Administrative Court: Judgment No. 214310 of 31 December 2020

Translation of the official document in Arabic.

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Republic of Tunisia

Administrative Court

Case No.: 214310

Date of the judgment: 31 December 2020

[Handwritten note: No. 2898]

[Handwritten note: Praise be to God, / Praise be to God, this is an enforceable copy (above "copy", a handwritten word: first [?]) / of the judgment delivered in case / No. 214310 on 31 December 2020 / issued to the person who requested it, Mr Bechir Akremi / on 13 January [?] 2021]

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Judgment in matters of disputes concerning the High Judicial Council

In the name of the Tunisian people

The Sixth Appeals Chamber of the Administrative Court has delivered the following judgment between:

The applicant: Bechir Akremi, whose address for service is the office of his counsel, Mr Kamel Ben Messaoud, at the Golden Towers building, Block B, 9th floor, Centre Urbain Nord, Tunis,

of the one part,

And the respondents: 1- the President of the High Judicial Council, whose seat is at rue Mustapha Sfar, No. 8 bis, Alain Savary, 1002, Tunis,

2- the President of the Council of Judicial Justice, whose seat is at rue Mustapha Sfar, No. 8 bis, Alain Savary, 1002, Tunis,

of the other part.

Having regard to the application filed by Mr Kamel Ben Messaoud on behalf of the above-named applicant and registered with the Court registry on 10 September 2020 under No. 214310, challenging the decision of the High Judicial Council relating to the annual appointments round for judges of the judicial order for 2020/2021, which transferred the applicant from the post of Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice.

Having regard to the facts of the case, which show that the applicant was recruited into the ranks of magistrates of the ordinary judiciary and progressed through those ranks, in accordance with the law and the statute of judges, until he was appointed, within the 2016/2017 annual judicial appointments round, Public Prosecutor at the Tunis Court of First Instance with effect from 1 August 2016. Within the annual appointments round for judges of the judicial order for the judicial year 2020/2021, the Council of Judicial Justice decided to transfer the applicant from his post as Public Prosecutor at the Tunis

Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice with effect from 16 September 2020, whereupon the applicant, on

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↪ 21 August 2020 and before the expiry of the time limit for a request for administrative reconsideration laid down in Article 55 of Organic Law No. 2016-34 of 28 April 2016 on the High Judicial Council, submitted a request for administrative reconsideration to the Council of Judicial Justice asking it to withdraw its decision so that he could return to the post he held before the round, on the grounds that he had made no request to be transferred from his current post and that there was no disciplinary file against him, and moreover that he had obtained the highest positive evaluation ratings from the competent evaluation committee; the Council of Judicial Justice remained silent on the request for administrative reconsideration submitted to it and issued no decision within the 15-day time limit set for ruling on the request for administrative reconsideration. Upon the expiry of that time limit without any decision being issued by it, the Council of Judicial Justice is deemed to have upheld the decision transferring the applicant, and 6 September 2020 is the first day of the one-month time limit for bringing an action, in accordance with Article 56 of the Organic Law on the High Judicial Council; the applicant therefore, through his counsel, brought his action, seeking the annulment of the decision transferring him from the post of Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice, the transfer decision having received the binding opinion of the High Judicial Council on the occasion of the annual appointments round for judges of the judicial order for the judicial year 2020/2021, on the following grounds:

First: breach of the law, arguing that the contested decision was issued in clear breach of the provisions of Article 48 of Organic Law No. 2016-34 on the High Judicial Council, as follows:

1- The transfer decision was issued although its conditions were not met, since one of the most essential guarantees of independence established for judges by Article 102 of the Constitution is the principle that they may not be transferred without their consent, clearly enshrined in Article 107 of the Constitution and also enshrined in the international treaties ratified by the Republic of Tunisia. Giving effect to the aforementioned constitutional principle, the legislature affirmed in Organic Law No. 2016-34, in Article 48 thereof, that: “A judge may not be transferred outside his place of work, even in the context of a promotion, without his consent expressed in writing …”, which requires every judicial council, as a matter of principle, to refrain from transferring any judge from his place of work to another if the judge concerned has not requested it in writing. An examination of the contested decision shows that it disregarded the aforementioned constitutional principle and clearly breached the provisions of Article 48 of Organic Law No. 2016-34 by transferring the applicant from his post as Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice without his having submitted a request to that effect, which renders it unlawful and liable to be annulled. The contested decision also remains tainted by unlawfulness even if one takes into account the possibility that it falls within the exceptions to the principle of non-transferability as laid down in the aforementioned Article 48, since a judge may be transferred by way of exception provided that this is done by a reasoned decision of the judicial council concerned “in the interests of the service”. The legislature restricted the power of the judicial councils in their understanding of the interests of the service justifying the transfer of a judge without his consent by confining it to specific cases, namely:

- “the need to fill vacancies in the courts

- the provision of judicial staff on the creation of new courts or chambers

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- the reinforcement of courts to cope with a marked increase in workload", and that the transfer of the applicant without his consent from his original post to another has no basis in "the interests of the service", since it was not carried out to fill vacancies in the courts, nor to provide judicial staff on the creation of courts, nor to reinforce courts to cope with a marked increase in workload, given that he was transferred to the Ministry of Justice.

2- The transfer was made from a post whose vacancy had not been declared, since the vacancy of the post held by the applicant was not announced, and no competition for it was opened to judges in a spirit of transparency, equality and equal opportunities, as required by Article 45 of the aforementioned Organic Law No. 2016-34. An examination of the list of vacancies in the courts issued by the Council of Judicial Justice on 1 June 2020 shows that the post held by the applicant before the round was not mentioned among the vacant posts identified by the Council of Judicial Justice on 1 June 2020, as required by the provisions of Article 46 of the aforementioned Law No. 2016-24 *[sic]*, which renders the transfer of the applicant from it and the appointment of another person to it contrary to the aforementioned Articles 45 and 46, and warrants annulment.

3- Lack of reasoning, since an examination of the annual appointments round for judges of the judicial order for the judicial year 2020-2021 shows that it contains no reasoning of any kind whatsoever for the transfer of the applicant from his post to another post, in clear breach of the requirements of the aforementioned Article 48, which requires reasoning, and of the case law of the Administrative Court in this regard, which renders the contested decision liable to be annulled.

Second: misuse of power, arguing that an examination of the circumstances and context in which the decision transferring the applicant was issued shows that the Council of Judicial Justice did not abide by the principles of equal opportunities, transparency, competence, impartiality and independence, nor did it have regard to constitutional principles and international treaties, since it:

- issued the transfer decision without a prior announcement of the vacancy of the post held by the applicant and without opening a fair competition between the magistrates wishing to be appointed to that post and meeting the conditions for holding it,

- issued the transfer decision without reasoning, without the applicant having requested it, without his consent expressed in writing, and in the absence of the interests-of-the-service condition as required by Article 48 of the aforementioned Organic Law No. 2016-34,

- issued the transfer decision in complete conflict with the criteria laid down by the Council itself in the criteria for the 2020-2021 judicial appointments round issued on 8 May 2020, namely independence, integrity, impartiality and the designation of the body empowered to carry out the evaluation, since the applicant obtained the highest positive evaluation ratings from the committee that evaluated him on the basis of the aforementioned criteria; it should be noted that he sought to obtain the minutes of the meeting of the Council of Judicial Justice and a copy of his evaluation sheet in order to ascertain the real reasons behind his transfer, submitted a request to that effect to the President of the Council of Judicial Justice on 31 August 2020, and is still awaiting a reply.

Counsel for the applicant observed that two matters confirm that the decision transferring his client was tainted by misuse of power on the part of the Council of Judicial Justice:

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1- The defamatory media campaign targeting his client, especially on social media, aimed at pressuring the Council to "remove" him from his post as Public Prosecutor at the Tunis Court of First Instance and to "freeze" all his judicial activity; it suffices to look at some of what was circulated on those sites to ascertain the reality of the pressure exerted on the decision-maker at the time the decision was issued, in particular the media campaign led and waged by lobbies of administrative, financial and political corruption, made up of persons against whom criminal and judicial proceedings are still pending, which shows that parties outside the judiciary intervened to push for his client's transfer, such as the request addressed by the organisation "I Watch" (أنا يقظ), a few days before the date of the judicial appointments round, to the Presidency of the Republic, the Presidency of the Government and the High Judicial Council for the applicant to be relieved of his post.

2- The participation in the vote on the transfer decision of members in disagreement with his client, such as the disagreement between him and the Prosecutor-General at the Tunis Court of Appeal for the years 2017-2018, established by the exchange of letters between the two parties; moreover, the said member is under suspicion of corruption, according to the Council of Judicial Justice itself, which wrote to his client on 7 January 2020 to inform him of acts involving practices detrimental to the honour of the judiciary and of its decision to refer the matter to the Public Prosecution for further investigation and for action to be taken regarding those suspicions; and the leaks that preceded the official announcement of the round confirmed that the members of the Council of Judicial Justice deliberated on matters concerning his client's career and decided to transfer him as if it were a punishment, without putting to him the matters deliberated upon and without granting him the right of defence, especially in the absence of any disciplinary file concerning him and in the light of the outstanding results of his professional evaluation and in terms of integrity, competence and impartiality, which suggests that his client's transfer was made to achieve other aims foreign to the public interest and to the independence of the judiciary, was made neither at his request nor in the interests of the service, and conceals a misuse of power warranting its annulment.

Having regard to the documents filed by the President of the Council of Judicial Justice on 19 October 2020, namely the report of the evaluation committee concerning the applicant, an extract from the minutes of the meeting of the Council of Judicial Justice dated 10 August 2020 and an extract from the minutes of the meeting of the Council of Judicial Justice concerning the annual judicial appointments round of the judicial order, dated 12 August 2020.

Having regard to the brief filed by Mr Kamel Ben Messaoud, counsel for the applicant, on 13 November 2020, in which he stated that he had ascertained from his client's evaluation sheet that the latter obtained the rating "excellent" on all the criteria used to assess competence, whether as regards the volume of judicial work completed or its quality, or in terms of commitment and the ability to work in a team, as well as the ability to manage and to conduct hearings; that his service record and his professional marks throughout his career had always been outstanding; and that, when his situation was examined, he obtained a professional mark of 25/25, equivalent to the grade "excellent". All these elements cannot lead to the opposite result, which renders the impugned decision liable to be annulled

for breach of the law and misuse of power; on this basis he asked that judgment be given in accordance with the claims set out in the application.

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Having regard to the other documents in the file and to the documents establishing that the procedural measures for examining the case have been completed.

Having regard to Law No. 72-40 of 1 June 1972 on the Administrative Court and to all the texts amending and supplementing it, the last of which is Organic Law No. 2011-2 of 3 January 2011.

Having regard to the Constitution,

And to Organic Law No. 2016-34 of 28 April 2016 on the High Judicial Council, as amended and supplemented by Organic Law No. 2017-19 of 18 April 2017.

Having regard to the documents showing that the parties were duly summoned to the hearing set for 7 December 2020, adjourned successively to 14 December 2020, then to 23 December 2020 and then to 29 December 2020, at which the reporting judge, Ms Samar Lamloum (سمر لملوم), read a summary of her written report, and Mr Zouaghi (الزواغي) appeared on behalf of Mr Kamel Ben Messaoud, counsel for the applicant, and pleaded in the light of the application, relying in particular on the breach by the contested decision of Article 107 of the Constitution and of Article 48 of the law on the High Judicial Council, which enshrined the principle that a judge may not be transferred without his consent and required, where a transfer is necessary, compliance with the conditions for transfer by giving reasons for the decision and establishing the interests of the service; he also contended that the decision was tainted by misuse of power, as it amounted to a disciplinary decision taken without guaranteeing the right of defence, and accordingly asked the Court to declare the action admissible and well-founded and to annul the contested decision. The respondents did not appear, although they had received the summons.

The case was then reserved for deliberation and for delivery of judgment at the hearing of 31 December 2020.

At that hearing, after deliberating in accordance with the law, the following judgment was delivered:

On admissibility:

Whereas the action was brought by a party having standing and interest, within the statutory time limits, and satisfied its formal requirements, and it should therefore be declared admissible in this respect.

On the merits:

Whereas the applicant, through his counsel, challenges the decision of the High Judicial Council relating to the annual appointments round for judges of the judicial order for 2020/2021, which transferred him from the post of Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice.

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On the ground concerning breach of the law:

Whereas counsel for the applicant contended that the contested decision breached the requirements of Articles 102 and 107 of the Constitution, the international treaties ratified by the Republic of Tunisia and the provisions of Article 48 of Organic Law No. 2016-34, since it lacks any reasoning whatsoever, was issued without any request from his client and without his consent, and does not fall within the exceptions to the principle of non-transferability as laid down in the aforementioned Article 48, since the applicant was transferred to the Ministry of Justice and the transfer was therefore not made to fill vacancies in the courts, or to provide judicial staff on the creation of new courts or chambers, or to reinforce courts to cope with a marked increase in workload; moreover, the contested decision breached the requirements of Articles 45 and 46 of Organic Law No. 2016-34, since the vacancy of the post held by the applicant was not announced before the round in the list of vacancies in the courts issued by the Council of Judicial Justice on 1 June 2020, and no competition for it was opened to judges in a spirit of transparency, equality and equal opportunities.

First: on the limb concerning the lack of reasoning and the breach of the provisions of Article 107 of the Constitution and of Article 48 of Organic Law No. 2016-34 on the High Judicial Council:

Whereas Article 107 of the Constitution provides that: “A judge may not be transferred without his consent, nor removed from office; nor may he be suspended from duty, relieved of his duties or subjected to a disciplinary sanction, except in the cases and in accordance with the guarantees laid down by law and by a reasoned decision of the High Judicial Council.”

Whereas Article 48 of Organic Law No. 2016-34 on the High Judicial Council provides that: “A judge may not be transferred outside his place of work, even in the context of a promotion, without his consent expressed in writing. These provisions shall not prevent the transfer of a judge by a reasoned decision of the judicial council in the interests of the service arising from:

– the need to fill vacancies in the courts.

– the provision of judicial staff on the creation of new courts or chambers.

– the reinforcement of courts to cope with a marked increase in workload.

The period of service in the place of transfer to meet the requirements of the interests of the service may not exceed three years unless the judge concerned expresses an explicit wish to remain in the same place. All judges are equal before the requirements of transfer for the proper functioning of the judiciary.”

Whereas it follows from the foregoing provisions that the transfer of a judge without his consent must be reasoned and may only be made in the interests of the service as defined in Article 48 of the law on the High Judicial Council, and as established in the settled case law of the Administrative Court on the transfer of judges.

Whereas an examination of the annual appointments round for judges of the judicial order for the judicial year 2020-2021 shows that it contains no reasoning of any kind whatsoever for the decision transferring the applicant from the post of Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs.

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Whereas the Court, as part of its examination of the case, forwarded the application and its supporting documents to the High Judicial Council and the Council of Judicial Justice for their observations, but

they refrained from replying, despite having been given notice to that effect on 28 September 2020, and confined themselves to submitting certain documents that do not amount to legal reasoning, which necessarily requires that the legal and factual grounds on the basis of which the contested decision was taken be stated in the decision itself.

Whereas, since the High Judicial Council has not disclosed the reasons behind the applicant's transfer and it is not established from the documents in the file that his transfer to work at the Ministry of Justice in the post of Advocate-General for Criminal Affairs served the interests of the service arising from the need to fill vacancies in the courts, or from the provision of judicial staff on the creation of new courts or chambers, or from the reinforcement of courts to cope with a marked increase in workload, in compliance with the principle of equality, the decision transferring him involves a clear breach of the provisions of the aforementioned Articles 107 and 48 and constitutes an infringement of the principle that a judge may not be transferred without his consent, which is one of the constitutional principles on which the independence of the judiciary is founded; this limb of the ground must therefore be upheld.

Second: on the limb concerning the breach by the contested decision of the requirements of Articles 45 and 46 of Organic Law No. 2016-34 on the High Judicial Council:

Whereas Article 45 of Organic Law No. 2016-34 on the High Judicial Council provides that “In examining the career of judges, the judicial council shall rely on the principles of equal opportunities, transparency, competence, impartiality and independence. To this end, it shall take into account the requirements and principles set out in the Constitution and international treaties and the standards and conditions laid down in the statutes of judges.” Article 46 thereof further provides that “The three judicial councils shall each, within its own remit, determine the courts' needs for judges and the vacancies arising in judicial posts and functions, and shall examine requests for transfer and promotion.”

Whereas Article 47 of the same law provides that “The High Judicial Council shall announce the judicial appointments round once a year, no later than the end of July of each year, and the Council may, where necessary, carry out an exceptional round during the judicial year.”

Whereas the settled case law of this Court holds that the principle of transparency requires the High Judicial Council, on the occasion of each judicial appointments round and before examining requests for transfer, transfers in the interests of the service and promotion, to determine with full precision and clarity the courts' needs for judges and the vacancies arising in judicial posts and functions, so as to ensure the proper functioning of the judiciary and to avoid carrying out an exceptional round during the judicial year to fill newly created vacancies; this is achieved through the publication by the competent judicial council of the list of vacancies and of the criteria for the judicial appointments round for the judicial year concerned, so that judges in general are aware of them and a competition for them is opened in accordance with the principles of equal opportunities, competence, impartiality and independence.

Whereas an examination of the document listing the vacancies in the courts issued by the Council of Judicial Justice on 1 June 2020, contained in the file, shows that the post of Public Prosecutor at the Tunis Court of First Instance was not, before the round, among the vacant posts, as required by the provisions of Article 46 of the aforementioned Organic Law No. 2016-34,

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↪ which renders the transfer of the applicant from it and the appointment of another person to it contrary to the aforementioned Articles 45 and 46; this limb of the ground must therefore be upheld, as must the ground in its entirety.

On the ground concerning misuse of power:

Whereas counsel for the applicant contended that the decision transferring his client from his post as Public Prosecutor at the Tunis Court of First Instance to the post of Advocate-General for Criminal Affairs at the Ministry of Justice was tainted by misuse of power, since it was issued without a prior announcement of the vacancy of the post held by the applicant and without opening a fair competition between the magistrates wishing to be appointed to that post and meeting the conditions for holding it, without reasoning, without his having requested it, without his consent expressed in writing and in the absence of the interests-of-the-service condition as required by constitutional principles, international treaties and Article 48 of the law on the High Judicial Council, and in complete conflict with the criteria laid down by the Council itself in the criteria for the 2020-2021 judicial appointments round issued on 8 May 2020, namely independence, integrity, impartiality and the designation of the body empowered to carry out the evaluation, since the applicant obtained the highest positive evaluation ratings from the committee that evaluated him on the basis of the aforementioned criteria. Counsel for the applicant added that what confirms that the decision transferring his client was tainted by misuse of power on the part of the Council of Judicial Justice is the defamatory media campaign targeting him, especially on social media, aimed at pressuring the Council to remove him from his post as Public Prosecutor at the Tunis Court of First Instance and to freeze all his judicial activity, as well as the participation in the vote on the decision transferring him of a member with whom he has personal disagreements, and that the leaks that preceded the official announcement of the round confirmed that the members of the Council of Judicial Justice deliberated on matters concerning the applicant's career and decided to transfer him, as if it were a punishment, without putting to him the matters deliberated upon and without granting him the right of defence, especially in the absence of any disciplinary file concerning him and despite the outstanding results of his professional evaluation, which establishes that the transfer was made to achieve other aims foreign to the public interest and to the independence of the judiciary, and conceals a misuse of power.

Whereas it is settled in legal scholarship and case law that misuse of power is manifested in the administration's use of the methods of public authority and of the means and prerogatives conferred on it by the legislative and regulatory texts in force for purposes foreign to the running of the public services in its charge and to the achievement of the public interest pursued by those methods and prerogatives; those purposes may serve political ends or the narrow personal interests of certain officials within the administration, and this is reflected in a set of indicators, such as facts, legal acts and mutually corroborating indications converging in time, which are capable of revealing misuse of power.

Whereas, in the course of the examination of the case, the respondent authority was asked to produce a copy of the applicant's file for the 2020-2021 annual appointments round of the judicial order, of the evaluation committee's report concerning him, of the reports of his superiors and of any inspectorate reports concerning the professional conduct of the person concerned, and of the minutes of the meetings relating to the annual appointments round of the judicial order for the judicial year 2020-2021; however, it provided the Court only with a copy of the evaluation committee's report concerning him drawn up on 30 June 2020, an extracted and incomplete copy of the minutes of the meeting of the Council of Judicial Justice dated 10 August 2020 and an extracted copy of the minutes of the meeting of the Council of Judicial Justice dated 12 August 2020, and also took care to

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↪ withhold the names of those who took part in the said Council's meeting and the names of those who took part in the vote, which is liable to prevent this Court from exercising its review of the lawfulness of the contested decision, particularly as regards its limb concerning the participation of a member who had disagreements with the applicant in the vote on the decision to transfer the applicant, and as regards the Council of Judicial Justice's deliberation on matters concerning his career and its taking of a decision transferring him as if it were a punishment, without putting to him the matters deliberated upon, as required by the provisions of Law No. 2016-34 on the High Judicial Council, and without granting him the right to defend himself, especially in the absence of any disciplinary file concerning him.

Whereas, in view of the respondent authority's failure to produce all the documents requested by the Court, despite having been given notice to do so by the Court's letter No. 18884 issued on 2 November 2020, the Court has no choice but to continue examining the present action on the basis of the documents in the file.

Whereas, although the letter sent by the President of the Council of Judicial Justice to the Court during the Court's examination of the case on 19 October 2020 stated that complaints had been filed against the applicant and referred to the General Inspectorate of the Ministry of Justice, this allegation remained unsubstantiated, since it was not followed by the submission of copies of the complaints or of the inspection report drawn up on them, so as to enable this Court to review its content; moreover, the said letter contradicts what is stated on the last page of the extracted copy of the minutes of the meeting of the Council of Judicial Justice dated 10 August 2020, which states that the appointment of the applicant to a post other than his post as Public Prosecutor at the Tunis Court of First Instance took place within the framework of the confidential deliberation on the careers of the heads of courts in respect of whom inspection results had been received.

Whereas, on the other hand, it emerged from the applicant's evaluation sheet, a copy of which is contained in the case file, that he possesses a high level of professional competence and a high capacity for management and administration, is distinguished by a spirit of dedication, generosity and discipline, that his relations with his professional environment are good and that his performance is outstanding. When his file was submitted to the Council, the applicant also obtained a professional mark of 25/25, equivalent to the grade “excellent”.

Whereas, in consequence of the foregoing, and in addition to this Court's finding that the decision transferring the applicant is unlawful because it was issued without a prior announcement of the vacancy of the post he held, without reasoning, without his consent expressed in writing, in the absence of the interests-of-the-service condition and in conflict with the criteria laid down by the Council itself in the criteria for the 2020-2021 judicial appointments round issued on 8 May 2020, the failure of the Council of Judicial Justice to discuss the participation in the vote on the decision transferring the applicant of a member despite the existence of disagreements between them, and to discuss the leaks concerning him that preceded the official announcement of the round, as well as to discuss the applicant's allegations regarding the defamatory media campaign targeting him, especially on social media, with the aim of pressuring the Council to remove him from his post as Public Prosecutor at the Tunis Court of First Instance, amounts to an acknowledgement, on the part of the said Council, that the applicant's allegation of misuse of power is well-founded, in the absence of anything to the contrary in

the documents in the file; the present ground must therefore be upheld, as must the action in its entirety, and the contested decision annulled.

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For these reasons:

The Court ruled as follows:

Firstly: to declare the action admissible and well-founded and to annul the contested decision.

Secondly: to order the respondents to bear the legal costs.

This judgment was delivered by the Sixth Appeals Chamber, presided over by Ms Chouikha Bouskaya (شويخة بوسكاية), with Ms Rim Mejri (ريم الماجري) and Ms Rim Nefti (ريم النفطي) sitting as members of the judicial panel.

Delivered in open court at the hearing of 31 December 2020 in the presence of the clerk of the hearing, Ms Nafissa Ksouri (نفيسة القصوري).

The President of the Chamber

Chouikha Bouskaya

[Signature]

The Reporting Judge

[Signature]

Samar Lamloum *[?]*

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Certified true copy, compared and found correct *[?]* / This ... was registered at the Tunis registration office for judicial instruments on ... / The holder of the copy paid a supplementary fee of ... / and also paid the stamp duty of ... / The Court Clerk

[Signature]

The Secretary-General of the Administrative Court

Signed: Lotfi Khaldi

[Signature]

Accordingly, the President of the Republic orders and directs Mr ... *[Handwritten note: the President of the High Judicial Council and Madam President of the Council [?]* of Judicial Justice] and all the administrative authorities concerned to enforce this decision/judgment, and likewise orders and directs all bailiffs, when so requested, as regards the means of enforcement that may be followed under the Code of Civil and Commercial Procedure against the private-law persons and entities concerned, to enforce this judgment/decision

The Secretary-General

[Signature]

Signed: Lotfi Khaldi