

DECLARATION

Member associations of the African Group of the International Association of Judges (IAJ), attending the group's annual meeting in Tunis (Tunisia) that took place from 07 to 10 May 2022, with reference to the dissolution of the Supreme Judicial Council by the President of Tunisia, which is accounted for as the guarantor for the proper functioning of the judicial power and for the respect of its independence, in addition to its replacement by an interim council made up of members directly appointed by the president, set up under Decree-Law No 11 of 12 February 2022 and granting broad prerogatives to the Executive Power in the appointment process of magistrates, in taking disciplinary measures, and interdicting their freedom of expression and association.

Pertaining to the declaration of the International Association of Judges (IAJ), whose main objective is to ensure the independence of the judiciary, being a fundamental condition of the judicial function and of guaranteeing the human rights and freedoms released on 11 February 2022, considering that the dissolution of the Supreme Judicial Council of Tunisia, being an elected and independent body of the judicial power is:

- Seriously undermining the rule of Law state, which is characterized by the separation of the executive, legislative, and judiciary powers,
- Constituting an enormous obstacle to the independence of the judge, being indispensable for the exercise of impartial justice, against all kinds of social, economic and political pressures;

Member associations of the African Group of the International Association of Judges met in Tunis have expressed their legitimate solidarity with the Tunisian judges and the members of the Supreme Judicial Council in their struggle for an independent judicial power, with integrity and guarantor of rights and freedoms according to international standards;

Considering that the independence of the judicial power, the separation of powers, and the rule of law can be retrieved only if the Supreme Judicial Council elected as per the organic law No 34 of 28 April 2016 is put back, and the constitutional order is restored;

- They highly recommend the repeal of the Decree-Law No 11 of 12 February 2022 in order to preserve the independence of the judicial power as the basis of the rule of law and the indispensable guarantee of everyone's rights and freedoms.
- They urge the Executive Power to respect all commitments of Tunisia as per the treaties ratified in accordance with the principles of independence of the judicial power.
- They, also, urge the Executive Power to take all necessary measures in order to ensure the protection of physical and moral integrity of Tunisian magistrates and members of the legitimate Supreme Judicial Council both in the exercise of their functions and in their lives as citizens and to guarantee the same protection to their respective families.
- They also call the Executive Power, to abide by the recommendations of the human rights Organizations to which Tunisia has voluntarily adhered.
- They express their serious concern as to all arbitrary disciplinary measures taken against the magistrates exercising their freedom of association and expression, to defend the independence of judicial power as well as its institutions, and to cope with to all attempts of control by the executive power.

Edited in Tunis on 10 May 2022