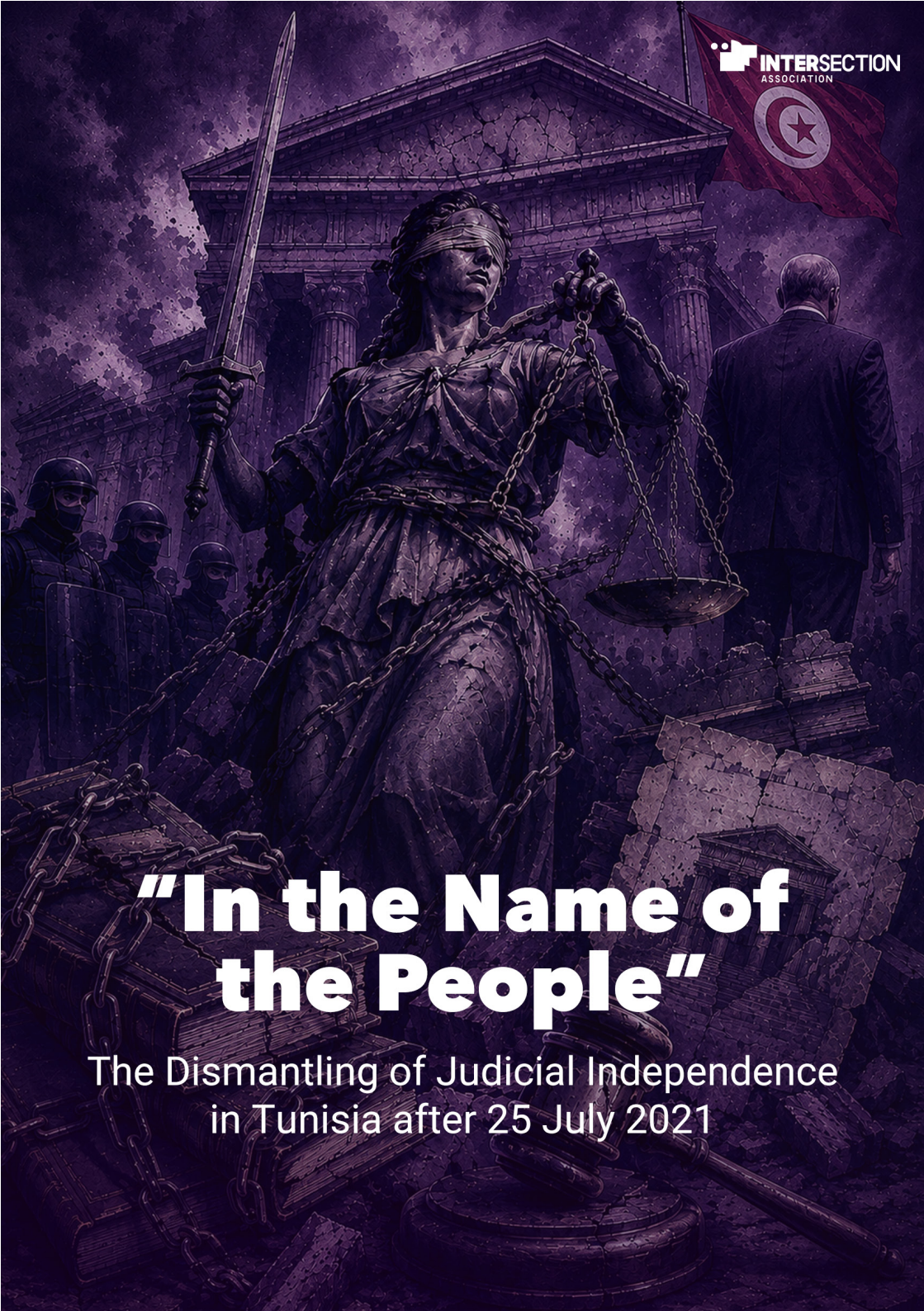




"In the Name of the People"

The Dismantling of Judicial Independence
in Tunisia after 25 July 2021

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Tunisia after 25 July 2021

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Introduction

When the scales of justice are broken by the hand of power, the State is reduced to a mere shell concealing a profound void. When the judiciary is stripped of its independence and reduced to an administrative function, all rights and freedoms are likewise emptied of their substance.”

This aptly describes the situation of the judiciary in Tunisia in recent years, particularly since July 2021. As political developments accelerated and the executive tightened its control over the different branches of government, including the legislature following the suspension and subsequent dissolution of Parliament, the judiciary became subject to repeated and wide-ranging violations. These were not limited to obstructing its work or seeking to subordinate it. They extended to direct control over the judicial system, the removal of a significant number of judges, and the prosecution of independent voices through politically motivated trials and exceptional legislation. The result has been a judiciary increasingly compelled to follow the dictates of the executive, while judges continue their struggle to restore judicial independence and defend what remains of it.

Judicial independence may appear, at first, to be a procedural matter requiring the separation of the judiciary from the other branches of government and protection from interference in the exercise of its functions. In reality, however, it is a fundamental pillar of the rule of law and an essential guarantee of fundamental rights and human dignity. International experience demonstrates that any interference with judicial independence inevitably undermines the entire system of rights and freedoms. The political, executive and security pressures currently exerted on Tunisia's judiciary therefore affect far more than the judicial sector alone. Their consequences strike at the substance of rights and undermine the principles of justice and fairness.

This report examines the state of the judiciary in Tunisia against the backdrop of the political and institutional transformations the country has undergone since 25 July 2021. It focuses on the measures that have directly affected judicial independence and the constitutional and legal safeguards established to protect it. From a human rights perspective, the report reviews the main developments that reshaped the relationship between the executive and judicial authorities and led to the erosion of institutional safeguards that are essential to the rule of law and the separation of powers.

The report highlights the dissolution of the High Judicial Council in February 2022 as a pivotal moment in the restructuring of the judiciary. The dissolution brought the work of an independent constitutional institution to an end and replaced it with a council appointed by the President of the Republic. This raised widespread concerns about the independence of the judiciary and its ability to perform its functions free from political influence. The report also examines the consequences of Decree-Law No. 35, issued in June 2022, which empowered the President of the Republic to issue Order No. 516 dismissing 57 judges at once. This unprecedented measure, which became known as the "judicial massacre," prompted extensive legal and human rights criticism at both the national and international levels.

It further addresses the developments that followed the dismissal decisions, including rulings by the Administrative Court suspending the enforcement of several of them and ordering the reinstatement of the judges concerned. The authorities nevertheless refused to implement those rulings. This raised serious questions about respect for the binding authority of judicial decisions, the principle of legality, the supremacy of law and the extent to

which public authorities comply with court rulings. The report also considers the impact of this approach on judges' security of tenure and on litigants' confidence in the independence of the judiciary.

In addition, the report reviews the various forms of pressure imposed on judges in recent years, including arbitrary transfers, disciplinary measures, judicial proceedings, restrictions on trade union and professional activity, and campaigns of defamation and media targeting directed against a number of judges. It documents how these practices have contributed to a climate of pressure and fear within the judiciary, potentially affecting judges' independence in the exercise of their duties and limiting their ability to perform their functions free from influence or intimidation.

The report also examines the growing number of politically motivated trials involving judges on account of their exercise of the rights to freedom of expression or participation in public affairs. It assesses the extent to which these proceedings complied with the fundamental guarantees of a fair trial under the Tunisian Constitution and Tunisia's international obligations. It further considers the impact of these developments on the rule of law and on citizens' right of access to an independent and impartial judiciary, as the primary guarantor of rights and freedoms.

By documenting these developments and analysing them in light of the relevant national and international standards, the report seeks to provide a comprehensive assessment of the trajectory of judicial independence in Tunisia. It identifies the challenges facing the judiciary and evaluates their impact on the justice system and the protection of human rights. The report concludes with a set of recommendations aimed at restoring the institutional safeguards of judicial independence and strengthening public confidence in the administration of justice as one of the fundamental pillars of a democratic State.

Methodology

In preparing this report, Intersection Association for Rights and Freedoms adopted a qualitative research methodology combining in-depth interviews, desk research and ongoing monitoring of developments affecting the judiciary in Tunisia.

Ten interviews were conducted, both in person and by telephone, with judges who had been arbitrarily dismissed. Some had also faced judicial proceedings or restrictions that prevented them from carrying out their professional and civic activities. Interviews were also conducted with members of their families and with lawyers directly involved in their cases. The research methodology further included monitoring press conferences held by defence committees and the Association of Tunisian Judges in order to document the legal, professional and social consequences of these measures. The report also draws on an extensive review of national and international human rights reports, specialised legal articles and studies, and relevant official statements and documents.

To enhance the reliability of the findings, information obtained through testimonies was cross-checked against independent sources. Where necessary, additional interviews were conducted to verify the consistency of the accounts provided.

This methodology enabled the report to present a comprehensive and accurate human rights analysis of the transformations affecting Tunisia's judiciary and their implications for human rights and the rule of law.

Background

The 2011 Revolution marked a pivotal moment in Tunisia's history. It opened the way for a long-awaited democratic transition and laid the foundations for a future based on freedom, dignity, citizenship, the rule of law and respect for human rights. One of the Revolution's central aspirations was to establish the separation of powers and guarantee judicial independence as a cornerstone of democratic governance and an essential basis for justice and accountability.

After decades of one-person rule, during which the executive exercised control over all State institutions, including the judiciary, political and human rights actors sought to build new institutions grounded in transparency and justice. They also aimed to break with past practices based on political loyalty and the use of the judiciary as an instrument of intimidation and retaliation against opponents. In this context, the constitution-making process launched in 2011 represented an important step towards restructuring the judiciary and shielding it from political interference.

The 2014 Constitution introduced a range of safeguards intended to protect judicial independence in relation to the judiciary's organisation, administration and relationship with the other branches of government. Article 102 provided that: "The judiciary is an independent authority that guarantees the administration of justice, the supremacy of the Constitution, the sovereignty of the law, and the protection of rights and freedoms."

The High Judicial Council was also established as an independent constitutional body responsible for ensuring the proper functioning and independence of the judiciary. Its creation represented both a symbolic and institutional step towards establishing an impartial judiciary free from political or administrative interference.

Despite efforts to strengthen judicial independence, the process remained fragile and uneven amid the political instability affecting the country, which had a negative impact on the functioning and stability of State institutions. The judiciary remained at the centre of political contestation, caught between efforts to reform it and attempts by certain actors to bring it under their control. As a result, genuine judicial independence remained difficult to achieve.

This fragility became particularly apparent after 25 July 2021, when President Kais Saied announced the suspension of Parliament, the dismissal of the Government and his assumption of legislative and executive powers on the basis of Article 80 of the Constitution. The move was widely described as a “constitutional deviation” and a return to one-person rule, while a broad section of the political opposition and human rights community regarded it as a coup against the Constitution and an attempt to circumvent democratic governance.

Since that date, the Tunisian judiciary has increasingly come under executive control and become subject to presidential decree-laws and orders. A series of measures directly undermined its independence, including the dissolution of the High Judicial Council in February 2022 and its replacement with a temporary body appointed by presidential decision. This was widely regarded as an unprecedented setback for the administration of justice in Tunisia.

The following period also witnessed a wave of arbitrary dismissals affecting more than 50 judges, without respect for legal safeguards or the right of defence. Administrative Court decisions ordering the reinstatement of several judges were not implemented. Violations and restrictions continued, including arbitrary transfers and dismissals, as well as judicial proceedings and prison sentences against a number of judges.

These measures were accompanied by media campaigns aimed at discrediting judges and inciting hostility against them. Judges were accused of corruption and bias without clear evidence being presented. Such campaigns contributed to undermining public confidence in the judiciary and were used to justify political interference in its affairs. International human rights organisations have warned that these practices threaten judicial independence and reproduce earlier patterns of authoritarian rule.

The plight of Judges: Between Arrest and Legal Disregard





Judge Mourad Messaoudi

“At around one o’clock, while he was taking his daughter home, we were surprised to find five unknown men outside the house. He was only trying to ensure that she reached home safely, but they attacked him, claiming that they were arresting him, with no regard for the presence of his daughter or the fear she was experiencing. The violence extended to her as well, and he tried to protect her and get her inside the house. I saw him being dragged along the ground before my eyes as they pulled him towards the car¹.”

The wife of Judge Mourad Messaoudi recounts that 15 August 2025 marked a turning point, illustrating what any citizen may experience when their most basic rights are violated without justification. That day, Judge Mourad Messaoudi was taking his six-year-old daughter home. He could not have anticipated that the moment would turn into a violent and terrifying scene in front of her.² Five unknown men intercepted him. Their clothing bore no markings identifying them as security officers or indicating the authority to which they belonged. They said that they were police officers

1 Documentation by Intersection Association for Rights and Freedoms of the case of Judge Mourad Messaoudi, dated 18 August 2025.

<https://intersection.uno/freedom-faces/%D9%85%D8%B1%D8%A7%D8%AF-%D8%A7%D9%84%D9%85%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-mourad-messaoudi/>

2 Son FM Radio, 2025, statement by Mourad Messaoudi’s wife, 15 August; last accessed 16 July 2026.

<https://www.facebook.com/SonfmTN/photos/%D8%A3%D9%81%D8%A7%D8%AF%D8%AA-%D8%B2%D9%88%D8%AC%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%A7%D9%84%D9%85%D8%B9%D8%B2%D9%88%D9%84-%D9%85%D8%B1%D8%A7%D8%AF-%D8%A7%D9%84%D9%85%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-%D9%81%D9%8A-%D8%AA%D8%AF%D9%88%D9%8A%D9%86%D8%A9-%D8%B9%D9%84%D9%89-%D8%AD%D8%B3%D8%A7%D8%A8%D9%87%D8%A7-%D8%A8%D9%81%D9%8A%D8%B3%D8%A8%D9%88%D9%83-%D8%A8%D8%A3%D9%86%D9%87-%D8%AA%D9%85-%D8%A5%D9%8A%D9%82/739087458924653/>

and asked the judge to accompany them. He calmly asked them to show him their identification. His request angered them, and they resorted to force in front of his daughter, assaulting him and attempting to force him into their vehicle.³

“The child ran towards the house, calling for help from family members and telling them that her father was being beaten. Moments later, police officers stormed the house, broke down the door and began assaulting everyone inside indiscriminately. My niece was violently assaulted, as was my mother, who is over 80 years old. My father was also beaten. The marks of the assault remained visible on my sister’s hand; she had been present that day. During the incident, we saw Judge Mourad on the staircase in the hands of police officers, who were trying to drag him towards the car by force.”

Mourad’s wife adds: “I saw them dragging him along the ground and pulling him away by force. After his arrest, no one told me where I should go, and we were given no information about what was happening. I searched for my husband at the Ben Arous security district, then went to the Ezzahra police station, and afterwards to the El Aouina barracks, hoping to find any information that could lead me to Mourad’s whereabouts, but to no avail⁴.”

Mourad’s lawyer recounts: “Several hours after what happened, which amounted to the abduction of Judge Mourad, we learned that he had been arrested on the basis of an old charge relating to his candidacy in the 2024 presidential election. An in absentia judgment had been issued against him on 5 August 2024, sentencing him to eight months’ imprisonment with immediate enforcement on the charge of offering benefits to influence voters. He had, however, lodged an opposition to the judgment rendered in absentia and appeared at the hearing on 21 February 2025. His objection was declared admissible as to form, and he remained at liberty. At the hearing of 28 February, he was convicted again, but the judgment was not immediately enforceable.”

He adds: “Moreover, Mourad obtained an official certificate lifting the search notice, thereby terminating the effect of any notice issued against

3 Legal Agenda, 2025, “Imprisonment of Tunisian Judge Mourad Messaoudi: Widespread Condemnation of Procedural Irregularities,” 19 August; last accessed 17 November 2025. <https://legal-agenda.com/%D8%B3%D8%AC%D9%86-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A-%D9%85%D8%B1%D8%A7%D8%AF-%D8%A7%D9%84%D9%85%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-%D8%A5%D8%AF%D8%A7%D9%86/>

4 Telephone interview with the wife of Judge Mourad Messaoudi, 16 August 2025.

him. Nevertheless, in a flagrant violation of the law, the Prosecutor General at the Tunis Court of Appeal issued a new wanted notice on 14 August 2025, just one day before his arrest. This was based on an in absentia judgment that no longer had any legal effect following the objection. The measure was unlawful, particularly because the judgment was not subject to immediate enforcement and he should therefore have remained at liberty⁵.

Judge Mourad had previously been dismissed pursuant to Presidential Order No. 516 of 1 June 2022. However, he recovered his status as a judge on the basis of a decision issued in his favour by the Administrative Court, which suspended all dismissal measures against him as of August 2022. He was therefore entitled to the legal safeguards applicable when criminal proceedings are initiated against judges, foremost among them judicial immunity. The judicial proceedings brought against him also resulted from his opposition to, and rejection of, the situation in which the judiciary had been reduced to a function under the 2022 Constitution.

The judgment was subsequently enforced and Mourad Messaoudi was imprisoned. He then lodged an appeal in cassation against the appellate judgment. At a later stage, the Court of Cassation quashed the judgment and referred the case back to the Court of Appeal for reconsideration by a differently composed judicial panel. Following the retrial, the Court ordered Mourad Messaoudi's release in February 2026.⁶ It subsequently issued a new judgment upholding the conviction while reducing the prison sentence from eight months to six months. The new judgment therefore revised the previous appellate ruling while maintaining the underlying conviction⁷.

Judge Mourad Messaoudi's case was not an isolated one. It formed part of a broader pattern of violations affecting a number of Tunisian judges and infringing their civil and political rights. Many were also subjected to collective dismissal measures that closely resembled arbitrary removal, without regard for legal safeguards or the principle of judicial independence. Some arrests were carried out in circumstances that failed to respect their

5 Telephone interview with lawyer Samir Ben Amor, 18 August 2025.

6 Facebook post by lawyer Samir Ben Amor, 18 February 2026.

<https://www.facebook.com/samir.benamor.5686/posts/pfbid0R2824vRsUpQJdZNjJNUQtXf3Jv7GGoAp5JN5s9QKQPHbgx-iTmmS1SfHnn4YJJ8l>

7 Tunisie Telegraph, 2026, "Release of Dismissed Judge Mourad Messaoudi," 26 February; last accessed 15 July 2026.

<https://tunisie-telegraph.com/a-la-une-%D8%A2%D8%AE%D8%B1-%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/mourad-messaoudi/>

judicial status and the immunity and special procedures attached to it. They also took place in contexts lacking transparency and due respect for their position.

The violations did not end there. They were accompanied by media smear campaigns and psychological and social pressure that profoundly affected the judges' family and professional lives, reflecting an unprecedented decline in respect for the rule of law. These practices took place within a broader context marked by an increase in prosecutions and exceptional measures targeting judges merely for maintaining professional positions, expressing views considered contrary to prevailing political orientations, or calling for the law to be applied free from interference. Some were also deprived of their most basic rights through judicial proceedings that failed to meet fair trial standards.

Taken together, these cases reveal a recurring pattern of violations that can no longer be regarded as isolated misconduct. Rather, they reflect a broader course of action that threatens judicial independence and intensifies the pressure exerted on judges in Tunisia, culminating in unprecedented and more severe practices against some of them.



Judge Bechir Akremi

“I will never forget 29 July 2021, the day my father’s ordeal began. He was informed that the security authorities had placed him under house arrest.⁸ They said that he was accused of covering up terrorism-related case files and obstructing investigations into them. We could not believe what we were hearing because we knew his integrity and uprightness as a judge and former Public Prosecutor. He remained under house arrest until the measure was lifted on 10 October 2021. At that point, we believed the matter had come to an end.”

The son of Judge Bechir Akremi

These events followed the President of the Republic’s decision to dismiss a number of Tunisian judges, the first of whom was Bechir Akremi, in June 2022. Judicial proceedings against him subsequently multiplied. He was arrested on 12 February 2023 as part of a series of arrests targeting several prominent figures in Tunisia. During his detention, he was subjected to ill-treatment. He was held in a cold room without a chair or bed and in complete isolation for four days.⁹

8 Mosaïque FM, 2021, “Judge Bechir Akremi Placed under House Arrest: Details,” 31 July; last accessed 12 November 2025.

<https://www.mosaicquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/937867/%D9%88%D8%B6%D8%B9-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D9%83%D8%B1%D9%85%D9%8A-%D8%AA%D8%AD%D8%AA-%D8%A7%D9%84%D8%A5%D9%82%D8%A7%D9%85%D8%A9-%D8%A7%D9%84%D8%AC%D8%A8%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84>

9 Doctors forced to illegally discharge bechir akremi from hospital shortly after torture, proof and sequence of events.

<https://bechirakremi.com/en/illegal-hospital-discharge/>

“When we were finally allowed to visit him, my father looked at me and said: ‘I did not even know that I had been released. They transferred me here without anyone informing me.’”

He was contacted and informed that he would be transferred temporarily to hospital. At the time, it was said that the measure was intended to protect him. His son states that his father was about to be released, but an order was instead issued for his compulsory admission to Razi Psychiatric Hospital. He explains that documents of this kind are ordinarily signed by the doctor who examined the person at the Bouchoucha detention centre, the Public Prosecutor and the judge. He further notes that this particular judge had a prior dispute with his father, who had previously filed a judicial complaint against him.

“The violations against my father have continued at the hands of several authorities: the police, the judiciary and even the doctor responsible for his care at Razi Hospital. Despite the issuance of a decision ordering his release, the same doctor wrote a medical certificate¹⁰ justifying his continued confinement in the hospital, stating that his condition required him to remain there, and prescribed medication for him. Yet only four days later, he was imprisoned in connection with a new case.”

He continues: “The problem is that a patient may only leave the hospital after three doctors who are not directly responsible for their treatment have approved the discharge. Yet the same doctor who had stated that he needed to remain in hospital was also the one who authorised his discharge and return to prison only four days later¹¹.”

Although Judge Bechir Akremi repeatedly asked to remain in hospital because of his critical health condition and the violence to which he had been subjected, the same doctor issued a decision authorising his discharge. According to his son, the decision was taken under police pressure and in violation of the applicable legal requirements¹², as the legislation governing

10 Copy of a medical certificate relating to the incident, whose authenticity and source were verified.

11 Published video recordings documenting Judge Bechir Akremi’s physical and psychological condition during his confinement at Razi Psychiatric Hospital.

Videos After the torture - Judge Bechir Akremi

12 Law No. 40 of 2004, dated 3 May 2004, amending and supplementing Law No. 83 of 1992, dated 3 August 1992, on mental health and the conditions of hospitalisation for mental disorders.

compulsory hospitalisation requires a patient's discharge to be approved by a committee of three doctors who are not directly responsible for the patient's care. In this case, however, the doctor treating him was the only person who took the decision¹³.

He adds: "My father remained in detention at the time and found himself compelled to return to prison after a new detention warrant was issued against him. Since then, he has remained detained as a result of a politically motivated decision and within a broader context in which it appeared clear that keeping Bechir Akremi in prison had become an objective in itself, without any serious examination of the facts or clarification of the circumstances, and without regard for fair trial guarantees. Since that date, my father has remained in prison like other political detainees, subjected to restrictions and degrading treatment, constantly monitored by cameras, and denied the right to read books, in detention conditions that fail to meet minimum standards of humane treatment¹⁴."

Following the series of violations to which Bechir Akremi was subjected from the moment of his arrest, through his admission to a psychiatric hospital and subsequent imprisonment, the specialised Criminal Chamber for Terrorism Cases at the Tunis Court of First Instance issued a judgment on 3 March 2026¹⁵ sentencing him to 23 years' imprisonment. The judgment concerned two cases linked to the assassination of the late Chokri Belaid, in addition to other charges relating to the concealment of documents. On 14 July 2026, the Court of Appeal issued a judgment increasing the first-instance sentences imposed on Bechir Akremi. It raised his total prison sentence from 23 to 29 years after convicting him of several charges¹⁶, including the

13 Doctors forced to illegally discharge bechir akremi from hospital shortly after torture, proof and sequence of events.

<https://bechirakremi.com/en/illegal-hospital-discharge/>

14 Telephone interview with the son of Judge Bechir Akremi, 10 November 2025.

15 Ultra Tunisia, 2026, "Chokri Belaid Case: Bechir Akremi Sentenced to 23 Years in Prison and Habib Ellouze to 13 Years," 4 March; last accessed 13 July 2026.

<https://ultratunisia.ultrasawt.com/%D9%82%D8%B6%D9%8A%D8%A9-%D8%B4%D9%83%D8%B1%D9%8A-%D8%A8%D9%84%D8%B9%D9%8A%D8%AF-23-%D8%B3%D9%86%D8%A9-%D8%B3%D8%AC%D9%86%D9%8B%D8%A7-%D9%84%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D9%83%D8%B1%D9%85%D9%8A-%D9%8813-%D8%B3%D9%86%D8%A9-%D9%84%D9%84%D8%AD%D8%A8%D9%8A%D8%A8-%D8%A7%D9%84%D9%84%D9%88%D8%B2/%D8%A7%D9%84%D8%AA%D8%B1%D8%A7-%D8%AA%D9%88%D9%86%D8%B3/%D8%B3%DB%8C%D8%A7%D8%B3%D8%A9/%D8%A7%D9%94%D8%AE%D8%A8%D8%A7%D8%B1>

16 Mosaique FM, 2026, "Court of Appeal Increases Prison Sentences Imposed on Bechir Akremi and Habib Ellouze," 14 July; last accessed 15 July 2026.

<https://www.mosaiquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/1523676/%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D8%A5%D8%B3%D8%AA%D8%A6%D9%86%D8%A7%D9%81-%D8%AA%D8%B1%D9%81%D8%B9-%D8%A7%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D8%B3%D8%AC%D9%86%D9%8A%D8%A9-%D8%B6%D8%AF-%D8%A7%D9%84%D8%A8%D8%B4%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D9%83%D8%B1%D9%85%D9%8A-%D9%88%D8%AD%D8%A8%D9%8A%D8%A8-%D8%A7%D9%84%D9%84%D9%88%D8%B2>

deliberate failure of a public official to carry out the duty to arrest an accused person with the intention of helping that person evade judicial proceedings, and the deliberate concealment of the truth through the abuse of his judicial office.

In this context, the United Nations Human Rights Council's Working Group on Arbitrary Detention adopted Opinion No. 2/2025 in April 2025, finding that the deprivation of liberty of Tunisian judge Bechir Akremi constituted arbitrary detention. It called on the Tunisian authorities to release him immediately and provide him with compensation.

The opinion was based on a range of documented facts and information that the Tunisian Government did not refute, having failed to respond within the prescribed time limit. The Working Group noted that Akremi had been arrested in February 2023 without a clear judicial warrant and subjected to pressure that included sleep deprivation and his compulsory admission to Razi Psychiatric Hospital without medical justification, which it regarded as a form of abuse. The opinion further stated that the current judicial proceedings against Akremi violated the principle of *ne bis in idem*, as he was being tried in relation to facts that had already been adjudicated and in respect of which the proceedings had been discontinued. According to the opinion, this confirmed the retaliatory nature of the case against him¹⁷.

The Working Group concluded that Akremi's detention fell within Category I, concerning the absence of a legal basis for detention, and Category III, concerning the failure to meet fair trial standards. It further stated that, following the dissolution of the High Judicial Council and the executive's control over the appointment and dismissal of judges, the Tunisian judiciary in its current form was no longer capable of guaranteeing impartiality and independence.

The Working Group therefore called on the Tunisian Government to take urgent measures to release Akremi, grant him the right to material and moral compensation, and conduct an independent investigation into the violations committed against him. It also referred the case to the Special Rapporteur on the independence of judges and lawyers. The violations described

17 United Nations Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 2/2025 concerning Bechir Akremi (Tunisia), adopted at its 102nd session, 1–10 April 2025, advance unedited version, 27 May 2025.

<https://digitallibrary.un.org/record/4087199?ln=fr&v=pdf>

above, which affected a number of judges, cannot be regarded as individual or isolated cases. Rather, they form part of a systematic course of action targeting the judiciary as a whole, in an apparent attempt to undermine its independence and subordinate it to the political orientations pursued by the current authorities.

This course of action became particularly evident with the issuance of Presidential Order No. 516, which was preceded by the dissolution of the High Judicial Council, as well as through the use of arbitrary transfer and dismissal decisions. It has also been reflected in the Ministry of Justice's control over the principal organs of the judiciary, or what the 2022 Constitution refers to as the "judicial function," with the Ministry serving as a central pillar of the current political system.

Judicial Purge under the Guise of Dismissal: **A Flagrant Violation of Judges' Rights**





Judge Hichem Ben Khaled

“I was following developments on Facebook pages when a friend called and told me that a list had been published containing the names of several judges who had been dismissed without any justification. Our names had been made public, prompting those pages to launch a smear campaign under the pretext of ‘cleansing the judiciary’¹⁸.”

Judge Hichem Ben Khaled says that he received the news of his dismissal with shock and disbelief. He had not expected his name to appear on the list without any prior warning or reasonable explanation.

Recalling what he had experienced before the dismissal decision, he states: “A few months before the Presidential Order of 1 June 2022¹⁹ dismissing the judges was issued, I was summoned by the Judicial Inspectorate for questioning about events dating back to 2020. I was accused of working for my own benefit by providing consultancy services to a company. I was confronted with photographs that had been taken out of context. In reality, I had merely driven a friend to the company’s premises and waited there briefly for him²⁰.”

Hichem Ben Khaled adds: “While I was waiting, my friend called to tell me that a mutual acquaintance was inside the company. He was a judge with whom we had previously worked in the governorate of Tataouine. I remained there for only a few minutes before leaving. The incident occurred sometime

¹⁸ Testimony of Judge Hichem Ben Khaled.

¹⁹ Presidential Order No. 516 of 2022, dated 1 June 2022.

²⁰ Testimony of Judge Hichem Ben Khaled.

between 2019 and 2020. Despite its straightforward nature and the clarity of the circumstances, it was later turned into an incriminating element and used against me. Photographs taken out of context were relied upon to raise unfounded suspicions that were unsupported by any serious evidence²¹.”

After the accusation was made, the competent authorities refused to hear the other persons concerned or receive their testimony, even though it could have clarified the facts and disproved the allegations. Nor was he allowed to exercise his right of defence or provide his account within a process that guaranteed impartiality and transparency. He found himself asking a single question: how could he reclaim his rights and defend himself against a baseless accusation? The answer he received was simply: “You must wait.”

This incident, marked by procedural irregularities and the absence of any serious and impartial investigation, clearly illustrates one of the forms of violation²² to which a number of judges were subjected during that period. It was not an isolated case, but rather revealed a recurring pattern in the treatment of the judiciary, which the 2022 Constitution reduced to a “function” within a new institutional structure that enabled the Ministry of Justice to tighten its control over its principal organs.

This pattern was reflected in a series of practices, including intimidation, collective dismissals, arrests and arbitrary transfers. It also involved the use of incomplete information or material interpreted outside its proper context, together with the deliberate denial of the judges concerned of the opportunity to present their defence, call witnesses and submit evidence. These practices constituted a clear violation of fair trial principles and the safeguards of judicial independence.

They also expose the fragility of the guarantees protecting judicial independence under the new political system and demonstrate the limitations of the internal mechanisms that should protect judges from arbitrariness or retaliatory proceedings. The lack of transparency and failure to respect the adversarial principle raise serious concerns about the extent to which oversight bodies comply with international fair trial standards and the requirements of the separation of powers. These concerns are

21 Tunisia Press, Tunimedia, 2025, B3 Podcast with Dismissed Judge Hichem Ben Khaled, 30 September; last accessed 18 November 2025.
<https://www.youtube.com/watch?v=28TtJpeeOic&t=1649s>

22 Mathieu Leloup, “The Concept of Structural Human Rights in the European Convention on Human Rights,” *Human Rights Law Review* 20, no. 3 (2020): 480–507.

particularly acute in the absence of both a Constitutional Court and the High Judicial Council, and in light of the executive authority's apparent determination, centred in the Carthage Palace, to expand its influence over the judiciary and restrict its independence.

Moreover, the gravity of the President of the Republic's decision extended beyond the dismissals themselves. It also involved publicly threatening and defaming judges and accusing them of moral corruption and terrorism. When announcing the dismissals, President Saied referred to allegations involving terrorist offences and threats to public security. He accused judges of protecting terrorists by delaying rulings in a number of terrorism-related cases and also referred to moral corruption, apparently directing that accusation at one of the female judges who had been dismissed.

Dismantling Judicial Independence: An Analysis of Systematic Violations in Recent Years



The violations committed against a number of judges between 2021 and 2025 were neither isolated nor incidental. Rather, they formed part of a broader process aimed at systematically restricting the judiciary. To understand this process, it is necessary to trace its origins to the President's announcement, in his address on the night of 25 July 2021, that he intended to assume authority over the Public Prosecution Office. This constituted a clear intervention by the executive in the powers of the judiciary. This was followed by the issuance of decree-laws regulating the functioning of the judiciary, the dissolution of the High Judicial Council and, ultimately, Presidential Order No. 516, which dealt a decisive blow to judicial independence. These measures transformed the judiciary into an apparatus subject to ministerial control before reducing it to a mere "function" under the 2022 Constitution.

Dissolution of the High Judicial Council as a Means of Imposing Executive Control over the Judiciary

Under the regime of 7 November, the High Judicial Council served as an instrument of power used against judges who departed from the will of the single ruling party. The Council was responsible for appointing judges and referring them to disciplinary proceedings. At the time, the executive appointed the majority of its members under the direct supervision of the President of the Republic, while the Minister of Justice served as the Council's Vice-President.

The purpose of this arrangement was to ensure that the Council functioned as an instrument for overseeing and controlling the judiciary. Following the Revolution, the Council continued to operate with its previous composition, while political actors called for its dissolution and reform on the grounds that it lacked legitimacy. The 2014 Constitution subsequently inaugurated a new phase in the history of the Tunisian judiciary by establishing the High Judicial Council in a new form. It was composed of four bodies: the Judiciary Council, the Administrative Judicial Council, the Financial Judicial Council, and the General Assembly of the three judicial councils. The Constitution also defined its role as ensuring the proper functioning of the judiciary and respect for its independence.

The Assembly of the Representatives of the People later adopted Organic Law No. 34 of 28 April 2016 on the High Judicial Council.²³ The law transferred significant powers relating to judicial appointments, transfers, disciplinary proceedings and promotions from the executive to the Council.

These included appointments, transfers, promotions and discipline, the determination of the annual judicial rotation, and the issuance of opinions on draft legislation concerning the justice system. These powers were intended to safeguard the Council's independence. The High Judicial Council began carrying out its functions in 2017. Its relationship with the executive changed significantly in 2021, following the measures of 25 July 2021.²⁴ President Kais Saied began criticising the Council's work and role. This was evident during the Council of Ministers meeting held on 28 October 2021²⁵, at which he repeatedly stressed that "the judiciary must fully perform its role."

He also instructed the Minister of Justice to prepare a draft concerning the High Judicial Council. This was regarded as the first official indication of the executive's intention to amend the legal framework governing the Council and marked the beginning of a new phase of intervention in its legal and institutional status. From the outset of preparations for the exceptional period, President Kais Saied repeatedly directed messages at the judiciary through speeches that combined warnings, cautions and predictions about the future of the judicial system. This became particularly apparent in his targeting of the High Judicial Council in 2021. On 1 November 2021,²⁶ he met with the Minister of Justice and the First President of the Court of Audit. During the meeting, he referred to his intention to amend the law governing the High Judicial Council.

According to a statement issued by the Presidency of the Republic, the meeting was "an occasion during which the Head of State reiterated the need to reconsider the law relating to the High Judicial Council, which is no less important than the Constitution, and recalled that the judiciary is the foundation of societies and States." The same statement also reported that "the Head of State stressed that he would never interfere in the administration of justice or in judicial rulings, and expressed his conviction

24 Legal Agenda, 2024, "Judicial Mobilisation in Tunisia, 2021–2022: Exceptional Resistance in a Time of 'Exception' (3)," 28 August; last accessed 14 July 2026.

<https://legal-agenda.com/%D8%A7%D9%84%D8%AD%D8%B1%D8%A7%D9%83-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A6%D9%8A-%D9%81%D9%8A-%D8%AA%D9%88%D9%86%D8%B3-2021-2022-%D9%85%D9%82%D8%A7%D9%88%D9%85%D8%A9-%D8%A7%D8%B3%D8%AA%D8%AB%D9%86-3/>

25 Statement by the Association of Tunisian Judges, 28 October 2021.

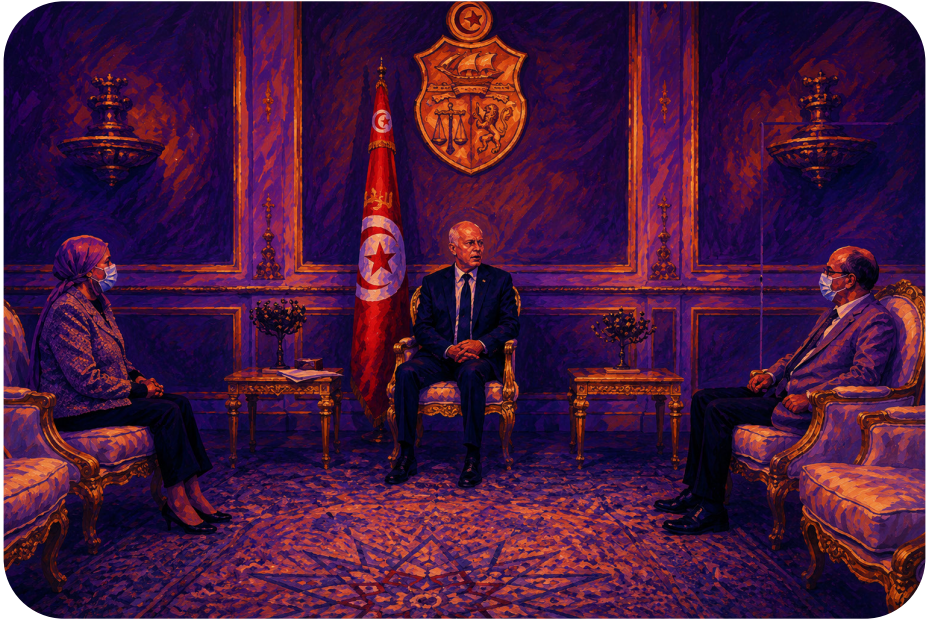
<https://www.facebook.com/AmtTunisie/posts/pfbid0FwxvWqLX2rg7UcB1R8cT7nQ2U92eVByDsW2oumtK78mqqe4XrGCKWs3SCcR4xtwl>

26 Presidency of the Republic, 2021, "President Kais Saied Receives Leila Jaffel, Minister of Justice, and Nejib Ktari, First President of the Court of Audit," 1 November; last accessed 19 November 2025.

<https://www.carthage.tn/ar/%D8%A7%D8%B3%D8%AA%D9%82%D8%A8%D8%A7%D9%84-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%85%D9%87%D9%88%D8%B1%D9%8A%D8%A9-%D9%84%D9%88%D8%B2%D9%8A%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%AF%D9%84-%D9%88%D9%84%D9%84%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%A3%D9%88%D9%84-%D9%84%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D8%B3%D8%A8%D8%A7%D8%AA%page=31>

that no progress could be achieved in any field unless justice prevailed throughout society.”

Meeting of President Kais Saied with the Minister of Justice and the First President of the Court of Audit, 1 November 2021.



This statement illustrates the extent of the paradox and contradiction between, on the one hand, the executive authority’s practice and its blatant interference in the judiciary and, on the other, the official statements and speeches it promotes, which at times even contradict one another.

The regime continued its efforts to undermine one of the most significant achievements of Tunisia’s democratic experience, while persisting in its use of the security apparatus as an instrument of pressure and a means of conveying clear political messages. On the night of 5 February 2022, during an unannounced visit to the headquarters of the Ministry of the Interior and a meeting with senior security officials, the President announced the dissolution of the High Judicial Council, once again invoking his preferred justification: “popular demand.” This slogan had become a ready-made pretext deployed by the regime whenever it sought to dissolve an elected body or dismantle one of the institutions of the democratic State, as had

previously occurred with the Assembly of the Representatives of the People. The matter was not confined to rhetoric. The announcement coincided with a broader climate of intimidation and pressure, clearly revealing an intention to impose a *fait accompli* and reshape the judicial landscape in a manner that would consolidate executive power and expand its influence.



Tunisian men and women have the right, just as we have the right, to dissolve the High Judicial Council. This Council has become a marketplace in which positions are bought and sold, and in which judicial appointments are determined on the basis of loyalties rather than the law²⁷.”

Kais Saied, 5 February 2022

In the same context, the authorities, represented by the President, did not confine themselves to general statements or abstract criticism of the High Judicial Council. It is noteworthy that the date coincided with the anniversary of the assassination of Chokri Belaid. The President’s remarks

27 Presidency of the Republic Website. (2022, February 5). President Kais Saied visited the headquarters of the Ministry of the Interior. Last accessed on November 19, 2025.

<https://www.carthage.tn/%D9%84%D9%82%D8%A7%D8%A1-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%85%D9%87%D9%88%D8%B1%D9%8A%D8%A9-%D9%82%D9%8A%D8%B3-%D8%B3%D8%B9%D9%8A%D8%AF-%D9%85%D8%B9-%D8%B1%D8%A6%D9%8A%D8%B3%D8%A9-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D9%88-%D9%88%D8%B2%D9%8A%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%AF%D9%84>

on the political assassination case and other files instead shifted towards direct and overt political exploitation. He used the emotional and political symbolism of 6 February as a vehicle for generating “popular” support for his decision.²⁸ His speech also contained an implicit mobilisation of his supporters. He indirectly called on them to take to the streets and demand the dissolution of the High Judicial Council, in what appeared to be a systematic effort to prepare the ground and confer the legitimacy of the street upon a dissolution decision that had already been planned²⁹.

Less than a week later, on 12 February 2022,³⁰ President Kais Saïed chaired a meeting attended by Prime Minister Najla Bouden and Minister of Justice Leïla Jaffel. During that meeting, Decree-Law No. 11 of 2022, dated 12 February 2022³¹, on the Establishment of the Temporary High Judicial Council, was issued. The Decree-Law repealed Organic Law No. 34 of 2016, terminated the mandate of the elected High Judicial Council and replaced it with a temporary body whose composition and powers were determined by presidential decision. This measure continued the course adopted by the President since 25 July 2021, when he began reconcentrating executive authority at the expense of the other branches of government, thereby unilaterally restructuring Tunisia's constitutional order. The President described this process as the "cleansing of the judiciary."

The dissolution of the High Judicial Council and its replacement with appointed temporary bodies dismantled the principal constitutional safeguard of judicial independence. The structure of the judiciary became directly subject to the executive authority through unilateral decisions determining its composition and functions, thereby weakening its ability to perform the balancing and oversight roles expected of it in a democratic system.

28 Legal Agenda, 2022, “The Presidential Palace Confronts the Judiciary..... and Democracy, in Tunisia,” 14 February; last accessed 19 November 2025.

<https://legal-agenda.com/%D8%A7%D9%84%D9%82%D8%B5%D8%B1-%D9%81%D9%8A-%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%A-F%D9%8A%D9%85%D9%82%D8%B1%D8%A7%D8%B7%D9%8A%D8%A9/>

29 Website of the Presidency of the Republic, 2022, “President Kais Saïed Visits the Headquarters of the Ministry of the Interior,” 5 February; last accessed 19 November 2025.

<https://www.carthage.tn/ar/%D8%AA%D8%AD%D9%88%D9%91%D9%84-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%85%D9%87%D9%88%D8%B1%D9%8A%D8%A9-%D9%82%D9%8A%D8%B3-%D8%B3%D8%B9%D9%8A%D9%91%D8%AF-%D8%A5%D9%84%D9%89-%D9%85%D9%82%D8%B1%D9%91-%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AF>

30 Website of the Presidency of the Republic, 2022, “President Kais Saied Meets with the Prime Minister and the Minister of Justice,” 12 February; last accessed 20 November 2022.

31 Decree-Law No. 11 of 2022, dated 12 February 2022, on the Establishment of the Temporary High Judicial Council.

Furthermore, the Decree-Law regulating the judiciary and judicial dismissals constituted one of the most serious mechanisms through which this subordination was imposed.³² It placed judges in a position of complete vulnerability, since any judge could be dismissed by an individual presidential decision without compliance with disciplinary rules or the procedural safeguards applicable to other State officials³³. The Decree-Law also prohibited strikes and any “organised collective action liable to disrupt the functioning of the courts,” a measure aimed at depriving judges of their institutional capacity to protest or express opposition to executive decisions affecting their status.

This course of action, and specifically the decisions affecting the High Judicial Council, amounted to a dismantling of the United Nations safeguards established in the Basic Principles on the Independence of the Judiciary.³⁴ Those Principles provide that “the independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country,” and that “it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.”³⁵

They further provide that “the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect.” In addition, Principles 10, 13 and 17 to 20³⁶ affirm that the selection, promotion and discipline of judges must be governed by transparent procedures that safeguard impartiality and the separation of powers.

The dissolution of the High Judicial Council and its replacement with a temporary body whose composition was determined by presidential decision also constituted a direct undermining of judicial self-governance mechanisms, one of the fundamental pillars of the institutional independence of the judiciary. Moreover, Decree-Law No. 35 of 2022 further entrenched this course of action, constituting an additional step towards imposing executive control over the judiciary, in explicit violation of Principle 10

32 Same source as above.

33 Same source as above.

34 Same source as above

35 United Nations, *Basic Principles on the Independence of the Judiciary*, New York: United Nations, 1985, Principle 1.

36 United Nations, *Basic Principles on the Independence of the Judiciary*, New York: United Nations, 1985, Principle 10.

of the Basic Principles on the Independence of the Judiciary and of the International Covenant on Civil and Political Rights, particularly Article 14³⁷, which guarantees the right to a hearing before an independent and impartial tribunal.

These developments did not occur in isolation from the concerns previously raised by the United Nations Special Rapporteur on the independence of judges and lawyers.³⁸ In her annual reports, the Special Rapporteur affirmed that the dissolution or restructuring of judicial councils through unilateral executive decisions constitutes one of the most serious forms of interference with judicial independence. She also warned that the use of populist rhetoric accusing the judiciary of “corruption” or “treason” constitutes a form of political pressure that deprives institutional safeguards of their substance.

These measures also contravened the standards set out by the Venice Commission in several of its advisory opinions. The Commission has stressed that the dismissal of judges must take place pursuant to clearly defined procedures, before an independent body and with full respect for the right of defence. It has considered collective dismissals, or dismissals based on unsubstantiated suspicions, to constitute “executive interference that undermines the separation of powers and the administration of justice³⁹.”

In addition, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, adopted by the African Commission on Human and Peoples’ Rights, establish a clear rule that judicial independence is an indivisible component of the system for the protection of rights. Subjecting judges to executive decisions regarding their appointment or dismissal amounts to a form of “institutional domination” that deprives the judiciary of its role as a guarantor of rights and freedoms.

37 United Nations, *International Covenant on Civil and Political Rights*, New York: United Nations, 1966, Article 14.

38 United Nations Human Rights Council. *Safeguarding the Independence of Judicial Systems in the Face of Contemporary Challenges to Democracy: Report of the Special Rapporteur on the Independence of Judges and Lawyers*, Margaret Satterthwaite. A/HRC/56/62. Geneva: United Nations, 21 June 2024.

39 Venice Commission (European Commission for Democracy through Law), Document No. CDL-AD(2014)006, Strasbourg: Council of Europe, 2014; last accessed 20 November 2025. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)006-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)006-e)

Presidential Order No. 516: The First Step towards Subordinating the Judiciary



“Where urgency so requires, or where public security or the supreme interests of the country are at stake, the President of the Republic may, on the basis of a reasoned report issued by the competent authorities, issue a presidential order dismissing any judge whose conduct is liable to undermine the reputation, independence or proper functioning of the judiciary.”

_Decree-Law No. 35 of 2022, dated 1 June 2022, supplementing Decree-Law No. 11 of 2022, dated 12 February 2022, on the Establishment of the Temporary High Judicial Council.

On 1 June 2022, the President of the Republic issued Presidential Order No. 516 of 2022⁴⁰, dismissing 57 male and female judges. This followed his assumption, earlier that same day, of the power to dismiss judges directly through the amendment of Decree-Law No. 11 on the Establishment of the Temporary High Judicial Council.

The measure was regarded as a massacre in the history of the Tunisian judiciary. It represented a major setback for the process of securing judicial independence and confronted judges and citizens alike with a new reality that threatened the balance of power between the executive and judicial branches.

The judges were dismissed through a swift and direct decision, without being informed of clear allegations, afforded an opportunity to defend themselves or subjected to disciplinary proceedings. They were also denied their rights of defence, the applicable disciplinary safeguards and the right to challenge the decision.

Moreover, 45⁴¹ of the dismissed judges had not been the subject of any disciplinary files, either before the General Inspectorate of the Ministry of Justice or before the High Judicial Council, which had been the only institution competent to examine such matters. Paradoxically, among the ten judges of the ordinary judiciary who had been subject to disciplinary proceedings, only three had been suspended from office by a decision of the High Judicial Council before its dissolution.

Presidential Order No. 516 marked a turning point in the relationship between the executive and judicial branches and was widely regarded as a serious indication of the threats that judicial independence could face

40 Presidential Order No. 516 of 2022 is a Tunisian presidential order dated 1 June 2022.

<https://www.carthage.tn/sites/default/files/public/%D8%A3%D9%85%D8%B1%20%D8%B1%D8%A6%D8%A7%D8%B3%D9%8A%20%D8%B9%D8%AF%D8%AF%20516%20%D9%84%D8%B3%D9%86%D8%A9%202022.pdf>

41 Ultra Sawt, 2022, “Judge Afif Jaaidi: Thirty Judges Were Dismissed ‘for Failing to Comply with Instructions from Security Officers,’” 30 June; last accessed 15 July 2026.

<https://ultratunisia.ultrasawt.com/%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%B9%D9%81%D9%8A%D9%81-%D8%A7%D9%84%D8%AC%D8%B9%D9%8A%D8%AF%D9%8A-%D9%83%D9%84-%D9%85%D8%A7-%D9%8A%D9%86%D8%B3%D8%A8-%D9%84%D9%8030-%D9%82%D8%A7%D8%B6%D9%8A%D9%8B%D8%A7-%D9%85%D8%B9%D8%B2%D9%88%D9%84%D9%8B%D8%A7-%D8%A3%D9%86%D9%87%D9%85-%D9%84%D9%85-%D9%8A%D8%B7%D8%A8%D9%82%D9%88%D8%A7-%D8%AA%D8%B9%D9%84%D9%8A%D9%85%D8%A7%D8%A7%D9%84%D8%A3%D9%85%D9%86/%D8%A7%D9%84%D8%AA%D8%B1%D8%A7-%D8%AA%D9%88%D9%86%D8%B3/%D8%B3%D-B%8C%D8%A7%D8%B3%D8%A9>

in Tunisia. The text was not adopted as a merely regulatory or technical measure, but rather as a clear political move aimed at subordinating the judiciary to the will of the executive. It thereby created a major imbalance in the distribution of power among the branches of government. This approach reflected a desire to control State institutions and ensure their alignment with executive policy, weakening the principle of separation of powers enshrined in the Tunisian Constitution and undermining the most basic foundations of justice in Tunisia.

Viewed in the political and constitutional context in which it was issued, the Order constituted the first building block of a new phase following 25 July 2021, centred on consolidating the President's control over all State institutions, including the judiciary, which should function as an independent branch capable of reviewing and counterbalancing executive decisions. Judges were placed in an increasingly difficult position, caught between the threat of judicial proceedings and politically motivated dismissals. This inevitably affected their ability to perform their duties freely and impartially. The measure also contributed to weakening public confidence in the judiciary, which increasingly came to be perceived as subordinate to the executive rather than as an independent institution entrusted with safeguarding rights and freedoms. This situation destabilised the institutional order and created an environment conducive to political interference in judicial decision-making, contrary to the constitutional guarantees protecting judicial independence and fundamental rights.

From an international human rights perspective, Presidential Order No. 516 gave rise to several inconsistencies with international standards governing judicial independence, which constitutes an essential safeguard of justice and the protection of fundamental rights and freedoms. Article 10 of the Universal Declaration of Human Rights guarantees everyone the right to a fair and public hearing before an independent and impartial tribunal. Article 14 of the International Covenant on Civil and Political Rights guarantees the right to a fair and public hearing before a competent, independent and impartial tribunal established by law.. Any political interference in the administration of justice, whether through the collective dismissal of judges or control over the institutional structures of the judiciary, therefore constitutes a clear violation of these international standards and threatens the rule of law and the credibility of the judicial system.

Presidential Order No. 516 was thus not a simple administrative or regulatory amendment. In the context in which it was issued, it constituted a clear political instrument aimed at bringing the judiciary into conformity with the will of the executive and ensuring its alignment with the President's political vision and agenda.

Timeline of Key Events Contributing to the Erosion of Judicial Independence in Tunisia 2021-2026



Date	Event
6 April 2026	Anas Hmedi, President of the Association of Tunisian Judges, sentenced to one year of imprisonment.
3 November 2025	The Misdemeanour Chamber of the Tunis Court of First Instance sentenced Judge Hammadi Rahmani to 18 months' imprisonment, with the sentence suspended.
15 August 2025	Judge Mourad Messaoudi was arrested after five plainclothes security officers stormed his home and physically assaulted him in the presence of his daughter and other members of his family.
30 April 2025	The Criminal Chamber of the Tunis Court of First Instance sentenced Judge Hammadi Rahmani to three years' imprisonment in five cases brought against him on charges of insulting others through social media platforms.
18 January 2025	The Association of Tunisian Judges was prevented from holding a meeting after the First Assistant to the Public Prosecutor entered the Association's premises accompanied by security officers and informed those present that they were required to leave.
3 October 2024	The African Court on Human and Peoples' Rights issued an order for provisional measures requiring the Tunisian State to suspend the enforcement of Decree-Law No. 35 of 2022 and Presidential Order No. 516, and to reinstate the dismissed judges.
5 August 2024	Judge Mourad Messaoudi was sentenced in absentia to eight months' imprisonment, with the judgment immediately enforceable, on charges of offering benefits with a view to influencing voters in the presidential election.
12 February 2023	Judge Bechir Akremi was remanded in custody as part of a series of arrests targeting prominent figures.
10 August 2022	The Administrative Court ordered the suspension of the enforcement of the decisions dismissing the judges.
1 June 2022	Presidential Order No. 516 was issued, dismissing 57 judges at once, in what became known as the "judicial massacre."
1 June 2022	Decree-Law No. 35 of 2022, dated 1 June 2022, supplementing Decree-Law No. 11 of 2022 on the Establishment of the Temporary High Judicial Council, was issued.
12 February 2022	Decree-Law No. 11 of 2022, dated 12 February 2022, on the Establishment of the Temporary High Judicial Council, was issued.
5 February 2022	The President of the Republic announced the dissolution of the High Judicial Council.
29 July 2021	Judge Bechir Akremi was placed under house arrest and accused of concealing terrorism-related case files and obstructing investigations into them.
25 July 2021	In his speech on the night of 25 July, the President announced his intention to assume authority over the Public Prosecution Office.
25 July 2021	President Kais Saied announced the suspension of the activities of the Assembly of the Representatives of the People, the dismissal of the Government and his assumption of legislative and executive powers pursuant to Article 80 of the Constitution.

**From an Independent Branch of
Government to a State Function:
Institutional Transformations
of the Judiciary in Tunisia
after 25 July 2021**



Describing the judiciary as a “function” necessarily raises the question of the authority to which that function is subordinated. In this case, it would inevitably be subject to the executive. Referring to the judiciary as a function also implies the existence of an “employee,” the authority under which that employee performs their duties, and the manner in which those duties are organised and supervised⁴².

When we asked the Regional Director of the International Commission of Jurists about the transformation of the judiciary from an independent branch of government into a mere function, he stressed that the judiciary must constitute an independent branch in its own right, independent of the other branches of government.

From this perspective, the judiciary constitutes an important pillar of modern constitutional systems, not only as an institution responsible for adjudicating disputes between citizens, but also as an essential guarantee of the rule of law, the protection of rights and freedoms, and the separation of powers. This was clearly reflected in the 2014 Constitution, which recognised the judiciary as an autonomous and independent authority, with its own constitutional structures and institutional safeguards, foremost among them the High Judicial Council. These safeguards were intended to limit executive interference in the administration of justice, establish an institutional balance among the different branches of government, and guarantee democracy⁴³.

However, the political and institutional trajectory followed by Tunisia after 25 July 2021 marked a profound turning point in the structure of the State. The judiciary became one of the principal areas targeted by the executive under the banner of “purification.” In this context, the President of the Republic’s approach to the judiciary reflects a political orientation aimed at gradually dismantling the judicial system and undermining the guarantees of its independence. It also seeks to reconstruct the judiciary as a functional apparatus that serves public policy and administers justice according to the governing system’s own conception of it. Stripped of its essential characteristics and deprived of its role as an autonomous authority, the judiciary is thereby reduced to one State apparatus among others. It is then

42 Interview with Said Benarbia, Director of the Middle East and North Africa Programme at the International Commission of Jurists, 10 April 2026.

43 Inkyfada Podcast, 2024, “The Future of Justice in Tunisia: Between Challenges and Resistance, a Special Interview with Said Benarbia,” 2 October; last accessed 15 April 2026.

invoked as an instrument for combating corruption and implementing the slogans promoted by the political system, including the administration of justice and the supremacy of law.

This has had a direct impact on the judiciary's position within the constitutional order. At its core, this process entails the erosion of the judiciary's independent constitutional character and its reintegration into the sphere of executive authority. This constitutes the central issue that the present report seeks to examine in the Tunisian context after 25 July 2021. Within this framework, a significant part of the constitutional architecture safeguarding judicial independence was dismantled. The High Judicial Council, which had constituted the principal institutional safeguard for managing judges' professional careers independently of the executive, experienced a substantial reduction in its role and powers. This occurred through its restructuring and through the curtailment of its effectiveness in matters of judicial appointments, promotions and discipline.

Its role became increasingly marginal following its replacement by a temporary council that has itself remained largely inactive, while judicial appointments have increasingly been made through administrative assignment memoranda. This development was not merely an administrative adjustment. It affected the substance of the institutional safeguard separating judges from political power and weakened the principle of security of tenure, which constitutes an essential component of judicial independence.

It should be noted that the principle of separation of powers is not absolute in its application. Comparative democratic systems adopt different arrangements for regulating relations among the branches of government and ensuring their effective operation within the framework of the State. Nevertheless, the essence of the principle rests on two indispensable mechanisms. The first is the prevention of the concentration of all powers in the hands of a single authority. This has become increasingly evident in Tunisia since 25 July 2021, as decision-making has become concentrated in the Presidential Palace in Carthage. The second is the establishment of genuine and effective mechanisms of checks and balances among the branches of government.

Accordingly, in the Tunisian context after 2021, the executive can be seen

to have exercised powers that exceed the limits of legitimate cooperation with the judiciary and reach the level of supervision and subordination. This has occurred through a number of interconnected mechanisms, most notably the dissolution of the High Judicial Council, direct interference in the composition of senior judicial bodies, the reduction of the procedural safeguards available to judges in the face of disciplinary decisions, and restrictions on the scope of judicial review of executive action, particularly with regard to challenges against decree-laws and presidential orders.

At the same time, this period witnessed the adoption of executive decisions that directly affected judges' status, including dismissals, transfers and the reassignment of judges among courts and judicial chambers. These measures were not random. Rather, they pursued objectives that served the executive's narrative, in a context in which full procedural guarantees, in accordance with established standards of judicial independence, were not always provided. This pattern of administrative interference in judges' professional careers directly created a state of instability within the Tunisian judiciary. It also reshaped the relationship between judges and the executive in a manner that rendered judicial independence more fragile and brought it closer to a model of administrative dependency than to one of functional independence.

This transformation cannot be understood solely through isolated measures, but must instead be examined through the general trends that reshaped the concept of authority within the State.⁴⁴ After 25 July 2021, the political system moved towards a greater concentration of executive power, accompanied by a gradual decline in the balancing and oversight functions previously performed by other constitutional institutions⁴⁵. This led to an inevitable outcome: the judiciary was no longer treated as an autonomous authority standing alongside the other branches of government, but rather as a State apparatus governed by the logic of administrative organisation, management and appointment, in addition to executive interference in its affairs. This reflects its transition from the position of an "authority" to that of a "function".

44 Legal Agenda, 2026, "The Authorities' War on Judicial Corruption: Replacing Safeguards of Independence with Mechanisms of Control," 19 April; last accessed 15 April 2026.
<https://legal-agenda.com/%d8%ad%d8%b1%d8%a8-%d8%a7%d9%84%d8%b3%d9%84%d8%b7%d8%a9-%d8%b9%d9%84%d9%89-%d8%a7%d9%84%d9%81%d8%b3%d8%a7%d8%af-%d8%a7%d9%84%d9%82%d8%b6%d8%a-7%d8%a6%d9%8a-%d8%a7%d8%b3%d8%aa%d8%a8%d8%af%d8%a7%d9%84/>

45 Montesquieu, *The Spirit of the Laws*, Book XI, Chapter 6

This conceptual transformation has profound implications for fair trial guarantees. Judicial independence is not merely a theoretical principle, but a necessary condition for ensuring the impartiality and objectivity of courts, as provided for by international standards concerning judicial independence, particularly Article 14 of the International Covenant on Civil and Political Rights and the United Nations Basic Principles on the Independence of the Judiciary. These standards affirm that judicial independence requires not only the absence of direct interference, but also an institutional and legal framework that protects judges from any form of influence or pressure, whether administrative, political or professional.

However, the reality that emerged after 2021 points to a gradual erosion of these safeguards. When judges' professional careers become directly linked to the political authorities, represented by the Presidency of the Republic and the Ministry of Justice, and when mechanisms of judicial self-governance decline, independence becomes no more than words on paper, even in the absence of direct interference in the substance of judgments. The concept of transforming the judiciary from an authority into a function therefore provides a meaningful description of a shift in the nature of the relationship between the judiciary and the State: from a relationship based on balance and separation to one based on administrative organisation and functional subordination.

The consequences of this transformation are not confined to the judiciary's internal structure, but extend to the justice system as a whole. The erosion of judicial independence undermines litigants' confidence in the impartiality of courts, weakens defence guarantees, and affects the principle of judicial security as a component of the rule of law. The absence of robust institutional safeguards also places judges in a more vulnerable position in the face of indirect pressure, whether political, administrative or even social.

From this perspective, the developments affecting the Tunisian judiciary after 25 July 2021 cannot be understood merely as reforms or organisational changes. They amount to a comprehensive redefinition of its role and position within the State. A judiciary that had been viewed as an independent authority standing alongside the other branches of government has increasingly come to be administered according to the logic of the civil service, with elements of institutional independence declining in favour of centralised decision-making. This means that the transformation affects the

constitutional philosophy itself, rather than merely amending structures or procedures.

This trajectory should not be understood as marking a complete break with the concept of an independent judiciary. It nevertheless clearly reflects a gradual process of undermining its essential foundations, which has continued for years in the absence of any genuine will to pursue reform, through the repositioning of the judiciary within the State from a constitutional authority to a function. From the perspective of international human rights standards, this raises concerns about the continued effectiveness of fair trial guarantees, the judiciary's capacity to preserve its independence in a political context marked by an increasing concentration of power, and its ability to fulfil its role in protecting rights and freedoms.

The Association of Tunisian Judges: The Criminalisation of Trade Union Activity and the Dismantling of Judicial Independence



The Association of Tunisian Judges was established in a historically significant context⁴⁶, as an expression of the judiciary's need for an independent representative body capable of safeguarding judges' rights, articulating their professional demands and defending the independence of the judiciary against successive forms of political pressure. Its role later expanded beyond this mandate, and the Association became a symbol of the defence of fair trial guarantees and one of the principal components of Tunisia's human rights landscape.

Since its establishment, the Association has played a central role in shaping professional awareness within the judiciary and in drawing a clear distinction between independent judicial work and the political direction of the courts. Over the past decades, it has engaged in numerous struggles against successive authoritarian systems and has served as an institutional human

⁴⁶ Association of Tunisian Judges.

https://ar.wikipedia.org/wiki/%D8%AC%D9%85%D8%B9%D9%8A%D8%A9_%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A9_%D8%A7%D9%84%D8%AA%D9%88%D9%86%D8%B3%D9%8A%D9%8A%D9%86

rights voice calling for guarantees of impartiality and integrity, as well as for the independence of judicial decision-making from executive influence.

One notable example was the strike of April 1985⁴⁷, when Tunisian judges launched what is widely regarded as the first strike in the history of the Tunisian judiciary. They demanded stronger safeguards for judicial independence and improved working conditions. The authorities responded with repression, taking disciplinary measures against a number of judges and subsequently dissolving the Association of Young Judges, which had called for the strike⁴⁸.

In 2005⁴⁹, the authorities also attempted to seize control of the executive board of the Association of Tunisian Judges. Acting in coordination with the Ministry of Justice, the ruling regime sought to prevent the Association's legitimate executive board from entering its premises to hold meetings. Instructions were given to the Public Prosecutor at the Tunis Court of First Instance to change the locks to the premises, thereby preventing the Association's office-holders from gaining access.

This pattern did not end with the years of dictatorship under the Ben Ali regime. It continued after the Revolution, and the Association once again found itself in conflict with the governing authorities after 25 July 2021. It paid a price for its continued commitment to defending the fundamental principles of judicial independence and fair trial guarantees, and for denouncing attempts by the executive to interfere in the functioning of the judiciary. The targeting of its President, Judge Anas Hmedi, is a clear illustration of this pattern.

Institutional Targeting of the Association's Activities

On 16 January 2026, the Association of Tunisian Judges issued a statement denouncing what it described as direct targeting by the Presidency of the Government⁵⁰ aimed at preventing it from holding its electoral congress.

47 Legal Agenda, 2026, "The Trial of Anas Hmedi: Details of a Landmark Hearing Criminalising Judicial Protest," 14 April; last accessed 20 April 2026.

<https://legal-agenda.com/%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A9-%D8%A3%D9%86%D8%B3-%D8%A7%D9%84%D8%AD%D9%85%D8%A7%D8%AF%D9%8A-%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84-%D8%AC%D9%84%D8%B3%D8%A9-%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE%D9%8A/>

48 Association of Tunisian Judges, "Milestones in the Association's History"

<http://www.a-magistrats.org.tn/old/html/mahattat.htm>

49 Association of Tunisian Judges, 2005, Statement, 2 August; last accessed 20 April 2026.

50 Association of Tunisian Judges, 2026, "Statement concerning Formal Notices Issued by the Presidency of the Government," 16 January; last accessed 20 April 2026.

<https://www.facebook.com/photo/?fbid=1175725398010829&set=pb.100067201385778.-2207520000>

This coincided with the opening of nominations for the Association's fifteenth congress. The Association reported that it had received an initial formal notice on 7 January referring to a number of alleged irregularities, followed by a second notice on 15 January. It further observed that the second notice was backdated to 28 October 2025, which could have the effect of accelerating the time limits for activating the "suspension of activities" mechanism provided for under Article 45 of Decree-Law No. 88 on the regulation of associations.

A related incident had previously occurred on Saturday, 18 January 2025⁵¹. While the Association's Executive Board was meeting, the First Assistant to the Public Prosecutor at the Tunis Court of First Instance entered the Association's premises accompanied by a court security officer. She informed the Association's President and the members of the Executive Board that they were required to leave pursuant to instructions issued by the Public Prosecutor, and warned that they would bear responsibility should they fail to comply. The decision was justified on the grounds that the meeting was taking place during the weekend and that, according to the Public Prosecution Office, the procedures governing court security outside official working hours had therefore to be observed, particularly the requirement of prior notification.

In response, the Association of Tunisian Judges confirmed, in a statement issued on 21 January 2025, that its President and the members of its Executive Board had indeed been ordered to leave the premises immediately⁵². At the same time, it denied allegations that they had insisted on entering the premises of the Tunis Court of First Instance. The Association also stressed that holding Executive Board meetings inside the Palace of Justice was an established practice falling within the scope of trade union and associative activity, particularly given the judicial status of its members.

This sequence of events reveals the procedural use of legal mechanisms to restrict the space available for judges' collective action. Regulatory procedures are transformed into instruments for preventing meetings, while the formal notice mechanism, which is intended to form part of a graduated

51 Intersection Association for Rights and Freedoms, 2025, "Echoes of Repression Continue to Haunt the Association of Tunisian Judges," 22 January; last accessed 20 April 2026. <https://www.facebook.com/photo/?fbid=1019886873515012&set=a.480097710827267>

52 Telephone interview with the Vice-President of the Association of Tunisian Judges.

system of sanctions, is used as an entry point into punitive proceedings that may ultimately result in the Association's judicial dissolution, within a broader context marked by the criminalisation of associative activity.

Under the legal framework governing associations, a formal notice constitutes the first stage of the process and should afford the association concerned an opportunity to remedy any identified irregularities. Recent practice and application of the law, however, have revealed a tendency towards arbitrary interpretation and selective reliance on the relevant provisions, whether through vaguely formulated allegations or through disregard for the logic of procedural gradation.

This development cannot be separated from the broader context in which a number of associations have been targeted over recent years through decisions suspending the activities of organisations active in the human rights field. Such measures have been described as arbitrary, whether because they were imposed without prior notice or because the notices relied upon were drafted in general terms and failed to identify the alleged violations with sufficient precision.

This trend is particularly serious when accompanied by the weakening of effective judicial safeguards, in a context in which the relationship between the judiciary and the executive is being reconfigured in a manner that reduces the judiciary's capacity to exercise independent review.

Against this background, the Association of Tunisian Judges appears to be one of the last remaining spaces for collective action within the judicial sphere that continues to express critical positions regarding the ongoing transformations. It has done so through both its regular statements and its opposition to measures that it considers to undermine the institutional guarantees of judicial independence.

The pressure faced by the Association cannot be separated from that directed against its leadership. These measures have coincided with criminal proceedings against the Association's President, Anas Hmedi, arising from his trade union and human rights activities. This further supports the view that the Association is being subjected to systematic targeting aimed at curtailing its role and silencing its voice within the judicial landscape.

One-Year Prison Sentence against the President of the Association of Tunisian Judges: The Culmination of a Systematic Campaign against an Independent Judiciary

Within the broader context confronting the Tunisian judiciary, Judge Anas Hmedi, President of the Association of Tunisian Judges, was targeted by the executive through criminal proceedings arising from his trade union activities. The origins of these proceedings date back to June 2022, during the protest action undertaken by judges following the dismissal of 57 judges pursuant to Presidential Order No. 516. The case subsequently emerged as one of the most prominent examples of restrictions imposed on trade union activity within the judiciary.

On 13 June 2022, during a hearing before the Monastir Court of First Instance, Anas Hmedi intervened in his capacity as President of the Association of Tunisian Judges and called on judges to participate in the strike that had been declared in defence of judicial independence. The judge presiding over the hearing responded to that call. A series of summonses by the General Inspectorate of the Ministry of Justice followed. These summonses lacked clarity as to their grounds and the allegations concerned, and related primarily to Hmedi's trade union activities as President of the Association.

The proceedings were also marked by the refusal to allow him access to the relevant case files or to submit written responses, which was considered a violation of his rights of defence. This stage was further affected by procedural irregularities, including repeated summonses without a clear justification, the authorities' failure to receive him on one occasion despite his attendance, and the service of a further summons outside official working hours without any indication of its subject matter.

The proceedings subsequently escalated into criminal prosecution after the Public Prosecution Office requested the lifting of Anas Hmedi's judicial immunity in connection with a complaint accusing him of obstructing the freedom to work under Article 136 of the Criminal Code. His immunity was lifted by a decision of the Temporary High Judicial Council on 20 September 2022. Any reference to that Council must take into account the manner in

which it was appointed by the executive and the role it has played, not with standing challenges to its legitimacy and jurisdiction.

The defence team representing the President of the Association maintained that the acts in question fell within the lawful exercise of trade union rights. It further argued that the constituent elements of the offence of obstructing work were absent, particularly since the judge who had presided over the hearing denied having been subjected to any pressure. This reveals the nature and intended consequences of the proceedings, which were primarily aimed at weakening the Association of Tunisian Judges, restricting the space available to judges and deterring them from exercising their rights and defending an independent judiciary.

The criminal proceedings continued after the case was transferred to the Kef Court of First Instance, where Hmedi appeared on several occasions between 2023 and 2024 while remaining at liberty. This pattern of judicial harassment reached its culmination in 2026, when the court rejected the defence submissions, including the argument that his judicial immunity remained in force because the administrative challenge concerning its removal had not yet been determined. On 6 April 2026, the court sentenced him to one year's imprisonment.

The judgment was subsequently upheld on appeal. On 1 July 2026, the Misdemeanour Chamber of the Tunis Court of Appeal, ruling in absentia, confirmed the first-instance judgment sentencing Anas Hmedi to one year's imprisonment for the offence of "obstructing the freedom to work⁵³." It amended the operative part of the judgment by ordering its immediate enforcement.

The case of Judge Anas Hmedi, together with the other restrictions imposed on the Association of Tunisian Judges, illustrates the overlap between executive authority and the judicial system and the attempt to control the institutions operating within it, including judges' trade union organisations. From the commencement of the investigations to the delivery of the appellate judgment, the grounds and conduct of the case demonstrate an infringement of the substance of the right to freedom of association and trade union activity.

This is inconsistent with Article 22 of the International Covenant on Civil and Political Rights, which guarantees the right to form and join trade unions,

⁵³ Statement issued by the Association of Tunisian Judges on 2 July 2026.

a right from which the judiciary is not excluded. Restrictions on that right are permissible only when prescribed by law and necessary in a democratic society for the protection of public order, public health, or the fundamental rights and freedoms of others.

The International Labour Organization⁵⁴ has also affirmed, in Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, that the exercise of trade union activity must not give rise to criminal prosecution. By extension, the use of criminal law provisions to penalise trade union activity on the basis of a call to participate in a previously announced strike constitutes an attack on freedom of association and trade union action. It may also deter other judges from exercising their representative role for fear of facing similar consequences.

The immediate grounds for the prosecution were also closely connected to freedom of expression, freedom of peaceful assembly and the right to strike, thereby giving the case wider institutional implications for those rights. The Association of Tunisian Judges organised numerous press conferences and issued statements and public positions criticising executive decisions concerning the judiciary. It also defended judicial independence and the right to a fair trial. Such activities fall within the scope of legitimate rights protected by the Tunisian Constitution.

The subject matter of the case is also plainly inconsistent with Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which protect the fundamental rights to freedom of expression, peaceful assembly and association.

In support of this position, the United Nations Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed grave concern regarding the case in a communication addressed to the Tunisian State. They raised concerns about the violations to which Judge Anas Hmedi had been subjected and their implications for judicial independence and freedom of association and trade union activity.

The United Nations Basic Principles on the Independence of the Judiciary further provide: “Judges shall be free to form and join associations of judges or other organisations to represent their interests, promote their professional training and protect their judicial independence.”

54 ILO Convention No. 87 on freedom of association and the right to organise

Conclusion

The facts, procedural developments and legislative measures examined in this report, particularly those that have shaped Tunisia's judicial landscape since 25 July 2021 and the exceptional measures that followed, lead to a central conclusion: the judiciary has been systematically stripped of the institutional and functional safeguards of its independence. It no longer operates as an autonomous branch of government capable of preserving the balance of powers and administering justice. Instead, through decree-laws, presidential orders and executive practices, it has increasingly been reduced to a function subordinated to the will of the executive. This constitutes a serious reversal of Tunisia's democratic transition and a clear breach of the constitutional principles enshrined in both the 2014 and 2022 Constitutions, as well as of Tunisia's binding international obligations.

The targeting of the judiciary did not consist merely of corrective measures, as officially portrayed, but formed part of a gradual process of institutional dismantling. This process began with the dissolution of the High Judicial Council and its replacement by an appointed temporary council, continued through the adoption of Decree-Law No. 11 and culminated in Presidential Order No. 516 of 2022. The latter amounted to what was widely described as a "judicial massacre," dismissing 57 judges at once without affording them the right to defend themselves or to contest the allegations against them. These dismissals were plainly inconsistent with the United Nations Basic Principles on the Independence of the Judiciary, particularly the principles governing disciplinary proceedings and removal from office, which require fair and impartial procedures.

The executive's refusal to implement the Administrative Court's decisions suspending the enforcement of the dismissals, together with its disregard for the binding force of judicial decisions, reflects more than an institutional disagreement. It amounts to the erosion of a fundamental pillar of the rule of law. This situation has contributed to an environment of intimidation in which judges work under the threat of immediate dismissal and pursuant to assignment memoranda and compulsory service orders issued by the Ministry of Justice. Such conditions directly affect their impartiality and increase their vulnerability to political pressure in sensitive cases, particularly those concerning political affairs, rights and freedoms.

The documented cases also reveal a dangerous pattern in which State institutions have been used to place pressure on judges, particularly those

who expressed their views freely on matters of public interest and institutional independence. Cases of arbitrary arrest were accompanied by excessive force in the presence of judges' families and under humiliating circumstances. Practices reported in places of detention also approached the threshold of cruel, inhuman or degrading treatment, in flagrant violation of international standards. These practices have occurred in a broader context lacking effective fair trial guarantees and form part of a wider effort to silence independent voices within the judiciary.

The gravity of this situation is not confined to its impact on judges as individuals. It also undermines society's broader sense of legal security. The targeting of judges sends a deterrent message to anyone seeking to defend institutional independence or express a dissenting opinion. It entrenches a climate of institutional fear that weakens the judiciary and restricts its role as a guarantor of rights and freedoms. The continuation of this course further undermines the justice system and erodes public confidence in the State and in its willingness and capacity to comply with its national and international obligations. There can be no meaningful rule of law in the absence of an independent and impartial judiciary. Without such independence, the principle of separation of powers becomes merely declaratory, with no practical effect.

In this context, certain courts have increasingly been used as platforms for conveying punitive and deterrent messages intended to foster an atmosphere of uncertainty and fear within the judiciary. This threatens judges' professional stability and undermines their sense of security of tenure. The effects of such instrumentalisation extend beyond the individuals directly concerned and reveal a structural dysfunction that impairs the judiciary's ability to perform its central role in protecting human rights, guaranteeing fair trials, ensuring access to justice and providing litigants with effective remedies for violations.

Recommendations

To the Tunisian Authorities

- Immediately end all forms of executive interference in judges' professional careers, including dismissals, transfers, appointments and disciplinary proceedings. Repeal or amend all decree-laws, presidential orders and related measures adopted since 2021 that have enabled executive control over the High Judicial Council and undermined the principle of separation of powers.
- Comply fully and without delay with all judgments and orders issued by the Administrative Court, particularly those suspending the enforcement of arbitrary dismissal decisions and requiring the reinstatement of the judges concerned. Such compliance is essential to restore respect for the binding force of judicial decisions and to uphold the rule of law.
- End all smear campaigns, defamatory statements and public incitement directed against judges by State officials or media outlets aligned with the authorities. Take effective measures to protect judges' physical and psychological integrity in accordance with international standards, particularly the United Nations Basic Principles on the Independence of the Judiciary.
- Review the legal and institutional framework governing the High Judicial Council in order to guarantee its full independence from the executive. The revised framework should clearly separate executive and judicial functions, restore meaningful judicial self-governance and rebuild public confidence in the justice system.
- Ensure a safe, transparent and independent working environment in which judges can perform their duties without political, administrative or security pressure, particularly in cases concerning matters of public interest, political affairs, human rights and fundamental freedoms.
- Guarantee that any disciplinary action against judges is based on clearly defined legal grounds and conducted before an independent and impartial body, with full respect for due process, the rights of defence and the right to an effective remedy.

To Civil Society and Professional Judicial Bodies

- Strengthen the independent monitoring and documentation of violations committed against judges and judicial institutions. Develop reliable and regularly updated databases capable of identifying patterns of targeting, preserving evidence and supporting accountability efforts.
- Coordinate professional, legal and human rights initiatives at the national level to resist policies aimed at subordinating the judiciary to the executive. Reaffirm that judicial independence is not a privilege enjoyed by judges, but a fundamental safeguard for every person's right to a fair trial and an effective remedy.
- Pursue strategic litigation before national, regional and international mechanisms to challenge impunity for violations committed against judges, including arbitrary arrest and detention, ill-treatment, torture, unlawful dismissal and psychological or professional coercion.
- Expand public awareness initiatives explaining the central role of judicial independence in protecting rights and freedoms, ensuring fair trials and maintaining the rule of law, particularly in light of the decline in public confidence in State institutions since the measures adopted on 25 July 2021.
- Strengthen solidarity and protection mechanisms for judges and judicial associations facing retaliation because of their professional, representative or human rights activities.

To International Organisations and United Nations Mechanisms

- Call on the United Nations Special Rapporteur on the independence of judges and lawyers to request and conduct an urgent official visit to Tunisia in order to assess the situation on the ground and examine the impact of the restructuring of the judiciary since 2021 on judicial independence and fair trial guarantees.
- Encourage the Human Rights Council and its relevant mechanisms to address the independence of the Tunisian judiciary in their periodic reports, communications and reviews concerning the human rights situation in Tunisia.
- Urge the Tunisian authorities to implement the recommendations issued by United Nations special procedures, treaty bodies and regional human rights

mechanisms concerning judicial independence, freedom of association, arbitrary detention and fair trial rights.

- Support independent Tunisian organisations and professional judicial bodies engaged in documenting violations, protecting judges at risk and defending judicial independence.
- Condition judicial cooperation and technical assistance on measurable progress in restoring judicial independence, implementing binding court decisions and ensuring accountability for violations committed against judges.

