



LAWYERS UNDER THE WATCH

JOINT PAPER ADDRESSING THE INCREASING NUMBER OF PROSECUTIONS AGAINST LAWYERS IN TUNISIA





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1. CONTEXT



The President of the Republic of Tunisia, Kais Saied, has been actively prioritizing the implementation of his political agenda, disregarding the Tunisian people's calls for an unprejudiced rule of law that ensures equal access to justice, economic well-being, and social rights. Kais Saied's actions, such as dissolving the High Judicial Council, issuing decree laws that erode judicial independence, and acquiring substantial control over judicial careers and disciplinary matters, are perceived as threats to the autonomy of the judiciary.¹

The judiciary should operate independently of the government and free from political influence, acting as a check on the legislative and executive branches. Nonetheless, Kais Saied's actions have raised concerns regarding the concentration of power in the presidency and its potential negative impact on Tunisia's democratic foundations.² As a result, the judiciary is facing significant challenges, finding it difficult to carry out its role in safeguarding the rule of law and ensuring the protection of individual rights.

Furthermore, Kais Saied's strong measures against political opposition in Tunisia have resulted in a surge in the arrests of political adversaries, dissidents, lawyers, judges, human rights advocates, journalists, the media, and businessmen.³ These individuals are being held under the umbrella of "anti-terrorism" laws, accused of "conspiring against state security" without substantial supporting evidence.⁴ In the backdrop of arrests aimed at critics and opposition figures, coupled with attacks on the independence of prosecutors and judges, Kais Saied declared that "whoever dares to exonerate them is their accomplice."⁵

Amidst this oppressive environment, the judiciary is unable to fulfil its role as the protector of fundamental rights and freedoms. Hence, magistrates and judges who have been arbitrarily dismissed are being denied their right to fair, impartial, and appealable disciplinary procedures, while others live under the constant threat of such sanctions.

In parallel with the threats to the independence of the judiciary, attacks on lawyers are intensifying. Prosecutions mainly target lawyers defending politically sensitive cases.⁶ In fact, lawyers engaged in the defense of political prisoners and dismissed judges are victims of legal proceedings, police harassment, and smear campaigns linked to the exercise of their profession. They are faced with the defamation cases initiated by the Minister of Justice under Decree-Law 54.⁷ Additionally, these lawyers are brought before military courts (See chapter 5.2).

The ongoing attacks targeting lawyers represent a continuation of the presidential agenda, seeking to restructure the judiciary into a mere tool aligned with the executive's vision and diminishing its autonomy.

1. "Human rights under assault two years after president saied's power grab", Amnesty international, July 2023.

2. "Crackdown on democracy and transparency", Transparency International", June 2022.

3. "Human rights under assault two years after president saied's power grab", Amnesty International, July 2023.

4. "Political Arrests in Tunisia Mark Escalation in Kais Saied's Power Consolidation", The Tahrir Institute, April 2023.

5. "Tunisia: Wave of Arrests Targets Critics and Opposition Figures", Human Rights Watch, February 2023.

6. " Tunisie : Le Président intensifie les attaques contre l'indépendance judiciaire", Human Rights watch, February 2023.

7. Adopted on September 13, 2022, Decree-Law 54 is set out to "combat offences relating to information and communication systems" and the propagation of "false news". While the authorities claim to protect individuals from false information being spread online, it is in fact a means for the authorities to suppress dissenting voices.

The legal profession has traditionally played a crucial role in protecting rights and freedoms in Tunisia, especially during times when civic space was limited. Lawyers were instrumental in supporting movements that led to the removal of the Ben Ali regime. They actively participated in exposing corruption, upholding human rights, and contributing to democratic governance and the rule of law.

“Lawyers are facing threats in their day-to-day work. These threats stem mainly from dysfunctions in the judicial system and collusion between police and judges in the investigation phase, especially when it comes to prosecuting security agents who have committed human rights violations”.

Hayyet Jazzar, Lawyer

However, recent events under Kais Saied’s leadership, following the coup of July 25, 2021, have witnessed a notable surge in the targeting and arrest of lawyers, along with political opposition figures, judges, and others. This crackdown raises concerns about the decline of democratic freedoms, the independence of the judiciary, and the overall human rights situation in Tunisia. These developments are significant, impacting the symbolic and essential role that the legal profession once held in Tunisian society.

“Threats in the current context are taking on another, even more serious form, namely the emergence of a kind of collective awareness that the right to defense no longer has a place in the new system. As lawyers, we feel daily in our contact with the security forces at police stations, for example, that attempts are being made to minimize the role of the defense. And there is a general feeling that the presence of lawyers, which is supposed to be a given, is increasingly being called into question”.

Hammadi Henchiri, Lawyer

Furthermore, the removal of the provision highlighting the importance of the legal profession from the new 2022 Constitution, in contrast to what was stipulated in the 2014 Constitution, reflects the ruling regime’s desire to diminish the sector and undermines its credibility. These attacks on judicial independence constitute a serious infringement of fundamental rights, including the independence of judges and lawyers, personal freedom and security, freedom of expression, freedom of association, the right to participate in public affairs, and the right to a fair trial. These rights are guaranteed in Articles 5, 9, 19, 20, and 21 of the Universal Declaration of Human Rights. The instrumentalization of justice has a direct impact on the right of access to justice and affects all those subject to trial, with the independent judiciary serving as the last defense against arbitrariness.

2. RECENT ARRESTS AND PROSECUTIONS OF LAWYERS IN CASES RELATED TO THEIR STATUS OR ACTIVISM



Seifeddine Makhlouf (lawyer and politician of Al Karama party) and Mehdi Zagrouba (lawyer) were brought before a military justice court in March 2021 as part of the so-called “Airport Affair” case for contempt of a public official and disturbance of public order.⁸ Seifeddine Makhlouf was sentenced to seven months imprisonment on appeal. He was arrested in January 2023 and released on April 27, 2023. Mehdi Zagrouba has another ongoing case, based on a complaint lodged by the Minister of Justice under article 24 of Decree-Law 54.

At least 10 lawyers (deputies to the former Parliament)⁹ have faced prosecution after organizing a virtual plenary session of the Assembly of the Representatives of the People (ARP) on March 30, 2022. The ARP’s activities were frozen by Kais Saied at the time. before civil courts for “plotting against State security”. The lawyers were charged before civil courts with “plotting against State security.” In a public speech, on March 30, 2022¹⁰, Kais Saied declared the dissolution of parliament, labeling the session of the ARP as a failed coup attempt. This led the Minister of Justice to initiate a judicial inquiry.

8. “Affaire de l’aéroport : Des procédures interminables”, La presse, October 24, 2023.

9. “Tunisia: Drop politically motivated investigation against opposition MPs”, Amnesty International, April 2022.

10. “Tunisie : le président Kais Saïed dissout le Parlement, huit mois après l’avoir suspendu”, France 24, March 30, 2022.

14 lawyers (members of Noureddine Bhiri's defense committee) were officially summoned by the public prosecutor of the Tunis Court of Appeal in April 2022. The facts date back to January 2, 2022, when 17 lawyers went to the national guard station at Menzel Jmil in Bizerte to inquire on the whereabouts of Noureddine Bhiri, lawyer, former Minister of Justice and political activist of Ennadha, who had been arrested without any warrant on December 30, 2021.¹¹ Subsequently, a complaint was filed by the president of the national guard against the 17 lawyers, accusing them of contempt of a public official and attacking a police station. The defense committee contends that the lawyers were simply carrying out their professional duties. In April 2022, 14 out of the 17 lawyers were officially summoned by the public prosecutor of the Tunis Court of Appeal as part of a legal investigation.

Abderrezzak Kilani (former Bâtonnier, member of the defense committee of Noureddine Bhiri and of the dismissed judges) underwent a military judicial investigation based on events from January 2, 2022.¹² On that day, he was forbidden by security agents to visit his client, Noureddine Bhiri, who was being transferred from prison to the hospital. When Abderrezzak Kilani addressed the agents to ask them to execute the law and not Kais Saied's orders, he was charged with "participation in a group that disturbs public order with the intention of opposing the application of the law or harming an official in the performance of his duties". The charge was contempt of public officer. The military court eventually dismissed the case citing a lack of jurisdiction.

Ghazi Chaouachi (lawyer, activist, politician and opponent of the Kais Saied regime) was summoned on February 20, 2023, before the investigative judge for a complaint lodged by the Minister of Justice on the basis of Decree-Law 54 because of a declaration he made in November 2022. Ghazi Chaouachi was then arrested five days later in February 2023 after his home was searched as part of a series of arrests of opponents in the case called "Plot against State security". He is being held in preventive detention ever since.

Lazher Akermi (lawyer and political opponent) was arrested on February 13, 2023, because he was part of the defence committee in the so-called "Plot against State security" case. Subsequently, Lazher Akermi was released on July 13, 2023, following a decision by the Indictment Chamber of the Anti-Terrorist Judicial Pole. However, he was subjected to travel restrictions and prohibited from making public appearances.¹³

Ridha Belhaj (lawyer and political opponent) was indicted by the Anti-Terrorist Judicial Pole for plotting against state security. He has been in detention since February 25, 2023,¹⁴ as part of a series of arrests targeting political opponents.

Ahmed Nejib Chebbi (lawyer, activist and political opponent) has been accused in June 2023 along with 17 other political opponents in connection with the "Plot against State security" case. He is currently in liberty. His brother, Issam Chebbi, political opponent and member of the political movement "Al Khalas", has been held in detention in the same affaire since February 2023.

Bochra Belhaj Hmida (lawyer, feminist activist, former deputy and political opponent) took a stance against the current regime after the coup on July 25, 2021, notably in defense of the dismissed judges. She is currently under judicial investigation for plotting against state security. Bochra Belhaj Hmida receives a large wave of support and solidarity from various civil society actors.

14. "Tunisie : Arrestation de Ridha Belhaj", February 25, 2023.

11. "La liste des 14 avocats convoqués par la justice", Espace Manager, February 17, 2023.

12. "Tunisia: Lawyer prosecuted before military court: Abderrazak Kilani", Amnesty International, March 2022.

13. "Chaima Issa et Lazhar Akremi interdits de voyage et d'espaces publics", Business News, July 18, 2023.

Hayet Jazzar (feminist activist and human rights lawyer) and Ayoub Ghedamsi (human rights defender and lawyer) have been charged with contempt of court for events dating back to April 2020. When defending a client who had been tortured before court, the judge presiding over the hearing lodged a complaint over the content of their plea. They were questioned by the investigative judge in October 2022, when the case against them was dismissed.¹⁵

Dalila Ben Mbarek Msaddek and Islem Hamza (lawyers and members of the defense committee of political opponents) were subject to criminal proceedings initiated by the public prosecutor of the Tunis court of first instance on September 29, 2023. Both, Dalila Msaddek and Islem Hamza, are members of the legal team defending political prisoners detained in the so called “Plot against State security” case. Dalila Msaddek was summoned to the investigative judge on December 5, 2023 based on Decree-Law 54, Articles 13 and 87 of the Law on the Protection of Personal Data, and Article 315 of the Criminal Code. According to the defense committee, this prosecution is aimed at intimidating lawyers defending political detainees.

Ayachi Hammami (lawyer, former Minister for Human Rights, activist, human rights defender) was prosecuted under article 24 of Decree-Law 54, potentially facing up to 10 years in prison, in January 2023. Leila Jaffel, Minister of Justice, had filed a complaint against him for a media declaration made in December 2022 on the affair of the 57 arbitrarily dismissed judges. Moreover, on October 10, 2023, Ayachi Hammami appeared before the investigative judge at the Anti-Terrorism Judicial Unit in connection with another case known as the “Plot against State security”.¹⁶ He was interviewed and released. However, Ayachi Hammami’s lawyer was contacted only an hour and a half after the interrogation by telephone by the investigating judge to inform him that his client is now prohibited from traveling and public appearances.

Bechir Manoubi Ferchichi (university professor and lawyer at the Court of Cassation) was brought before the investigative judge on January 5, 2024. During a visit to his client in detention on that day, prison security guards reportedly found a “key” (interpreted to be a key to open handcuffs) and nine razor blades in his satchel. However, the search of the satchel was carried out without the knowledge and the presence of Bechir Ferchichi, who was at that time at the prison director’s office without any legal grounds or notification of the facts. This represents a violation of legal guarantees. After having searched his satchel and filmed a video proving that the key did indeed open the handcuffs, Bechir Ferchichi was informed that he was being held in police custody on these grounds. Following his hearing by the investigative judge, he was released the same day, and a judicial investigation was opened against him for facilitating the escape of a prisoner and carrying a bladed weapon without authorization, on the basis of articles 32, 148 and 315 of the Criminal Code and law no. 69-33 of June 12, 1969, regulating the introduction, trade, possession and carrying of weapons. This indictment sparked significant outrage within the legal profession, particularly from the president of the Bar Association Hatem Mziou, who declared that “bringing lawyer Bechir Manoubi Ferchichi before the investigative judge was a great disgrace to the country as a whole, and not only to the legal profession, justice or the Tunisian university”¹⁷.



15. “Human rights defenders and lawyers Hayet Jazzar and Ayoub Ghedamsi summoned to appear before examining magistrate”, Frontline defenders, 11 October 2022.

16. The case “conspiracy against state security” affects many politicians, lawyers and human rights defenders who are the subject of extremely serious but unfounded accusations, based on the Law on the fight against terrorism and the repression of money laundering, on the one hand, and the Penal Code, with false accusations such as conspiracy against the internal and external security of the State, on the other hand. Some of these charges carry a possible death sentence.

17. “Hatem Mziou : ce qui s’est passé avec Bechir Manoubi Ferchichi est une honte !”, Business news, January 07, 2024.



3. INTERNATIONAL LEGAL FRAMEWORK

Tunisian Lawyers play a vital role in upholding the rule of law and the protection of human rights, including the rights to effective remedy, due process of law, fair trial and the right of freedom from torture and other cruel, inhuman or degrading treatment or punishment. Their work is indispensable for public confidence in the administration of justice, and to ensure effective justice for all.

To fulfil their professional duties effectively, lawyers should be able to practice law independently in accordance with recognized laws, standards and ethics. They should be free from improper interferences, any fear of reprisals, or unreasonable restrictions. These safeguards for the liberty and security of lawyers have been enshrined in the United Nations Basic Principles on the Role of Lawyers (Basic Principles).¹⁸

According to Article 23 of the Basic Principles, “Lawyers are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising

18. The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.” Furthermore, Article 18 of the Basic Principles states that “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.” In addition, under Article 20 of the Basic Principles “lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.”

Another important protection provided in Article 16 of the Basic Principles is that “lawyers whose security is threatened as a result of discharging their functions, will be adequately safeguarded by authorities. The government has a positive obligation to ensure that lawyers are (a) able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

Important to note is that, on June 22, 2017, the Human Rights Council passed a resolution condemning in general “the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the discharge of their professional functions”. The HRC expressed its deep concern “about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable”.¹⁹

In her 2016 report dedicated to lawyers at risk, the, then Special Rapporteur on the Independence of Judges and Lawyers highlighted that: “when acting on behalf of their clients in defending their human rights and fundamental freedoms, lawyers should also be regarded as human rights defenders, and in that role they should fall under the protective scope of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”.²⁰

Hence, a legal professional who is controlled, manipulated, or intimidated by politicians or any other third-party, cannot effectively carry out its duty of sustaining the rule of law and the independence of the administration of justice. Where improper interference or reprisals become widespread and systematic, this may create a climate in which lawyers may eventually refuse to represent clients connected to politically sensitive or controversial issues out of fear of becoming the target of acts of harassment. This severely compromises the universal right to effective legal representation as well as the proper functioning of the rule of law and the protection of human rights and fundamental freedoms.

19. UN Human Rights Council, *Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers*, A/HRC/RES/35/12, 22 June 2017.

20. UNGA, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Mónica Pinto – Protecting the independence of lawyers and the legal profession*, UN Doc A/71/348, para 35, 2016.

4. NATIONAL LEGAL FRAMEWORK

Following their crucial involvement in the downfall of the Ben Ali regime, lawyers undertook the establishment of a new legislative framework to organize and regulate their profession. This initiative materialized through the adoption of Decree-law No. 2011-79 on August 20, 2011²¹. Article 1 of this decree emphasized the newfound independence and freedom of the legal profession. No longer positioned as an auxiliary of justice, the legal profession was now recognized as actively contributing to the establishment of justice by defending fundamental freedoms and human rights.

It is clear that Decree-law No. 2011-79 on the organization of the legal profession represents a major step forward in terms of the legal guarantees afforded to lawyers.²² However, the reality of the Tunisian context, and above all the hegemony of the executive over the judiciary, explains the reluctance of the judicial authorities to respect the provisions of the Decree-law, particularly Article 47, which provides for the immunity of lawyers from a in the exercise of their duties. Article 47 stipulates that “no legal action may be taken in respect of pleadings and submissions drawn up by a lawyer in the course of or in connection with the practice of his profession”.

Article 31 of the Decree-law established professional secrecy as an absolute obligation, providing a safeguard that shields both the lawyer and their client from potential pressure exerted by judicial or security authorities.

Within the framework of the legal profession governed by the Decree-Law, various additional guarantees are provided:

Article 2, paragraph 10, ensures the freedom of movement for lawyers outside their office, and when necessary, outside Tunisian territory for the purpose of carrying out their professional mission.

In criminal proceedings against a lawyer, immediate notification must be made to the president of the competent regional section of the bar association, as outlined in paragraphs 1 and 2, Article 46. The attorney should then be referred by the Public Prosecutor to the investigative judge, and the questioning must take place in the presence of the president of the competent regional section, or the person appointed by them.

Article 46, paragraphs 3, 4, and 8, specify that a lawyer’s office may only be searched in cases of flagrante delicto, after informing the president of the competent regional section. The search can only be conducted in the presence of the lawyer, the investigative judge,

21. Decree-law No. 2011-79 on August 20, 2011

22. *Ibid*

and the president of the regional section or their representative. Any acts and procedures contrary to these provisions are declared null and void.

Article 48 provides additional protection for lawyers, stipulating that any assault committed against a lawyer in the course of or in connection with the practice of their profession will be punishable by the same penalty as an assault committed against a judge.

Decree-law No. 2011-79 represents a vital step forward in providing legal protections for lawyers in Tunisia, emphasizing their independence and role in upholding justice and human rights. Despite the challenges posed by the executive's influence over the judiciary, the decree introduced essential safeguards.

Furthermore, the 2014 Tunisian Constitution solidified legislative accomplishments by affirming the independence of lawyers, recognizing their role in the establishment of justice, and emphasizing their responsibility in defending rights and freedoms. It also ensured their protection during the execution of their duties. Despite the fact that the 2011 decree is still valid and haven't been amended, the 2022 Constitution²³ intentionally deviated from the provisions established in the 2014 Constitution concerning the status and protection of lawyers.

23. "Tunisie, l'adoption de la nouvelle constitution représente un revers pour les droits humains", Amnesty International, July 26 2022.



5. THE MAIN ATTACKS ON LAWYERS' RIGHTS IN TUNISIA



As illustrated in Chapter II through the case studies, the surge in attacks on lawyers in Tunisia is emblematic of a broader national trend characterized by the erosion of the rule of law marked by a growing number of blatant violations of essential freedoms such as opinion, expression, association, demonstration, and movement. These attacks extend to diverse individuals whose varied profiles raise suspicions of posing an actual or potential threat to the regime in power.

Lawyers who become victims of this repressive machinery are subjected to targeting on two fronts - as legal professionals and as citizens. Consequently, they experience violations not only of the rights associated with their legal roles but also of their fundamental rights as individuals.

5.1. Violations of the immunity granted to lawyers by virtue of their profession

We observed a blatant violation of Article 47 of Decree-law No. 2011-79 and Article 20 of the Basic Principles. These provisions explicitly state that lawyers are entitled to immunity for statements made orally or in writing before a court, tribunal or other legal or administrative authority safeguarding them from prosecution while performing their professional duties.

In recent years, the judiciary has pursued legal action against several lawyers for comments made or actions taken while defending their clients. One instance involved Abderrezak Kilani, who was arrested and prosecuted before military courts for urging the police to cease arbitrary detentions of his client and adhere to the law.

This guarantee of immunity was similarly disregarded in the cases of Hayet Jazzar and Ayoub Ghedamssi. They faced prosecution by a magistrate for contempt of court based on comments made during their pleadings in a case related to human rights violations. According to information gathered by the OMCT, the lawyers were filmed in court without their knowledge, and the footage was later used against them, forming the basis for an investigation. Although the case was eventually dismissed, the prosecution constituted a significant violation of the assurances afforded to the legal profession, sending a threatening message intended to curtail their role.

“Since July 25 (2021), the situation has become dire, as prosecutions against lawyers defending rights and freedoms have become a legitimate reality in the current context, raising serious concerns about the state of the rule of law and the protection of human rights”.

Dalila Msaddeq, Lawyer

5.2. Violations of fundamental rights guaranteed to all individuals

In addition to the encroachment on lawyers’ right to immunity, they have faced violations of their fundamental rights based on their profession, political stance, or human rights activism. This is particularly evident in the situations involving lawyers who were former members of the ARP and those prosecuted in the case of plotting against State security.

“These are matters of public opinion par excellence, reflecting the government’s treatment of the opposition and free voices on the basis of ‘discriminatory’ laws”.

Ayachi Hammami, Lawyer

These legal actions constitute infringements on the freedoms of opinion and expression. They target the accused with the intent to penalize them for criticizing the current executive power and its restrictive measures on liberties.

“Article 24 of Decree-Law 54 is almost tailor-made to muzzle lawyers and journalists. Every journalist or lawyer who dares to speak out is summoned on the basis of decree 54, and even when they are not arrested, these proceedings, which continue over time, have the effect of a sword of Damocles”.

Samir Dilou, Lawyer

Prosecution before military courts is also emerging as a concerning trend, as it violates various human rights, including the right to a fair trial. Article 14.1 of the International Covenant on Civil and Political Rights emphasizes that “everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law”. The military justice system raises questions about the impartiality and independence of the judicial process, both of which are essential conditions for a fair trial.

Military magistrates belong to the military hierarchy and are therefore subject to the rules of military discipline and liable to criminal penalties involving deprivation of liberty, which unequivocally disavows the idea of the independence of military justice. Furthermore, several articles of Decree-Law no. 2011-70 guarantee executive control over the careers of military judges. The Minister of Defense chairs the Military Magistrates Council, and therefore controls the entire process of appointing military judges and their career development.

24. See article 19 of Decree-law no. 2011-69 of July 29, 2011.



6. CONCLUSION



Despite the numerous violations of lawyers' rights and the abusive lawsuits initiated by the judiciary under the influence of the executive, the Tunisian Bar Association (Ordre National des Avocats, ONAT) has been noted to maintain a cautious stance, as reported by statements and feedback from lawyers. Responses to the executive's targeting of lawyers are mostly spontaneous and arise from individual initiatives taken by lawyers themselves.

Human rights lawyers play a crucial role in safeguarding fundamental freedoms, ensuring fair trials, and promoting equal and effective access to justice.

"By taking an in-depth approach to human rights issues, lawyers can play a central role in consolidating democracy and the rule of law during periods of transition. Our involvement in these different spheres will undoubtedly contribute to shaping a more just society in Tunisia, one that respects fundamental rights".

Islem Hamza, Lawyer

For lawyers to effectively carry out their responsibilities, it is imperative that they can practice their profession securely and be immune from undue interference, fear of reprisals, and illegitimate restrictions, in accordance with both international and national standards. The Tunisian reality is getting more and more far from these standards.

"We're walking on a minefield, and we may even find ourselves accused in a case that we are taking on. [...] As far as I am concerned, I am not afraid, but this has created a climate of fear and reluctance among my fellow lawyers".

Samir Dilou, Lawyer

This report is based on primary and secondary research and programmatic learning. The contents of this document are the sole responsibility of the signing partners and can in no way be taken to reflect the position of the institutions supporting them. The terminology used throughout the study should not be taken as indicative of any particular legal or policy position.

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