



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

October 2024

IAJ Statement on Tunisia

The Central Council of the International association of judges (IAJ), during the 66th international meeting in Cape Town (South Africa), unanimously adopted the following statement:

Having read the report sent by the Tunisian association of judges to the United Nations Special Rapporteur on the independence of judges and lawyers,

Reminding the former statements adopted by the IAJ Central Council and African Group at their annual meetings or by the Presidential Committee in 2022, 2023 and 2024 to denounce the attacks on the independence of the judiciary in Tunisia (to be found here: [15.06.2022](#), [01.07.2022](#) during the judges' hunger strike, statements adopted on the [2022.08.21](#), [2022.09.27](#), [2023.09.21](#), [2024.05.09](#), [2024.05.24](#), and [2024.05.27](#));

Reminding the deep and continuing crisis the Tunisian judicial system is going through since the dissolution of the Supreme Council of the Judiciary in February 2022, the arbitrary and collective dismissal, by presidential decree, of 57 judges in June 2022, the failure to comply with administrative court decisions to reinstate 49 dismissed judges, and the initiation of criminal proceedings against a large number of judges and prosecutors;

Considering that the situation of the judiciary in Tunisia is increasingly alarming, due to serious and repeated violations of the independence of the judiciary, the basic principles of the rule of law and the separation of powers, essential guarantees of citizens' rights and freedoms;

Considering in particular:

- The Ministry of Justice's stranglehold on judges' careers and the abusive use of memos to transfer them, including the highest judicial officials;
- The abusive use of disciplinary proceedings against judges, in particular because of their judicial decisions;
- The suspension of judges, without pay and outside any disciplinary procedure;
- The refusal to reinstate judges dismissed in violation of the decision of the Administrative Court, and the criminal proceedings brought against them;
- The systematic interference of the executive in the judicial system and attacks on judges and lawyers, considerably undermining the right to a fair trial and public confidence in the integrity of the judicial system;
- Changes to the law and their retroactivity with the sole aim of preventing the application of judicial decisions;
- The unjustified refusal by the Tunisian Bar Association in July 2024 to allow dismissed judges to join the legal profession.

The Central Council of the IAJ:

- solemnly renews its full support for the actions of the Association of Tunisian Judges, and for all Tunisian judges working to safeguard the independence of the judiciary in Tunisia;
- condemns all practices designed to jeopardize the independence of the judiciary, and calls on the Tunisian authorities to ensure compliance with international standards relating to the independence of the judiciary, the separation of powers and the universal status of judges;

- urges the Tunisian authorities to restore the institutional guarantees of the independence of the judiciary in Tunisia, in particular by recreating an elected and independent Conseil Supérieur de la Magistrature in accordance with international standards, guaranteeing the separation of powers, and putting an end to the executive's stranglehold on the careers of judges and its intervention in judicial proceedings;
- reminds the Tunisian authorities of the need to respect the decisions of the Administrative Court of August 2022 to reinstate the dismissed judges and to apply the decisions of the African Court of Human and Peoples' Rights of October 03, 2024 suspending the application of decree-law 11 creating the Supreme Council of Judiciary and decree-law 35 granting the President of the Republic the power to dismiss judges unilaterally;
- firmly calls for the immediate cessation of disciplinary and criminal proceedings against the President of the Association of Tunisian Judges, in connection with his associative and trade-union activities in support of the independence of the judiciary, and for an end to the harassment and pressure brought to bear on the members of the board and, more generally, on the Association of Tunisian Judges, a member of the IAJ;
- urges the Tunisian authorities to respect the right of expression and the right of association guaranteed to judges by the Universal Statute of Judges;
- welcomes the intervention of the United Nations Special Rapporteur on the Independence of Judges and Lawyers (present at this 66th annual meeting of the IAJ) and its services in favor of Tunisian judges and assures them of its support in pursuing their action to put an end to the serious violations of the independence of the judiciary committed in Tunisia.