



Tunisia: there is no longer an independent judiciary

For a few years the judiciary in Tunisia has been under constant attack: judicial independence has been seriously undermined by the dissolution of the CSM and the arbitrary dismissal of 57 magistrates, which was upheld despite an administrative court ruling ordering their reinstatement. In two statements in 2022, MEDEL affirmed its commitment to continue to mobilise alongside Tunisian judges, lawyers, who are increasingly under threat, and all those who aspire to a peaceful future in a full democracy^[1].

The attacks on the institutions that guarantee democracy have become increasingly alarming, as denounced by numerous international authorities^[2]: they have led to the dismantling of the institutional guarantees of the Rule of law and to unjustified restrictions on the exercise of the rights of judges and lawyers to freedom of peaceful assembly and of association.

Reports of serious human rights violations against migrants, refugees and victims of trafficking during search and rescue operations and transfers to border areas^[3] must be included in the sombre inventory of this authoritarian drift.

The EU, which supported judicial reform in Tunisia after 2011, is not reacting seriously to the autocratic fog that has descended over the country. Today, EU is putting the migration issue at the forefront of its relations with Tunisia, releasing substantial funds and signing a memorandum of understanding that contains no concrete indication of the introduction of human rights guarantees^[4].

MEDEL therefore wishes once again to react publicly to the worrying situation in Tunisia and, while sharing the various appeals concerning Justice:

- * denounces the massive upheaval of the judicial system in Tunisia caused by numerous attacks on the principles of independence and separation of powers, as well as measures to silence magistrates and lawyers;

- * calls for all measures to be taken to establish an independent judiciary guaranteeing the right to a fair trial;

- * calls for an end to arbitrary trials and disciplinary proceedings against magistrates and the reinstatement of those arbitrarily dismissed;

- in general, calls for the immediate release of all victims of arbitrary repression and an end to all unfair trials currently under way.

In view of the essential role of justice in the protection of human rights, MEDEL states that:

- * the EU cannot enter into or maintain agreements with Tunisia relating to migrants as long as fundamental principles are not respected in this country;

- * the 'privileged partnership' with Tunisia cannot continue under such conditions.

MEDEL will continue to work alongside Tunisian judges, lawyers and all democrats in the country for an independent judiciary and a free defence as part of the process of restoring democracy in Tunisia.

21.11.24

[1] <https://medelnet.eu/threat-to-the-independence-of-justice-in-tunisia-we-must-not-abandon-the-cause-of-democratic-justice-in-tunisia/>; <https://medelnet.eu/statement-on-the-developments-on-the-tunisian-judiciary/>

[2] Tunisia: *Interference in the judicial system and harassment of lawyers must stop (experts)* <https://news.un.org/fr/story/2024/05/1146071>; Tunisia. *The authorities must put an end to the erosion of the independence of the judiciary Tunisia* <https://www.amnesty.org/fr/latest/news/2024/05/tunisia-authorities-must-end-erosion-of-judicial-independence/>; Tunisia: *International solidarity with women lawyers against a return to dictatorship* FIDH

[launches an international support committee for freedoms in Tunisia; UIM Resolution for Tunisia, October 2024 Resolution-Tunisie Cape-Town-EN.pdf](#)

[3] [Tunisia: UN experts denounce abuses and dangerous manoeuvres during the interception of migrants at sea | ONU Info](#)

[4] <https://www.coe.int/en/web/commissioner/-/european-states-migration-co-operation-with-tunisia-should-be-subject-to-clear-human-rights-safeguards>