



Anas Hmedi's conviction on appeal; dark times for the Rule of law in Tunisia

MEDEL has learnt with great concern of the decision by which, on 1 July, the Tunis Court of Appeal upheld the sentence of one year's imprisonment imposed on Judge Anas Hmedi, declaring it immediately enforceable.

This ruling follows an appeal trial which was characterised, as in first instance, by blatant violations of fundamental due process principles, such as the right to defence, the right to participate in the proceedings and the right to be heard on the merits of the charge.

Judge Hmedi is accused of obstructing the freedom to work by supporting, in his capacity as president of the *Association des magistrats tunisiens* (AMT), the judicial strike called in 2022 when President Kaïs Saïed first dissolved by decree the High Council of the Judiciary and then, again by decree, dismissed 57 judges and prosecutors.

The judicial reprisal against Judge Hmedi, who has been stripped of his immunity, could continue due to further proceedings brought against him between 2022 and 2026, and demonstrates the extent to which the Rule of law has collapsed in Tunisia. With the dismantling of the safeguards for judicial independence, the attacks and the interferences against individual judges and lawyers and their associations, as well as against all those who defend the independence of the judiciary, denounce abuses and defend victims, the conditions for the exercise of individual freedoms no longer exist, nor is there any guarantee of access to justice or of effective and impartial protection of fundamental rights, such as the right to a fair and impartial trial.

The case of Judge Hmedi, who continues to be persecuted, also by judicial means, for his commitment to defending the independence of the judiciary, is clearly intended to create a widespread chilling effect throughout the judicial system, aimed at undermining both the conditions for the exercise of judicial functions free from influence or pressure and the right of judges to freedom of speech and association.

These events compel the entire European and international community to recognise that all safeguards for the Rule of law in Tunisia have collapsed, and that a non-independent judiciary not only fails to remedy abuses of power but becomes itself the instrument for their perpetration.

MEDEL therefore strongly calls for measures to ensure that:

- all judicial and disciplinary proceedings against Anas Hmedi are brought to an end, and all the conditions for his personal, family and professional life – which have been arbitrarily compromised – are restored;
- the guarantees of judicial independence are re-established in Tunisia, starting with the High Judicial Council;
- the persecution of judges, lawyers and human rights defenders cease, and all the conditions necessary for the full and free exercise of fundamental rights and freedoms are restored, both within and outside judicial proceedings, including the freedom of association;
- all those who have been arbitrarily dismissed from their professions are reinstated.

MEDEL reaffirms its support for Judge Anas Hmedi and for all those Tunisian magistrates who courageously remain committed to their independence.

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