concern, as is evident from this prevention, regarding the executive authority's attempt to isolate Tunisian magistrates to open up to their African and international reach, make their voices and concerns heard, and express their opinions and positions on issues related to the independence of the judiciary and judges within the scope of the basic activity of

the Union and the principle of judges' solidarity among themselves to protect basic guarantees of the judiciary independence

**Fourth:** Clarifies that the Association of Tunisian Magistrates has been the representative member of the Tunisian state in the International Association of Judges since 1961, and depriving it of participation in the Union's meetings, as it has done continuously since its return to activity within its structures in 2014, and the restrictions on its members' displacement to participate with the rest of the Union's members in Periodic activities; undermines not only this achievement for our country Tunisia but also the Tunisian judiciary and Tunisian judges; as well as their guaranteed right to union work.

**Fifth:** Confirms that the Ministry of Justice's decision does not only target the Association of Tunisian Magistrates and its officials but goes beyond that to affect the right of all magistrates to meet, organize, express, and exercise all the rights granted to them as citizens and to be open to independent international structures of judges that work to consolidate the principles of judicial independence and protect judges from all forms of political pressure.

**Sixth:** Emphasizes that these practices, remind us of those of the authoritarian regime against which the Tunisian people revolted, will not hinder the Judges' Association from continuing its well-known activities and struggles, and from working and making efforts with full confidence, steadfastness and responsibility for the right of all Tunisian men and women to an independent, neutral and impartial judiciary that protects rights and freedoms in the service of Values of truth and justice.

**Seventh:** Indicates that it took the initiative to inform all the structures of the International Association of Judges and began the procedures for the outsourcing of the United Nations Special Rapporteurs of this dangerous and unprecedented development since 2011 and this serious breach by the executive authority of the Tunisian state's pledges and international obligations.

**Eighth:** It warns against the Executive Authority targeting Tunisian judges, their representative structures, and their right to assembly and expression, to protect their independence in accordance with constitutional guarantees and international conventions, including the Universal Declaration of Human Rights, especially Articles 8 and 9 of the basic principles of the independence of the United Nations judiciary, the International Convention on Freedom of Association, and the protection of the right to organize a union.

**Ninth:** It warns of the repercussions of this weakening the pivotal role of the judiciary in protecting rights and freedoms from all forms of abuse and injustice.

**For the Executive Board  
Vice-President of the Association  
Aicha Benbelhassen**

