October 16, 2026

Resolution on Tunisia

The Central Council of the International Association of Judges (IAJ), meeting on October 19, 2026, in Lisbon, Portugal, on the occasion of the 68th annual meeting of the IAJ, expresses (unanimously) its deep concern regarding the persistent erosion of the institutional and statutory guarantees for the independence of the judiciary in Tunisia.

The Central Council considers that the facts set out in the report submitted by the Association of Tunisian Magistrates (AMT)—to the IAJ structures and to the United Nations Special Rapporteur on the independence of judges and lawyers—raise major concerns with regard to international principles relating to the independence of the judiciary, the statutory security of magistrates, respect for judicial immunity, the right to a fair trial, and the freedom of association and expression for magistrates, **specifically:**

- The ongoing attacks and reprisals against the Association of Tunisian Magistrates—a member of the IAJ—and its leaders, for having fulfilled their mission to defend the independence of the judiciary and the Rule of Law in Tunisia, in accordance with the IAJ statutes and the role assigned to national associations of magistrates under international standards;
- The disastrous consequences of dismantling the institutional guarantees for judicial independence in Tunisia—specifically through the dissolution of the Supreme Judicial Council (established by the Constitution) and the obstruction of the provisional council that replaced it—have paved the way for the executive branch to seize direct control over the careers of magistrates. This has been facilitated by 2,000 administrative directives issued by the Minister of Justice, which undermine the essential safeguards of transparency, objectivity, and predictability that should govern the appointment, transfer, and promotion of magistrates, as well as the assignment of judicial responsibilities;
- The arbitrary suspension of magistrates from their duties by the Minister of Justice—carried out without written notification or any defined time limit, and involving the deprivation of salary—amounts to a "disguised dismissal." A case in point is that of Mohamed Ben Meftah, a magistrate and member of the executive board of the Association of Tunisian Magistrates (AMT), who has been under suspension since August 2026;
- The use of punitive transfers and disciplinary measures, which severely compromise the individual independence of magistrates; in particular, the instrumentalization of such decisions to exert pressure on—and penalize—members of the AMT and other magistrates committed to defending the independence of the judiciary;
- Serious violations of the principle of judicial immunity, manifested through criminal prosecutions and retaliatory actions against magistrates. These measures have been taken without any regard for the legal procedures required when initiating proceedings against members of the judiciary—most notably in instances where magistrates have been sentenced to imprisonment based on their judicial work or their exercise of freedom of expression. -
  The executive branch’s continued failure to comply with court rulings regarding the reinstatement of dismissed magistrates—thereby disregarding effective access to legal remedies and statutory protections—coupled with the abusive legal challenges brought against decisions by the National Bar Association to admit several dismissed magistrates to the roll of practicing lawyers, effectively closes off all avenues for them to preserve their dignity.

Recalling the principled positions taken by the International Association of Judges (IAJ)—notably the statements issued by the Presidential Committee, the Central Council, and the

African Regional Group concerning the persistent crisis affecting the judiciary in Tunisia since 2022, as well as the letter from the Presidential Committee dated October 26, 2025;

The Central Council of the International Association of Judges therefore calls for urgent measures to ensure that the Tunisian justice system regains the institutional, statutory, and procedural safeguards essential for the independent exercise of its functions, specifically by:

- **Solemnly renewing** its full support for the actions of the Association of Tunisian Magistrates and its President, Anas Hmedi—who has been unjustly prosecuted and convicted for carrying out his legitimate professional duties at the helm of the association—as well as for all Tunisian magistrates working to safeguard an independent and upright judiciary that guarantees the rights and freedoms of citizens. It further **firmly condemns** the manipulation of administrative procedures and criminal justice mechanisms against the association and its leadership.

- **Strongly denouncing** any interference by the executive branch in the governance and functioning of the judiciary in Tunisia, which jeopardizes the system, undermines the proper application of the law, and infringes upon the rights and freedoms of citizens. The IAJ reiterates its call for the Tunisian authorities to ensure compliance with international standards regarding the independence of the judiciary, the separation of powers, and the universal status of judges.

- **Once again urges** the Tunisian authorities to urgently restore effective institutional guarantees for the independence of the judiciary, in accordance with applicable international standards—notably by establishing an elected and independent High Judicial Council that ensures the separation of powers, puts an end to the executive branch's control over the Tunisian judicial system and its institutions, and dismantles the authoritarian grip exerted over magistrates, which currently dictates their career paths. • Calls upon the Tunisian authorities to respect the August 2022 rulings of the Administrative Court to reinstate the dismissed magistrates, and to implement the October 2024 decisions of the African Court on Human and Peoples' Rights, which suspend the application of Decree-Laws 11 and 35. Furthermore, it urges them to immediately halt all criminal proceedings against the dismissed magistrates, cease the obstruction of their work, and put an end to flagrant violations of judicial immunity and the security of their tenure.

- **Demands** an immediate end to the abusive use of criminal proceedings against magistrates—in total disregard for their judicial immunity—and calls for the immediate revocation of all executive-imposed suspensions of magistrates, as well as the restoration of their remuneration.

- **Urges** the Tunisian authorities to immediately cease reprisals against the Association and its efforts to defend the independence of the judiciary in Tunisia; to respect the freedom of association and expression of magistrates, in accordance with the principles and values of the International Association of Magistrates (UIM); and to comply with Tunisia's international obligations regarding the rule of law and human rights.

- **Invites** relevant United Nations mechanisms—in particular the Special Rapporteur on the independence of judges and lawyers—as well as regional and international judicial organizations, to continue monitoring the situation in Tunisia and to examine measures that could contribute to the restoration of fundamental guarantees for the independence of the judiciary.

Lisbon, October 19, 2024.