

RESOLUTION FOR TUNISIA

The African Regional Group of the International Association of Judges (IAJ), at its annual meeting in Casablanca, Morocco, adopted the following resolution:

Recalling the resolution for Tunisia, adopted by the Central Council of the International Association of Judges in October 2024 at its 66th meeting in Cape Town, South Africa, on the deep and ongoing crisis in the Tunisian judicial power since 2022,

Considering the disastrous consequences of the dismantling of institutional guarantees of the independence of the judicial power in Tunisia, leading, over the last three years, to the total removal of guarantees protecting the magistrates against pressures undermining their independence and influencing their decisions and to the flagrant interference of the executive in the judicial system in addition to attacks against magistrates,

Considering the continued and serious violations of the principle of judicial independence and the intolerable violation of the principle of the separation of powers, namely:

- The complete freezing of the Provisional Council of Judicial Justice through the failure to appoint its members and the continued direct management by the Minister of Justice of the careers of judges, including those in high judicial positions, through the use of more than 600 memos;
- The failure to appoint a First President of the Court of Accounts for more than 2 years, the obstruction of the Provisional Council of Financial Justice, and the failure to publish the appointments made by the Provisional Council of Administrative Justice;
- The arrest of Judge **Hammadi Rahmani** in December 2024 without taking into account his immunity, which was recognized by a decision of the Administrative Court;
- The failure to implement the decisions of the Administrative Court and the African Court on Human and Peoples' Rights in favor of the dismissed judges;

The African Group of the IAJ:

- **Solemnly renews** its full support for the actions of the Association of Tunisian Magistrates, its leaders, and all Tunisian magistrates committed to justice working to promote, protect, and safeguard the independence of the judiciary in Tunisia.

- **Urges** the Tunisian authorities to restore institutional guarantees of judicial independence, in accordance with international standards on judicial independence, and to end the executive's control over the careers of magistrates and their decisions in the judicial cases assigned to them.

- **Condemns** the arrest of Judge **Hammadi Rahmani** as a flagrant violation of the fundamental guarantees required for magistrates, in particular his judicial immunity recognized by the Administrative Court, and **calls** on the Tunisian authorities to immediately halt all criminal proceedings against him and the dismissed magistrates, initiated after the decision of the said Court, and to uphold international standards and the principles of protection of judges.

- **Once again urges** the Tunisian authorities to respect the 2022 decisions of the Administrative Court to reinstate the dismissed magistrates, and to implement the decisions of the African Court on Human and Peoples' Rights suspending the application of Decree-Law 11 establishing the Provisional High Council of the Judiciary and Decree-Law 35 granting the President of the Republic the authority to unilaterally dismiss magistrates.

Casablanca, April 22, 2025.