

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Tunisia: Judge Yahiaoui summoned before disciplinary council**

*Amnesty International today expressed concern that Tunisian judge Mokhtar Yahiaoui faces disciplinary proceedings apparently for exercising his right to freedom of expression.*

*“Members of the judiciary, like other citizens, have the right to freedom of expression, as guaranteed by international standards on the independence of the judiciary,” Amnesty International said.*

*Mokhtar Yahiaoui has been summoned to appear before a disciplinary council headed by the President of the Supreme Court on 29 December 2001. He is accused of breach of professional duty and undermining the reputation of the judiciary. Mokhtar Yahiaoui risks being dismissed or suspended from his post.*

*The summons coincides with the launch in Tunisia of an association campaigning for the independence of the judiciary and the bar, in which Mokhtar Yahiaoui is due to play a key role.*

*On 6 July Mokhtar Yahiaoui sent an open letter to President Zine el-Abdine Ben Ali in which he expressed his “exasperation at the dreadful circumstances of the Tunisian justice system, in which the judicial authorities and judges have been divested of their constitutional powers.” He stated that judges are forced to comply with decisions made by the executive on the outcome of investigations and trials and called for the constitutional principle of the independence of the judiciary to be applied and guaranteed.*

Amnesty International and other Tunisian and international human rights organizations, have repeatedly expressed their concerns about the administration of justice in Tunisia. Arbitrary detention, prolonged incommunicado detention, unfair trials and impunity have been patterns for years.

On 14 July 2001 Mokhtar Yahiaoui was suspended without pay from his position and summoned before a disciplinary body which was supposed to meet on 2 August to decide what measures to take against him. However, following an international solidarity campaign, he was notified, on the day before the meeting was due to be held, that the disciplinary proceedings had been suspended and that he had been restored to his office. Since then, he has reportedly continued to be intimidated and threatened by the authorities.

In July 2001, the UN Special Rapporteur on the independence of judges and lawyers asked for clarification from Tunisian authorities on the case of Mokhtar Yahiaoui.

### **Background**

The principle of freedom of expression for members of judiciary is guaranteed by the Basic Principles on the Independence of the Judiciary, endorsed by the UN General Assembly in 1985. Principle 8 states:

*“8. In accordance with the Universal Declaration of Human Rights, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary .”*

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