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**Tunisia 2018**

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# **Assessment of the Administrative Tribunal of Tunisia**

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International Legal  
Assistance Consortium

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## Introduction

**This Assessment Report of the Administrative Tribunal of Tunisia was jointly sponsored by the International Legal Assistance Consortium (ILAC), based in Stockholm, Sweden, and the National Center for State Courts (NCSC) of Williamsburg, Virginia, USA. The assessment was conducted in Tunisia from 28 January to 4 February 2018. It was performed primarily by two experts, Salli Anne Swartz, a Franco-American attorney based in Paris, and Roger Bilodeau, Registrar of the Supreme Court of Canada, accompanied by Shane Quinn, Director of Programmes of ILAC. Ismaël Benkhalifa (Tunisia Team Coordinator for ILAC) and Selim Ben Abdeselem (Senior Legal Advisor for ILAC) arranged the interviews, managed logistics, conducted interviews, as well as gathering and receiving the substantive content for the assessment.**

The organization and performance of this assessment were initiated by the Administrative Tribunal who, upon reading ILAC's 2015 Tunisian Court Administration Assessment of the Judicial Courts, requested a similar assessment be performed. After several meetings focused on establishing a framework for this assessment, the invitation to assess the existing capacity of the Tunisian Administrative Tribunal's organization and administration was extended to ILAC by Mr Adbessalem Mehdi Grissiâa, First President of the Administrative Tribunal, and Mr Hatem Benkhalifa, Deputy President.

The principle of dualism of jurisdictions, which provides for separate judicial and administrative courts, was established in Tunisia by its first Constitution in 1959, which was inspired by the French organization of national judicial and administrative court systems and modelled on the basis of the French system. This dualism was subsequently confirmed by Article 116 of the 2014 Constitution which provides for an independent administrative judiciary composed of three levels of jurisdiction: First Instance Chambers, Appellate Chambers, and Last Resort-Cassation Chambers. The Administrative Tribunal is completely separate and independent from the Judicial Courts.

The Administrative Tribunal was created in 1972 by Law no. 72/40 dated 1 June 1972 and started operations in 1974. Initially, the Administrative justice system consisted of a single unified court based in Tunis. Law no. 2011/3, dated 3 January 2011, granted authority to the Administrative Tribunal to create Regional First Instance Chambers in an effort to bring administrative justice closer to citizens in all parts of the country.<sup>1</sup>

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<sup>1</sup> The law was adopted immediately prior to the revolution of January 14, 2011. The Assessment Team was told that at the time of adoption, there were concerns that decentralization might lead to punishment postings but that this concern has since diminished.

In 2017, the legislature further reinforced the legal framework for a new, decentralized, administrative justice system. Law no. 2017/7, dated 14 February 2017, which concerns the upcoming municipal elections, provides for a three-tiered —First Instance, Appeals and Last Resort- Cassation Administrative Court jurisdiction -- over certain disputes arising out of those elections.

The Tunisian Government ordered the creation of twelve (12) Regional Administrative Chambers (RAC) by Decree No. 2017/620 dated 25 March 2017. At the time of the assessment, the RACs were partially operational. A draft law, currently under review, will transform the RACs into truly independent First Instance Courts and create independent regional appellate courts but, so far, there is no indication about the schedule of its examination by the Parliament.

The Tunisian administrative justice system is, therefore, undergoing significant reform and expansion. A decentralization process will convert the First Instance Chambers into twelve (12) Regional hubs as a first step to evolve from a unified and centralized system to a three-tiered decentralized system. As this transition takes place, it will be important to track progress and identify challenges in the decentralized system in order to improve efficiencies over time. This assessment focuses on the organizational and administrative capacity of the Administrative Tribunal in the context of this transition.

The Administrative Tribunal, with its current three (3) levels of Chambers, was, until recently, centralized in Tunis and is governed by the law of 1 June 1972. It is an independent institution with administrative and financial autonomy. The First President of the Administrative Tribunal has the authority to sign legal correspondence and legal acts, such as judgments, in the name of the Administrative Tribunal, and is further responsible for the organization of its adjudicative activity. The Administrative Judges are under the authority of the Office of the Presidency of the Government, as well as the Financial Judges of the Court of Auditors (in French, *Cour des Comptes*), in contrast to the Judicial Judges who are under the authority of the Ministry of Justice (MOJ). Furthermore, the new Constitution gave the Supreme Judicial Council jurisdiction over the discipline, appointment and career matters of all Judges, both Judicial and Administrative.

This assessment examined the Administrative Tribunal's organizational framework, case-flow management and processing, human resources administration, records management, and the automation of case information. The assessment should be understood as a potential roadmap to ensure a more coordinated, efficient and unified Administrative Tribunal, with more intra-institutional communications and improved distribution of information. In addition, this assessment may inform future programming to support the improvement of court administration in the Administrative Tribunal.

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## Executive Summary

**This Assessment is mainly focused on the organization of the Chambers of the Administrative Tribunal—First Instance Chambers, Appellate Chambers, and Cassation Chambers— including the administration and procedures used by each level and chamber of the Tribunal and the newly established Regional Administrative Chambers (RAC). Moreover, a review was also conducted on the quality and quantity of equipment, software, and personnel available to support IT capacity at the Administrative Tribunal. The Assessment Team assessed the three (3) levels of the Administrative Chambers in Tunis and spent one (1) day visiting the RAC in Sousse.**

Before moving into the different thematic sections, the report offers a brief background on the scope of the assessment, the methodology, and coordination with the international community. During its interviews with Judges and staff in all of the Chambers of the Administrative Tribunal and the RAC in Sousse, the Assessment Team found a number of challenges related to the organization and to the day to day effectiveness of the Administrative Tribunal, which have affected the Tribunal's ability to carry out its mandate, its current human resources capacity, and how this institution responds to the workload. Thematic sections document these challenges and provide recommendations to mitigate these challenges in the short-term and medium-term. The thematic sections also give a snapshot of the Administrative Tribunal's ability to effectively decentralise in the coming months and years.

SECTION I outlines the over-centralization of responsibilities and resulting work overload on the First President of the Administrative Tribunal, Vice President of the Administrative Tribunal and Secretary General, with some of their respective functions appearing too formalistic, prioritizing form over function. The Judges tend to work in silos and do not have (or make) space or time to share information, good practices or templates, as there are no organizational mechanisms in place to enable collaborative sharing of ideas or best practices among Judge *Rapporteurs* or between Judge *Rapporteurs* and Chamber Presidents. In addition, the Judges spend too much time on administrative matters, which is likely due to a lack of efficiencies and redundancies in procedures and staff positions. Moreover, the Secretary General also spends an inordinate amount of time signing correspondence, taking vital time away from overseeing the operations of the Administrative Tribunal. Specific short-term recommendations include reviewing the governance structure to consider whether certain responsibilities should or could be delegated to Chambers Presidents to optimize workload and oversight. In addition, consideration should be given to appointing more Vice Presidents of the Administrative Tribunal to alleviate the burden of administrative responsibilities placed on the First President of the Administrative Tribunal.

SECTION II of the Assessment also provides insights into the decentralization process of the Administrative Tribunal, as provided by Law no. 2017/7 and Decree no. 2017/620. Following the decentralization reform, twelve (12) RACs were created in 2017 and are legally under the authority of the Administrative Tribunal based in Tunis, with a mandate to hear cases brought in their territorial jurisdiction in first instance for disputes arising from local elections, abuse of authority by State entities as well as complaints against legal acts of State entities. In the short-term, the Administrative Tribunal should monitor the RACs' activity to assess the disparate workload and re-distribute tasks and responsibilities to boost efficiency and responsiveness. This could be done through consultations with the Administrative Tribunal leadership to determine what types of positions may be needed and where, as well as to preemptively address perceived challenges as the system moves forward.

Section III zooms in on human resources. Tellingly, there is no empirical data or analysis to determine whether the number of Judges is sufficient or whether Judges are placed in the positions where they are needed based on workload, making it difficult for the Administrative Tribunal to plan its work properly. The Judges *Rapporteur* lack time and support to conduct their research, investigations, and reporting within a reasonable time, resulting in delays and backlogs. Procedures are often lengthy and subject to delays, which can be partially attributed to insufficient numbers of Judges and staff. An evaluation of Judges' workload at all levels of Chambers, including the RACs, should be carried out as a matter of priority. In the medium-term, efforts should be made to enhance the capacity and mandate of the human resources management workgroup to more adequately anticipate upcoming vacancies, the potential need for extra human resources to address the organizational challenges of decentralization and further the career path of Judges. Further, in the medium-term, a Tribunal-wide human resources management function should be implemented, possibly under the responsibility of the Secretary General.

Section IV underscores the stages in the case life process. Current case processing seems to require excessive back and forth between administrative offices without clear added value, contributing to a backlog of cases with long delays of up to six years in some instances. Judges have raised concerns about delays and workload, with the Judges *Rapporteur* often being overburdened and falling behind in their case management. In addition, the method of case assignment does not appear to take into consideration the complexity of the cases resulting in potential workload imbalances between Chambers and between Judge *Rapporteurs* within Chambers. Since there is no statistical data and other caseload information, reassignments cannot be made to ensure a more balanced caseload between Chambers and/or Judge *Rapporteurs*. In trying to rectify these disparate issues, there should be an emphasis on conducting detailed mapping of the administrative circuit of case files, signatures, and judgments so as to identify steps that can be simplified or eliminated (especially duplicate or unnecessary steps).



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Section V details the life of a case from the perspective of the different offices of the Tribunal intervening to take specific actions to be taken and analyses the role of Judges and administrative personnel. The Judge *Rapporteur* is front and centre in the life of a case, and determines the legal basis of the claim, conducts the investigation, prepares the investigation report and drafts the judgment. The current manual registration of documents and reports, as well as multiple signatures, are hampered by an inordinate amount of to and fro that have been identified as bottlenecks in the process. Initial recommendations acknowledge the need to develop checklists for the Judge *Rapporteurs* to ensure consistency and minimum quality standards in both the form and content of their reports and judgments, which would reduce the amount of time that Chamber Presidents must spend on revisions and modifications. Consequently, a template should be created for the filing of abuse of authority claims by self-represented litigants (those without a lawyer) to ensure that all necessary information is provided by them so that the cause of action and details concerning the parties can be more easily determined.

Finally, Section VI reviews the current state of IT equipment, software, and human capacity of the Administrative Tribunal. Although the central location in Tunis and the RACs have been equipped with new computers, printers, and other IT equipment, the level of IT staffing is threadbare. Case intake and processing are not automated and electronic document transmission is not common. There is no judgment database; they are archived but are not all searchable digitally. Finally, knowledge of IT tools and software remains limited amongst the Judges and staff. Moreover, the library and archives lack digital filing, retrieval, and search functionalities and there is no intranet to facilitate communications. While the computer inventory available to the staff and Judges is relatively new, upgrading relevant software including the development of cybersecurity protocols for the network and computers and further review of the adequacy of the type of computer equipment based on user needs is necessary. If other solutions remain out of reach in the short-term, efforts should be made to back up each hard drive through external hard drives if no other solution is available for each computer used by Judges.

In sum, the Administrative Tribunal would be well-served by reinforcing its overall administration and management systems, including, but not limited to, caseload management, staff training, ongoing professional development, and IT resources. Job responsibilities should be reviewed to eliminate duplication, address deficiencies, and consider tasks that could be delegated to Chambers or from Judges to staff to free up legally-trained officials and staff, to focus on substantive matters. A complete review of the organizational and governance structure including the creation of job descriptions and the mapping of procedures and processes could provide a starting point to streamline operations



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## Acknowledgements

**The Assessment Team is indebted to the numerous high-level officials and staff at Tunisia's Administrative Tribunal, who dedicated valuable time from their hectic schedules to meet with the Assessment Team. They provided a detailed and comprehensive picture of the challenges confronting the Administrative Tribunal and of potential resolutions to these obstacles.**

At every step of the way, the Assessment Team was received with openness and candour and, in numerous instances, the dedication of the staff to their work at the Administrative Tribunal was a constant feature of the assessment process. They included; the Deputy President, who welcomed the Assessment Team in the name of the First President of the Administrative Tribunal, Chamber Presidents, the Secretary General/Chief of the Administration, Court Administrators of Appellate Chambers, First-Instance Chambers, Cassation Chambers and of one Regional Court, as well as other administrative staff.

In particular, the Assessment Team would like to acknowledge the efforts of President of the Third First Instance Chamber, Mr Hicham El Hammi, for his insights and assistance within the entire assessment process. Mr El Hammi was the primary interlocutor of the Assessment Team, organizing and facilitating all of the interviews and visits, and escorting the five members on the Assessment's fieldwork during the week of 29 January 2018.

Similarly, the Assessment Team is indebted to the IT Projects and Applications Department Manager, Mr Amin Della, for his contribution to the analysis of the current state of IT equipment and automation efforts at the Administrative Tribunal.



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## Scope of the Assessment

**This Assessment is limited to a review of the organization of the Chambers of the Administrative Tribunal — First Instance Chambers, Appellate Chambers, and Cassation Chambers —, the procedures used by each level and chamber of the Tribunal, and the equipment, software, and personnel available to them. Furthermore, the Assessment provides insights into the decentralization process of the Administrative Tribunal, as provided by Law no. 2017/7 and Decree no. 2017/620.**

This Report complements the ILAC Assessment of the Tunisian Court System published in 2015 and is focused on assessing the Administrative Tribunal and the decentralization process of the Tribunal as provided by Law no. 2017/7 of 14 February 2017 and by the Government's Decree no. 2017/620 of 25 March 2017. The focus of this Assessment was placed exclusively on the Administrative Tribunal. As a result, representatives of the Tunisian Bar Association and of the Office of the Presidency of Government — who has authority over the Administrative Tribunal — were not interviewed as part of this Assessment.

Similar to the 2015 ILAC Assessment of the Tunisian Court System, this Assessment examined the Tribunal's organizational framework, caseload management and processing, human resources administration, records management, and the automation of case information. However, this Assessment of the Tribunal's administrative capacity should not be understood as a "silver bullet" on how to organize the twelve (12) new Regional First Instance Chambers, but should rather be understood as being a potential roadmap, based on the Administrative Tribunal in Tunis, to ensure a more coordinated and unified administration.

As Municipal Elections were scheduled for 6 May 2018 and effectively took place on that date, a significant task of the Administrative Tribunal in Tunis and of the RACs located in Bizerte (North), El Kef (Northwest), Gabes (Southeast), Gafsa (Southwest), Kairouan (Central), Kasserine (Central West), Nabeul (Northeast), Medenine (Southeast), Monastir (Central East), Sidi-Bouzyd (Central West), Sfax (Southeast), and Sousse (Central East), will be focused on adjudicating disputes concerning the composition of voter and candidate lists, the qualifications of the candidates, and the conduct of elections.

The Assessment aimed to analyze needs, challenges, and opportunities related to:

1. Decentralization of the Administrative Tribunal through the establishment of the new RACs (and their future transformation into autonomous courts) and the training of new Judges;
2. Training of Judges on specific legal matters;
3. Implementation of proper IT systems;
4. Modernization of work procedures and practices;
5. Skills and capacity building for Court Clerks and other administrative staff;
6. Establishment of an efficient case management system;
7. Ensuring that judgments are delivered within a reasonable timeframe and by a defined deadline.

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## **Composition of the Assessment Team**

The Assessment Team was comprised of five members: two from the international community (France/United States and Canada), two Tunisians (ILAC local staff), and ILAC's Director of Programs (Sweden). Annex A to this Assessment provides brief biographical information for the five core team members.

## Assessment Methodology

**The factual evidence on which this Assessment is grounded was gathered in a series of in-depth on-site interviews with key members of the Administrative Tribunal's leadership, Judges, and administrative staff.**

This Report is based on in-depth on-site interviews with the First President of the Administrative Tribunal, one Judge *Rapporteur*<sup>2</sup>, and one Clerk of the Court for the Third Chamber of the First Instance which is presided by President El Hammi. Additionally, interviews included staff of the other Chambers of the First Instance, including:

- The Secretary General (Mr Lotfi Khaldi)
- The Deputy President (Mr Hatem Ben Khalifa)
- Chamber Presidents (First Instance: Mr Hichem El Hammi, Mrs Sihem Bouagila, Mrs Salwa Grira, Mr Hassine Amara, Mr Ahmed Errai; Cassation-Last Resort and Consultative Sections: Mrs Samira Guiza, Mrs Jalila Maddouri; Appellate Chambers: Mr Khaled Ben Youssef, Mr Mohamed Ridha Lâaif)
- Consultative Section's President (Mr Hichem Zouaoui)
- Annual Report Chamber's member (Mrs Karima Nefzi)
- Judge *Rapporteurs* (Mrs Olfa Ben Rejeb, Mrs Nadia Khoufi, Mrs Senda Lahmar, Mrs Samar Lamoum, Mrs Olfa Metaoua, Mrs Narjess M'kaddem, Mrs Rym Sithom, Mrs Sondos Talbi, Mr Rafii Achour, Mr Taieb Ghozzi), and
- A RAC Deputy Secretary General (Mr Mohamed Nizar Othmani)
- IT Manager (Mr Amine Della)
- Administrative Deputy Directors (Mr Abdellatif Ben Rachid, Mr Moez Khammassi)
- Court Clerks for the First Instance Chambers (Mr Karim Aouicher)
- Court Clerks for the Appellate Chambers (Mr Abderrazak Azzouz) (No meeting with Court Clerks of the Last Report-Cassation Chambers)
- The Librarian and Archivist (Mr Sami Al Attari)
- Administrative staff in charge of statistics (Mrs Amina Daghari)

<sup>2</sup> In French, "*Juge Rapporteur*". The function of Judge *Rapporteur* is assigned to a Judge. Under the Tunisian Administrative justice system, certain stages of the case process are delegated to one Judge, whose is referred to as a "Judge Rapporteur" and who does all of the investigative work to ensure that the case is ready to be heard and adjudged. This Judge Rapporteur is responsible for preparing a report to the President of the Chamber which summarizes the case and the evidence for the panel of Judges before the hearing. The function enables the distribution of the workload amongst Judges and optimizes the use of judicial time to prepare cases for the hearings.

Fieldwork for the Assessment was carried out between 29 January and 2 February 2018 and was focused on the following:

- First Instance Chambers in Tunis (two days);
- Regional Chamber in Sousse (one day);
- Chambers of Last Resort-Cassation and Consultative Sections and Sections (one day);
- Appellate Chambers (one day).

The information contained herein is solely based on what was given to the Assessment Team during the interviews and thereafter by the ILAC staff in Tunis. Moreover, the Report contains analysis resulting from the Assessment Team's daily debriefings. For reasons of time, none of the information was confirmed by independent external research.

The individuals interviewed were chosen in coordination with the President of the Third First Instance Chamber, President Hichem El Hammi. Local staff and President El Hammi accompanied the field team and assisted in all interviews. President El Hammi's questions were directed in large part to the process and steps followed for each file, particularly to those people who intervened in the life of a case from intake to judgment and appeals, rather than focusing on the substantive knowledge or capabilities of the Judges.

The first meeting, which was attended by the members of the Assessment Team and a representative panel of Judges and administrative staff of the Administrative Tribunal (see Annex B for a list of interviews), enabled the team and Administrative Tribunal leadership to define the most important problems, specifically:

- Overwhelming delays, with a backlog stretching back more than six (6) years for certain cases;
- Archaic equipment and management of cases, with many Judges and Court Clerks resorting to their own personalized filing and case management systems;
- Insufficient personnel, leading to clerks being overburdened with administrative tasks, and often requiring them to manage the caseloads of two Chambers at a time;
- Lack of training of the Judges and Court Clerks (members of the Administrative Tribunal have not had the same access to training as members of Judicial Courts);
- Lack of communication with the citizens;
- Insufficient use of IT tools which could be improved by introducing new techniques and training for the Judges and staff;
- Need for the creation of legal databases and research tools, particularly in the RACs, where no budget has been allocated for libraries.



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We used the above statement of problems as “critical assumptions” providing a basis for further questioning during the interviews and for evaluating possible recommendations. As the number of interviewees increased during the week, the problems identified on the first day acted as a baseline for evaluating possible recommendations and validating the existence of such problems.

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## **Coordination with the International Community**

A number of international cooperation programs have been identified as providing current or planned support to the Administrative Tribunal. These programs are listed here as identified by the Assessment Team. The list is for indicative purposes and does not intend to be exhaustive of the full range of support that may be available to the Administrative Tribunal.

The European Union, through its Justice Reform Support Program (in French, *Programme de soutien à la réforme de la justice*, PARJ), conducted a review of the operations of the Administrative Tribunal in 2015. While its work has been primarily focused on Judicial Courts, its review is anticipated to inform a future EU-funded Twinning Program (a pairing between the Administrative Tribunal and one or more European institutions selected through competitive tender) that is expected to start in October 2018 for a period of 24 months. The anticipated Twinning Program will assist the transition of the Administrative Justice System to the new three-level court structure foreseen under the 2014 Constitution, the institutionalization of training, and external communications.

The German Foundation for International Legal Cooperation (in German, *Internationale Rechtliche Zusammenarbeit*, IRZ) provided IT equipment to the Administrative Tribunal in 2013 and is likely to provide assistance during the May 2018 local elections.

Berlin-based Democracy Reporting International (DRI), an international NGO, plans training for Administrative Judges regarding their status and communication skills as well as an information campaign to educate civil society on the role of the new RACs.

The French High Administrative Tribunal (in French, “*Conseil d’Etat*”) has provided training on electoral law for the 2014 elections and had exchange programs with the Tribunal in 2010 and 2011.

The Italian High Administrative Tribunal (in Italian, “*Consiglio di Stato*”) has provided general support through cooperation with the Administrative Tribunal. In addition, the Italian Cooperation has programmed funds to refurbish new facilities next to the current facilities Rue de Rome in Tunis (the central building of the Court), over a period of twenty-four (24) to thirty-six (36) months.

Stockholm-based International Legal Assistance Consortium (ILAC), an international NGO, is planning support to the Administrative Tribunal to assist in strengthening its administration and organization, including support to the decentralization process.

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## **Development of a Roadmap towards Decentralization of the Administrative Tribunal**

It would be helpful to develop a roadmap detailing the operational steps needed for each RAC to become fully functional, with indications of specific requirements per RAC for personnel, IT material and other equipment. The caseload management system can and should be built into this roadmap. Below is a proposal for a potential roadmap, with a caution from Assessment Team that determining the exact needs of each RAC is difficult with the existing data.

A roadmap of the decentralization process could be focused on two main aspects:

- a) The evaluation of the RAC needs through an evaluation of their workload after a year of being in operation :
  - to determine the needs of each RAC in terms of judicial and administrative staff and equipment;
  - specifically for the IT staff, to evaluate the efficiency of its current operations based on one IT technician in charge of four (4) RACs;
  - to foresee the eventual creation of new RACs in the regions where the workload is higher; and
  - to improve the relationship with the citizens and access to justice.
  
- b) The planned legislative and constitutional reforms through a modification of the Law to:
  - Reform the criteria of competence of jurisdiction, currently based on the location of the defendant (i.e. the Administrative entity) and to rather base it on the location of the plaintiff (the citizen) since this will have an impact on the number of cases transferred from the Administrative Tribunal to the RACs;
  - a possible first step in the implementation of the Constitution with the transformation of the RACs into Regional First Instance Courts;
  - a possible second step in the implementation of the Constitution with the creation of the Regional Administrative Courts of Appeal; and
  - determining the nature of the relationship between the three levels of jurisdiction.

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## Section One – Current Organization, Governance, and Jurisdiction

The Administrative Tribunal consists of thirty-one (31) Chambers in Tunis, including the two (2) Consultative Sections, and twelve (12) RACs in Bizerte, El Kef, Gabes, Gafsa, Kairouan, Kasserine, Nabeul, Medenine, Monastir, Sidi-Bouزيد, Sfax, and Sousse. The Administrative Tribunal's Chambers encompass all three (3) levels of jurisdiction—First Instance, Appellate, and Last Resort-Cassation. Procedures are often lengthy and subject to delays, lasting up to six (6) years in some cases. Even if delays are partially attributable to insufficient numbers of Judges and staff (see Section III), the overall organization of the Tribunal could be improved to achieve better results.

The Administrative Tribunal in Tunis consists of thirty-one (31) Chambers, including the Consultative Sections, covering three (3) levels of jurisdiction (First Instance, Appeals, and Cassation). Since 2017, the Administrative Tribunal also includes twelve (12) RACs located in Bizerte, El Kef, Gabes, Gafsa, Kairouan, Kasserine, Nabeul, Medenine, Monastir, Sidi-Bouزيد, Sfax, and Sousse. The RACs have first instance jurisdiction and are not autonomous courts.

Until 2017, all First Instance Chambers were based only in Tunis, together with the Appellate and Last Resort-Cassation Chambers. In practice, this meant that the Administrative Tribunal was highly centralized in Tunis, making access to it difficult for citizens residing outside Tunis. The centralization of the Administrative Tribunal in Tunis was initially intended to prevent sanctions against remote districts in Tunisia by keeping the Judges close to the centralized power in Tunis. The Judges agreed with this policy because they did not want to be sent to remote districts as punishment for possible unpopular decisions.

The Administrative Tribunal is known for its high level of independence and refusal to bow to political pressure. The Judges, graduates of the Tunis *Ecole Nationale d'Administration* (ENA), are highly trained, loyal, and devoted civil servants who are respected by the legal community. Additionally, administrative Judges do not answer to any General Inspection Division.<sup>3</sup>

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<sup>3</sup> However, this will most likely change with the enactment of a new draft law introduced in January 2018 and currently under discussion which should create a new General Inspection function for administrative Judges, either by extending the jurisdiction of the General Inspection which has oversight of the judicial Judges or by creating a separate entity.

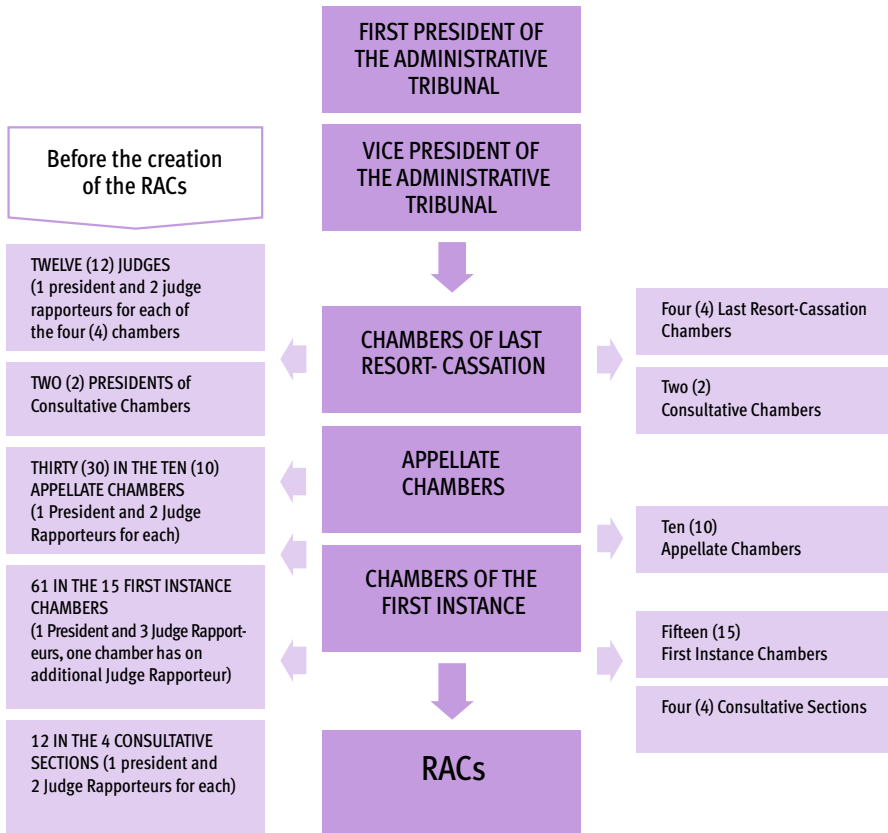
The first modification of the organization of the Administrative Tribunal system was introduced by the Decree of 25 March 2017 and was based on the Laws of 3 January 2011 and 14 February 2017 which created the twelve (12) RACs.

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## **Overall Organization and Governance**

The current First President of the Administrative Tribunal was appointed by the President of the Republic, as prescribed by the Law until the implementation of the Supreme Judicial Council, which is now the constitutional organ in charge of appointing the Judges in the Courts, including the High Judges. The First President of the Administrative Tribunal serves as judicial and administrative head of the Administrative Tribunal. He/she has legal and administrative authority over the First Instance, Appellate, and Last Resort-Cassation Chambers. In such capacity, he/she has the authority and responsibility to sign legal documents and correspondence in the name of the Administrative Tribunal and is responsible for the internal organization of the three (3) levels of the Administrative Tribunal.

The First President of the Administrative Tribunal nominates one Vice President of the Administrative Tribunal from among the Judges of the Administrative Tribunal. The authorities and responsibilities of the First President of the Administrative Tribunal can be delegated to the Vice President of the Administrative Tribunal in his/her absence and to no one else.



<b>Challenges</b>	Excessive centralization of responsibilities that could lead to a work overload for the First President of the Administrative Tribunal and Vice President of the Administrative Tribunal.
<b>Short-term recommendations</b>	<p>Review governance structure to consider whether certain responsibilities should or could be delegated to Chamber Presidents to optimize workload and oversight.</p> <p>Consider the appointment of more Vice Presidents of the Administrative Tribunal to alleviate the burden of administrative responsibilities placed on the First President of the Administrative Tribunal.</p>
<b>Medium-term recommendations</b>	Implement reforms resulting from the review conducted in the short-term.

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## Organization of First Instance Chambers

There are fifteen (15) First Instance Chambers in Tunis and twelve (12) which were created in late 2017 in the regions (e.g., the RACs). Each First Instance Chamber in Tunis is presided over by a President who is under the authority of the First President of the Administrative Tribunal. Each President of a First Instance Chamber will normally have two (2) sitting Judges present in hearings and one (1) Judge *Rapporteur*. These three (3) Judges alternate sitting and acting as Judge *Rapporteurs*. Each Chamber has one Court Clerk and several administrative staff, such as administrative assistants and messengers, secretaries.

In addition, there are two (2) First Instance Consultative Sections. Each First Instance Consultative Section is presided by a President and composed of two (2) Judge *Rapporteur*.

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## Organization of Appellate Chambers

There are ten (10) Appellate Chambers<sup>4</sup> in Tunis. Each Appellate Chamber is presided over by a President who is under the authority of the First President of the Administrative Tribunal. In addition to the President, each Chamber has two (2) Judges, who sit alternatively with the President in hearings or as Judge *Rapporteur*. There is one (1) Court Clerk per Chamber.

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## Organization of the Last Resort- Cassation Chambers and Consultative Sections

There are four (4) Last Resort-Cassation Chambers which are organized similarly to the Appellate Chambers: one (1) President with two (2) Judges and one Court Clerk. These Chambers hear cases in the final resort. There is no appeal from the decisions of the Chambers of the Last Resort-Cassation in third instance.

There are two (2) Consultative Sections with each having a President and being composed of the President of the First Instance Section and two Judges. These Chambers hear requests in both optional and mandatory consultations requested by the Government or the legislature on draft legislation and the constitutionality of laws.

In addition, there is one hybrid Last-Resort Cassation Chamber which does not hear cases: its sole responsibility is to draft the Annual Report. This Chamber is composed of Judges appointed from other Chambers who do not sit permanently and exclusively in this Chamber.

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<sup>4</sup> Two (2) were added in 2016, increasing their number from eight (8) to ten (10).

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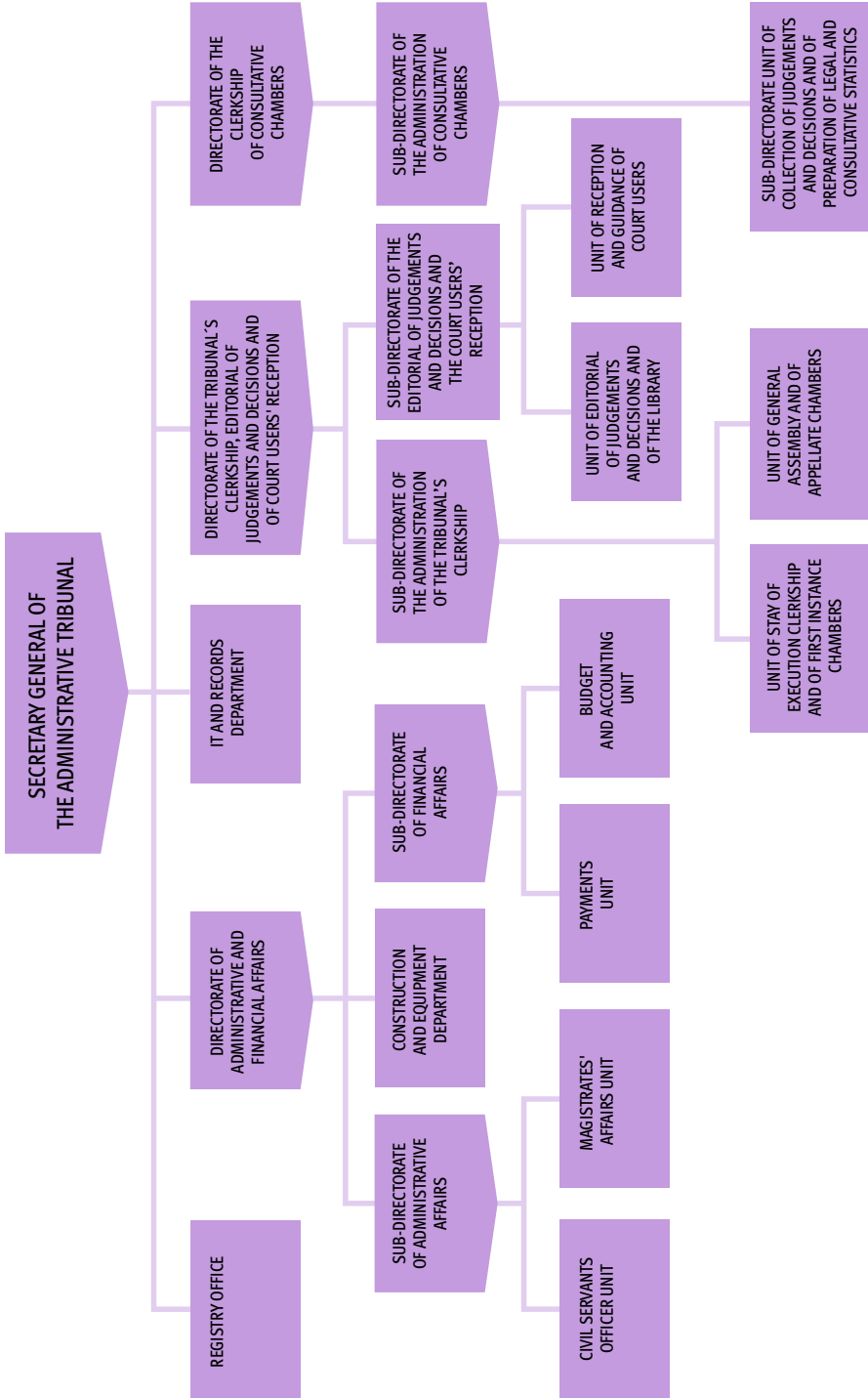
## **The Annual Report Chamber:**

This Chamber has no full time appointed Judges but is composed of Judges of other Chambers from different levels. It is in charge of writing the annual report of the Administrative Tribunal. This report outlines the most important decisions and the statistics of the court. However, the last available report is from 2015. Until the adoption of the new Constitution, the annual report was only available to the President of the Republic and the First President of the Administrative Court. Yet, with the new Constitution prescribing the right to access to information, this confidentiality clause is no longer in force.

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## **Organization of Administrative Services**

The Administrative Tribunal also has a number of administrative services and staff. The most important administrative position within the Administrative Tribunal is the Secretary General (in French, *Sécretaire général*). The Secretary General reports to the First President of the Administrative Tribunal and has signing authority (similar to the First President of the Administrative Tribunal) over all correspondence and judgments. In interviews with the Assessment Team, the Secretary General estimated signing approximately 900 documents daily, often working into the weekend to catch up on the backlog. The Secretary General is further responsible for certifying the authenticity of judgments and archiving them. S/he is the person from whom lawyers and litigants must request the originals and copies of judgments since these are not sent to the litigants as a matter of course, see page 24 for overview.





<b>Challenges</b>	Excessive centralization of responsibilities that could lead to a work overload for the Secretary General.
<b>Short-term recommendations</b>	Review governance structure to consider whether certain responsibilities should or could be delegated to Chambers to optimize workload and oversight.  Consider the transfer of signing responsibilities to the Chamber Presidents for judgments and to Department Directors/Deputy Directors and Deputy General Secretaries for the matters within their scope of responsibility.
<b>Medium-term recommendations</b>	Once analysis and mapping are completed of the organizational overlaps and inefficiencies, including an analysis of job descriptions and actual tasks by the different personnel, introduce efficiencies to minimize overlapping responsibilities and over-centralization.

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## Jurisdiction of the Administrative Tribunal

The Administrative Tribunal adjudicates all disputes brought by citizens and residents against the Tunisian government administration or any entity of the Tunisian State. This jurisdiction includes, among others, any cases of abuse of authority, the granting of permits and licenses, and all decisions affecting all types of administrative decisions or construction disputes.

None of the Chambers of the Administrative Tribunal are specialized by subject-matter. Cases are assigned by the First President of the Administrative Tribunal to the various Chambers based on workloads and availability rather than areas of specialization. When asked, the great majority of the Judges indicated that this is preferred. Despite these opinions, specialized Chambers could add some level of efficiency to the research of legal issues and the resulting drafting of reports and judgments.

In accordance with the Laws of 3 January 2011 and 14 February 2017, and the Decree of 25 March 2017, the RACs are competent to adjudicate first instance cases arising out of:

- Disputes concerning the validation of and challenges to the candidate lists presented at the local elections and to the voter lists;
- Abuses of power by the State and/or any regional public institutions and entities; or
- Disputes and challenges to all acts and decisions made by a public institution or a public entity having a legal personality.

The RACs are, therefore ‘the front door’ by which many citizens approach their Government and contribute to building trust by citizens in their government.

The two (2) Consultative Sections of the Last Resort-Cassation Chambers<sup>5</sup> are competent to (1) respond to specific requests for advice on points of law (*optional consultation*), and (2) review the legality of draft bills, draft decrees which interpret laws, and any draft regulations which the Government or Parliament is considering enacting (*mandatory consultation*). However, both consultations (optional and mandatory) are confidential as they are subject to attorney (i.e. the Consultative Sections) client(s) (i.e. the Government and/or Parliament) privilege.

The Third Chamber of the Last Resort-Cassation Chamber prepares the Annual Reports in which key jurisprudence of the Cassation Chambers is summarized and statistics of the Administrative Tribunal, including all three levels of its Chambers, are provided in detail. Annual Reports are deemed confidential and the Assessment Team was not authorized to review any of them.

<b>Challenges</b>	Lack of specialization by the Chambers.
<b>Short-term recommendations</b>	Review advantages and disadvantages of specialization of Chambers in the context of the ongoing decentralization of the Administrative Tribunal.
<b>Medium-term recommendations</b>	Implement reforms resulting from the review conducted in the short-term.

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<sup>5</sup> The Consultative Sections are comprised of a President and the Presidents of the Consultative Sections (First Instance level).

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## **Section Two – Creation of the Regional Administrative Chambers (RAC) and Decentralization**

Twelve (12) RACs were created in 2017. In their current set-up, RACs are not autonomous courts and are legally under the authority of the Administrative Tribunal based in Tunis. RACs are located in Bizerte, El Kef, Gabes, Gafsa, Kairouan, Kasserine, Nabeul, Medenine, Monastir, Sidi-Bouزيد, Sfax, and Sousse. Each RAC is staffed by a President and four (4) newly recruited Judges. They are competent to hear cases brought in their territorial jurisdiction in first instance for disputes arising from local elections, abuse of authority by State entities, and complaints against legal acts of State entities. The Assessment Team visited the RAC in Sousse as part of its fieldwork.

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### **Creation of RACs**

The first steps towards the decentralization of the Administrative Tribunal were taken by the enactment of the Laws of 3 January 2011 and 14 February 2017, and the Decree of 25 March 2017, which provided for the organization of the local elections and created the twelve (12) RACs in Bizerte, El Kef, Gabes, Gafsa, Kairouan, Kasserine, Nabeul, Medenine, Monastir, Sidi-Bouزيد, Sfax, and Sousse. These RACs are First Instance Chambers located in the twelve (12) cities in which Judicial Appellate Courts currently sit. The RACs are not autonomous courts and are under the legal authority of the Administrative Tribunal based in Tunis.

When the Decree was passed on 25 March 2017, plans called for RACs to be operational to coincide with the local elections to be held in March 2018. The local elections were eventually rescheduled to take place on 6 May 2018.

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### **Organization of RACs**

Each RAC is headed by a President, chosen by the First President of the Administrative Tribunal from amongst the most senior Judges of the Administrative Tribunal, and four (4) newly recruited Judges, with two (2) sitting alternately with the President. The two (2) Judges who are not sitting on cases with the President will act as Judges *Rapporteur* and be responsible for research, drafting of reports and draft judgments

which are then submitted for review to the President of each RAC.

Some of the administrative Judges who were formerly based in Tunis have volunteered to be transferred to the RACs. Sixty (60) new Judges recently recruited through a competitive examination process began work in mid-2017. Forty-eight (48) of them have been appointed to the twelve (12) RACs and twelve (12) have been appointed to the Tunis chambers to fill the vacancies created by the appointment of twelve (12) current Judges as Presidents of the RACs.

In addition, RACs have limited administrative staff. Each RAC has a Deputy Secretary General and one Court Clerk. Four (4) IT Technicians are to be assigned to designated RACs, each serving three (3) RACs.

Additional recruitments may be needed to meet staffing needs of some RACs based on their respective workloads and pending an initial review of their needs a year after all RACs are functional. The activity of the RACs is expected to increase due to the reform of the territorial jurisdiction based on the plaintiffs' domicile (as opposed to the domiciles of the affected administrative entity). It is anticipated that workload will be higher in larger cities and regions than in those with a smaller population, but in some regions such as Kasserine and Sidi-Bouzyd (where the Revolution began), the number of cases has already reached saturation due to the number of cases from litigants who claim to have been harmed by the Revolution. However, this is most likely a temporary situation.

<b>Challenges</b>	RACs all have the same number of Judges and staff regardless of location. This has enabled the initial implementation of RACs, but will need to be adjusted to reflect workload realities in the future.
<b>Short-term recommendations</b>	<p>Monitor RAC activity to evaluate differences in workload and determine staffing needs and adjustments accordingly.</p> <p>Conduct extensive consultations with the Administrative Tribunal leadership to determine what types of positions may be needed (Judges/staff) and where, as the system continues to decentralize and grow.</p> <p>Establish pre-conditions for future empirical analysis of judge and staff needs by strengthening statistical data collection on incoming, pending and disposed cases.</p>
<b>Medium-term recommendations</b>	<p>Conduct a weighted workload study to determine optimal number and allocation of Judges.</p> <p>Consider population data and the volume of pending and incoming cases in determining appropriate staffing levels for each RAC in the second phase of implementation and conduct recruitments of Judges and staff accordingly.</p>

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## Delegations of Authority

With the creations of the RACs, a number of authorities have been formally transferred to the RACs, including the authorities of the First President of the Administrative Tribunal (to the RAC Presidents) and of the Secretary General (to Deputy General Secretaries in the RACs). This is not yet the case in practice. For example, the First President of the Administrative Tribunal still assumes jurisdiction over requests to suspend the execution of judgments (formally transferred to RAC Presidents), which means the First President of the Administrative Tribunal (or the Vice President of the Administrative Tribunal) will need to travel to the RACs to hear such cases. It will most likely take some time for the delegations of authority and resulting power-sharing to be implemented in practice.

Under the draft law, RACs are expected to transition to independent courts no longer linked to and administered by the Administrative Tribunal in Tunis. The full extent of their legal autonomy and independence will, however, be decided by the draft law, once enacted.

<b>Challenges</b>	The full scope of delegation of authority to the RAC Presidents and Deputy Secretary General is not known at the time of this Assessment.
<b>Short-term recommendations</b>	Define the scope of authority of RAC Presidents and prepare standard operating procedures accordingly.  Define the scope of authority of Deputy Secretary General and prepare standard operating procedures accordingly.  Consider the transfer of signing responsibilities to the RAC Presidents and Deputy General Secretaries for the matters within their scope of responsibility.
<b>Medium-term recommendations</b>	As the decentralization continues, review the division of authorities between the Administrative Tribunal in Tunis and the RACs to establish the RACs as independent courts.

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## Case Transfer

The Administrative Tribunal is currently sorting the cases registered in Tunis for transfer to the RACs. Under current legislation, the RACs are competent for all cases in which the defendant (e.g., the administrative entity involved in the dispute) is located within the territorial jurisdiction of the RAC. The Case transfer to RACs is estimated to result in the handover to RACs of 25% to 30% of cases currently pending in the Administrative Tribunal in Tunis, based on the defendants' place of residence. These pending cases relate to complaints brought by citizens against decisions and legal acts of Municipalities or Regional public institutions and other State entities,

primarily concerning permits and authorizations.

Current debates within the Administrative Tribunal suggest that further jurisdictional changes would be beneficial to achieving the objectives of bringing administrative justice closer to citizens. Such jurisdictional changes would include the competence of RACs in cases where the plaintiff (and not just the defendant) resides within their territorial jurisdiction. This would ease the burden of travelling to Tunis to file a case or the risk of mailing a letter or complaint with the relevant documents (with the possibility of loss in the mail). Such a jurisdictional change would result in additional case transfers to RACs, up to an estimated total (including prior transfers based on the defendants' location) of 55%-60% of cases currently registered at the Administrative Tribunal in Tunis.

The jurisdictional transfer can be considered the first step in the implementation of the decentralisation process provided for in the 2014 Constitution. Until such Regional Appellate Courts are created, the Appellate Chambers of the Administrative Tribunal will remain in Tunis. Moreover, until a new law is passed to transform the RACs into independent Courts, the RACs will remain dependent upon the Administrative Tribunal in Tunis.

<b>Challenges</b>	<p>The physical transfer of case files requires sound logistical arrangements and the close consideration of potential risks of loss of case files.</p> <p>Case transfers may result in delays for litigants as new Judges take over files at various stages of investigation/reporting.</p>
<b>Short-term recommendations</b>	<p>Establish an inventory of all cases to be transferred and ensure sign-off protocols at both origin (Administrative Tribunal in Tunis) and destination (RACs) locations to ensure the integrity of the case inventory transfer and to prevent risks of loss.</p> <p>Inform litigants of the transfer of cases</p> <p>If cases already in process are being transferred, consider establishing an internal mechanism that enables the new judge responsible for the case to consult with the judge previously in charge to avoid replicating investigate or reporting actions where they have already been conducted.</p>
<b>Medium-term recommendations</b>	<p>Institute procedures for judgments rendered by the RACs to be sent to the parties.</p> <p>Institute procedures for the archiving of cases in Tunis.</p>

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## RAC Facilities

The Assessment Team visited one Regional Chamber, in Sousse. Although the RAC building in Sousse had furniture and a courtroom and the President and Judges were present, RACs were not yet fully operational due to delays in the installation of internet connections, which were expected shortly. The official inauguration is planned for the near future.

<b>Challenges</b>	Assure the full installation of all required IT equipment and connections via a reliable network to the Administrative Court in Tunis.
<b>Short-term recommendations</b>	Install secure internet network and connections for the RACs and the Administrative Court in Tunis.
<b>Medium-term recommendations</b>	Establish archiving and libraries with internet access for each RAC as well as technicians to service the IT and computer equipment;  Ensure that there are sufficient personnel and Judges  Continue assessments and oversight of the efficiencies of the RACs

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## Future Decentralization

The transformation of the RACs into autonomous, independent courts is currently under discussion and will require an amendment of the 1972 law or a new law. This transformation will initiate the true decentralization of the Administrative Tribunal, which should be followed by the creation of Regional Appellate Courts, as called for in the 2014 Constitution. The transformation of the RACs into independent courts will require that they be granted independent or autonomous powers from the Administrative Tribunal. The Administrative Tribunal will transition to a third-instance institution, thereby resulting in a change in the role of its First President of the Administrative Tribunal.

<b>Challenges</b>	Ensure that the legislation is modified to permit the transformation of the RACs into independent courts and that such legislation authorizes the decentralization of powers of the First President of the Administrative Tribunal and the Vice President of the Administrative Tribunal; encourage the creation of independent Regional Appellate Courts.
<b>Recommendations</b>	Maintain oversight of the efficiencies of independent courts.  Establish within the RACs or elsewhere independent Regional Appellate Courts.





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## Section Three – Human Resources and Training

The Administrative Tribunal is staffed by one hundred and ninety-five (195) Judges and approximately one hundred (100) administrative staff based in Tunis and in the twelve (12) RACs. Judge positions are assigned to the various Chambers without empirical data to determine the needs of a Chambers based on workload. Judges are recruited from among ENA graduates, based on standing on the exit examination. There are no legal assistants or interns assigned to the Administrative Tribunal. No school or institution provides continuing training for Judges nor is there any initial or continuing training provided to Administrative Tribunal staff. There is no code of conduct or ethics standards officially defined to guide Judges and staff on the parameters of ethical professional conduct.

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### Judges

There is a total of one hundred and ninety-five (195) Judges at the Administrative Tribunal. Administrative Tribunal Judges are recruited based on their standing in the ENA's exit examination. The Administrative Tribunal typically attracts the top-ranked students. As a result, these Judges enter the Administrative Tribunal with strong educational credentials and a high level of training.

The Administrative Tribunal in Tunis is led by the First President of the Administrative Tribunal and a Vice President of the Administrative Tribunal. In addition, there are thirty-one (31) Chamber Presidents and one hundred and two (102) Judges in Tunis. In the RACs there are twelve (12) Chamber Presidents and forty-eight (48) Judges. First Instance Chambers have three (3) Judge *Rapporteurs* each whereas Cassation, Consultative, and Appellate Chambers have two (2). The President of the Administrative Tribunal has the sole authority to sign legal documents, correspondence, and judgments in the name of the Tribunal and is responsible for the internal organization of the three (3) levels of the Tribunal. His/her authority to sign can be delegated to the Vice President of the Administrative Tribunal - but only to the him/her.

Based on the Assessment Team's visit to the RAC in Sousse, the composition of RACs includes one (1) Chamber President and four (4) Judge *Rapporteurs*. A total of sixty (60) new Judges were recently recruited by the Administrative Tribunal through a competitive examination to fill the forty-eight (48) newly created positions of Judge *Rapporteurs* in the RACs and the twelve (12) posts left vacant at the Administrative Tribunal in Tunis after the appointment of the twelve (12) RAC Presidents.

In many cases, Judges (especially Chamber Presidents and Judge *Rapporteurs*) are

overwhelmed by administrative tasks for which they are overqualified. The performance of administrative tasks by these Judges results in underutilization of both administrative personnel (who lack clearly identifiable and separate roles and responsibilities) as well as of Judges (who could dedicate more of their time to adjudicative functions if they had the time).

Moreover, Administrative Tribunal Judges may be seconded or transferred to Government Ministries or other public institutions. When a Judge is seconded, he/she is often not replaced, even temporarily, leaving vacant positions within the Tribunal and increasing the workload of the remaining Judges. Currently, approximately thirty-five (35) Judges are on leave of absence and seconded to Government Ministries or other public institutions.

<b>Challenges</b>	<p>There is no empirical data or analysis to determine whether the number of Judges is sufficient or whether Judges are placed in the positions where they are needed based on workload.</p> <p>No plan appears in place for systematic replacement of Judges on secondment, on leave, or retiring.</p>
<b>Short-term recommendation</b>	<p>Evaluate the Judges workload at all levels of Chambers, including the RACs.</p>
<b>Medium-term recommendation</b>	<p>Create a human resources management workgroup to anticipate leaves, secondments, retirements, as well as the next steps of decentralization and the career progression of Judges.</p> <p>Introduce a human resources management function, possibly under the responsibility of the Secretary General, for long-term human resources management and planning.</p>

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## Legal Assistants or Interns

The Administrative Tribunal does not have trained legal assistants or paralegals to assist the Judge *Rapporteurs* or Chambers with legal research or other tasks. Similarly, there are no interns assigned to the Administrative Tribunal by the ENA or law faculties.

Several Judges interviewed by the Assessment Team noted that the existing legal framework would need to be amended to allow for the recruitment of legal assistants and/or legal interns. Another interview with an Appellate-level Judge indicated that the legal framework is not an obstacle to such recruitment. This discrepancy in interpretations of the legal framework should be further investigated to determine the course of action for recruitment of legal assistants and/or legal interns.

<b>Challenges</b>	Judge Rapporteurs lack time and support to conduct their research, investigations, and reporting within a reasonable time, resulting in delays and backlogs. (See also Section IV)
<b>Recommendations</b>	Determine whether the legal framework needs to be amended to allow for the creation of legal assistant positions and/or internships at the Administrative Tribunal.  Consider the feasibility of entering into Memoranda of Understanding with the ENA and/or law faculties to create an internship program.
<b>Medium-term recommendations</b>	If an amendment is determined to be necessary to create legal assistant positions and/or internships, draft and propose such amendments to the CSM, Office of the Presidency of Government, and/or Parliament.  Recruit legal assistants and interns (for example: law students and ENA students) to assist the Judge Rapporteurs in their research, investigation, and drafting tasks.

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## **Administrative Personnel**

There is approximately one hundred (100) administrative staff at the Administrative Tribunal. Specialized administrative staff, such as IT technicians, are recruited based on a specialized competitive examination. Clerks may be recruited either through competitive examinations or through direct recruitment as administrative agents. There is no hierarchical distinction between clerks and administrative agents or between clerks and other civil servants. Clerks and administrative agents are assigned interchangeably in case of absence, resulting in uneven levels of capacity and competence at any given time.

The Administrative staff at the Administrative Tribunal in Tunis includes the Secretary General, court clerks, archivists, a librarian, and other personnel tasked with keeping track of statistics (but who are not qualified statisticians). The Assessment did not determine whether there are clerical secretaries or not. Based on interviews, Judges appear to do their own typing.

Based on the Assessment Team's visit to the RAC in Sousse, every RAC is expected to have at least five (5) staff in the first phase of implementation. The RACs will be staffed either with existing Administrative Tribunal staff who volunteer to move to a RAC or with newly recruited staff hired directly in the regions. The five staff will include:

- A Deputy Secretary General (one (1) per RAC)
- A Court Clerk (one (1) per RAC)
- An IT Technician (one for three (3) RACs)
- An Administrative Agent (one (1) per RAC)
- A Driver (one (1) per RAC)

No clear job descriptions exist for the above positions and the roles and responsibilities of administrative staff can be vague, overlapping, or, at times, lacking any real value-added benefit for the institution. For example, court clerks appear to have the responsibility, among others, to register documents and transfer paper files between various offices. This responsibility adds little value to the role of the clerks or to the delivery of adjudicative services by the Administrative Tribunal.

<b>Challenges</b>	<p>No staffing numbers readily available. Only estimates were shared with the Assessment Team.</p> <p>No job description or mapping of tasks for Administrative Tribunal staff, resulting in a lack of division of roles and responsibilities, potential overlap, and assignments that may have little value added benefit.</p>
<b>Short-term recommendations</b>	<p>Evaluate the staff workload by position at all Chamber levels, including RACs.</p> <p>Draft comprehensive job descriptions for administrative staff in light of actual tasks and then redraft to avoid overlapping roles and responsibilities and addressing any gaps in responsibilities.</p> <p>Establish recruitment criteria for all administrative staff and to improve overall quality and competence of available and future staff.</p>
<b>Medium-term recommendations</b>	<p>Establish a human resources unit or department for the Tribunal. The unit or department would assist in preparing and managing job descriptions and functions and in determining staffing requirements.</p> <p>Develop a Best Practices Manual for each type of position, providing a reference digital and/or paper book available to administrative staff to perform their tasks.</p>

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## Training

There is no institute or school of higher education responsible for offering continuing education for Administrative Court Judges or administrative staff and no system is in place to design and deliver on-going professional training programs for them.

<b>Challenges</b>	No training institution responsible for the continuing education of Administrative Tribunal's Judges and staff.  No continuing education program or system for the Administrative Tribunal's Judges and staff.
<b>Short-term recommendations</b>	Determine urgent training needs for new and existing Judges and staff recruited in the context of the establishment of RACs or otherwise and develop in-house training programs to address those needs.  Establish continuous professional training requirements and programs for Judges and staff. Consider the development of an in-house training capacity by providing training-of-trainer to the most capable Judges and administrative staff, who could then train their colleagues.  Conduct an annual training needs assessment for Judges and staff.
<b>Medium-term recommendations</b>	Establish continuous training requirements and programs for Judges and staff. If no training programs can be established, consider the development of an in-house training capacity by providing training-of-trainer to the most capable Judges and administrative staff, who could then train their colleagues.  Provide specialized training to court clerks to strengthen their capacity to perform in line with their defined job descriptions. This may focus on administrative tasks, such as the drafting of simple correspondence requesting information and documents, to be transferred from Judges to clerks as recommended under Section V herein.

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## Ethics

No code of conduct or ethical standards are in place for the Judges or administrative staff.

<b>Challenges</b>	No code of conduct or ethics guidelines are in place.
<b>Short-term recommendations</b>	Encourage the development and adoption of a Code of Conduct for all Judges of the Administrative Tribunal. The Code should be drafted by or in consultation with the Judicial Advisory Council (“Conseil Supérieur de la Magistrature”).  Encourage the development and adoption of a Code of Conduct for all staff of the Administrative Tribunal.
<b>Medium-term recommendations</b>	Once the Codes are adopted, develop commentaries for use by Judges and staff in determining where conduct may fall short of ethical standards.  Develop and deliver ongoing training on ethics based on the contents of the Codes of Conduct and commentaries

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## Section Four – The Processing of Cases: Caseflow Management

There are five main stages in the life of a case: (1) intake, (2) investigation, (3) drafting of the report, (4) three (3) Judges' panel hearing or one (1) Judge hearing, and (5) drafting and finalization of the judgment. At each stage of the process, Judges and court personnel intervene and the file is transferred between various offices. The intervention of these numerous actors, repeated over time, does not seem to contribute to any efficiency in caseflow management. Cases are reportedly taking anywhere from three (3) months to six (6) years to process, with Judges expressing concerns about delays and workload, especially for the Judges *Rapporteur*.

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### Stages and Steps of First Instance Cases

#### Case Intake

A case starts with the receipt and registration of a claim at the Registry's Office ("*Bureau d'Ordre*"). The file is then sent to the Secretary General for assignment of a case number, given by the Central Clerk's Office under his/her authority. The file is then returned to the Registry where the case number is recorded in a paper register. It is important to note that a case will be given two different numbers, i.e. one by the Registry and one by the Central Clerk's Office. This is due to the fact that the Registry receives and numbers all incoming internal and external correspondences (including claims) whereas the Central Clerk's Office assigns a specific case number upon registration of the case.

Once the case number has been recorded, the file is sent to the First President of the Administrative Tribunal who assigns the case to a Chamber. The file is then returned to the Registry to record the Chamber assignment.

Once the assignment has been recorded, the file is sent to the Clerk of the assigned Chamber who records the case in a paper register. The file is then transferred to the President of the Chamber who assigns the case to a Judge *Rapporteur*.

The above procedures create a time lag which could be avoided if the processing of case and number assignments were streamlined.

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## Investigation of the Claim

The investigation of the claim is primarily conducted through exchanges of correspondences between the Judge *Rapporteurs*, the litigants and the administrative institutions concerned by the claims.

The correspondence is drafted by the Judge *Rapporteur* and sent to the President of the Chamber for his/her signature (first signature). The correspondence then goes to the Court Clerk of the Chamber for registration on a paper registry and is sent onward to the Secretary General for signature (second signature). The fully signed correspondence is then sent to the Registry for registration in a paper register. The Registrar will now send the correspondence to its intended recipient via postal services.

Despite the existence of mandatory timeframes for responses to requests for documents or information sent by the Administrative Tribunal during the investigation phase, responses are rarely received in a timely manner. As a result, the Judge *Rapporteur* must constantly follow up with further correspondence and telephone calls, repeating the lengthy signature process described above, to collect all necessary information and documents for his/her report.

The above claim investigation process was referred to as “ping-pong” by several of the Judges interviewed.

## Drafting of the Report and Judgment

Once the investigation is deemed complete by the Judge *Rapporteur*, s/he drafts a report. The report is sent to the President of the Chamber for review. The President of the Chamber can directly modify and revise the draft Report or send it back to the Judge *Rapporteur* for clarification and corrections. The President of the Chamber will then sign the Report once finalized. It is then submitted to the Clerk of the Chamber for registration in a paper register. The report is also shared with the Secretary General for registration for statistical purposes.

The signed report is then transferred to the First President of the Administrative Tribunal who will (1) give his/her agreement to close proceedings and set a date for the hearing, or (2) assign a Government Commissioner (*Commissaire de l'Etat*) to review the case.

If the President of the Chamber decides that a Government Commissioner (“*Commissaire de l'Etat*”) should be assigned due to the need for such an opinion or due to the complexity of the case, the President of the Chamber makes such assignment and the file is then transferred to the Registry for registration of the appointment in a paper register before transferring the file to the Government Commissioner who will file his/her report and observations with the Registry. Upon receipt of the report, the Registry will transfer the file back to the First President of the Administrative Tribunal for



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signature. By signing, the First President of the Administrative Tribunal gives his/her agreement to close the proceedings and to set a date for the hearing.

The file is returned to the Registry to record the decision in a paper register. Afterwards, the file is sent back to the President of the Chamber to schedule the hearing, which will be organized by the clerk of the Chamber.

## Hearing

The Law of 1 June 1972 determines the composition of the Tribunal and the rules of procedure which govern the tribunal sessions and hearings. A Tribunal hearing panel is normally composed of three sitting Judges i.e. the President of the Chamber who presides over the hearing and two Judges from another Chamber.<sup>6</sup> Before the hearing, the “Judge *Rapporteur*” presents a draft report in regard to the investigation which he/she has conducted, as well as a draft report on a proposed decision or verdict in the case. Following this, the President of the Chamber and the First President of the Administrative Tribunal engage in a series of exchanges regarding these draft reports with a hearing date eventually being set. This is followed by a series of transactions involving the Clerk of the Chamber and the central Clerk’s Office with the latter sending a notice of the hearing to the litigants or to their lawyers, as the case may be. The conduct of a hearing begins with the President of the Chamber declaring the session open and proceeding to announce the cases one by one. One of the “Judges *rapporteur*” then reads a summary of the report for each case which is then submitted to the Tribunal. The lawyers (if a litigant is represented by one) are then invited to plead (or the litigants themselves if there are no lawyers, because the procedure does not require a lawyer). The representative of the Administrative entity is then called upon to present his/her arguments and the same goes for the Public Official in charge of State Litigation (“Chargé du Contentieux de l’Etat”), as the case may be. The State Commissioner makes his/her observations, if he is called upon by the First President of the Administrative Tribunal and if he/she has observations to present. Finally, the President announces the dates of the non-public deliberation session (between the Tribunal’s panel and the “Judge *Rapporteur*”), as well as for the hearing for the proclamation of the verdict.

Once the deliberation phase is over, one of the sitting Judges prepares a draft proposal for a decision or verdict is reached, with its legal basis and eventual remedies for the litigants. Steps are taken to request additional investigations, if necessary (especially to determine the proper amount of the remedy, to obtain further evidence, or to order an additional expert report). A key aspect of the above is to ensure that there has been proper disclosure of all aspects of the case to all parties in a case. The final step in this process is the publication of the Tribunal’s decision.

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<sup>6</sup> The “Judges *rapporteur*” who worked on the case do not attend because of the need to separate the functions of reporting and judging. The two “Judges *rapporteur*” also attend the hearing. In some cases, the Government Commissioner (“Commissaire de l’Etat”) may also attend if the First President of the Administrative Tribunal has solicited his/her additional observations after the presentation of the report by the President of the Chamber.

Once the decision is signed by the First President of the Administrative Tribunal and Secretary General respectively, the litigants can obtain a copy of the final decision from the Clerk's Office of the Tribunal (after a month or two), without having to attend an actual public hearing of the hearing to obtain the final decision.

<b>Challenges</b>	The practices adopted by the Administrative Tribunal in regard to several aspects of its work and processes are contrary to the measures prescribed by the Law. In addition, the Secretary General is still required to sign all Tribunal decisions.
<b>Short-term recommendations</b>	Rationalizing the signing requirements for all steps in the hearing and decision-making process, for example by eliminating the requirement for the Secretary General to sign most documents in that regard
<b>Medium-term recommendations</b>	Launching a discussion paper to amend the Law so as to make it compatible with the Tribunal's hearing and decision-making practices as described above.

## Judgment

The Judge *Rapporteur* drafts a judgment and sends it to the President of the Chamber for review. The President of the Chamber can directly modify and revise the draft judgment or send it back to the Judge *Rapporteur* for clarification and revisions. Once the draft is finalized, the President of the Chamber gives his/her written agreement for the signature of the judgment by the Secretary General. The judgment is then registered by the Clerk of the Chamber in a paper register before being sent to the Secretary General.

The Secretary General verifies and signs the judgment and transfers it to the First President of the Administrative Tribunal for his signature.

The original of the judgment will be archived by the Secretary General, in both electronic (scanned) and paper form, and registered for statistical purposes. The original signed judgment is sent by the Secretary General to the tax authorities if there is an order to pay damages to the claimant.

Judgments are not sent to the plaintiffs. This creates problems because an original copy of the judgment is required to execute the judgment. To obtain a copy of the judgment, the plaintiff (or his/her attorney) must write to the Secretary General, or come in person to the Tribunal, to request and collect a certified original. There are no statistics regarding the number of judgments that require forced execution (and therefore the collection of a certified copy from the Administrative Tribunal). Staff interviewed by the Assessment Team indicated that they find it more secure to call litigants and invite them to come in person to collect their judgment.

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## Conclusion

The case circuit is too long and frequently duplicative. For example: why should two separate numbers be assigned to cases and why is the file sent to both the Registry and the Clerks' Office? Streamlining the process and eliminating unnecessary steps and duplicative actions would help reduce delays in case processing and optimize the use of the Tribunal's personnel.

<b>Challenges</b>	<p>Circuits and processes for case intake, document signature, and other key tasks in the life of a case are marked by unnecessary steps and duplicative actions, resulting in delays and ineffective utilization of personnel.</p> <p>No standard case management systems exist in policy or practice. Each judge creates his/her own system and best practices are not shared between Judges or chambers. (See also Section Five)</p> <p>Judgments are not sent to litigants.</p>
<b>Short-term recommendations</b>	<p>Conduct detailed mapping of the administrative circuit of case files, signatures, and judgments to identify steps that can be simplified or eliminated (especially duplicate or unnecessary steps).</p>
<b>Medium-term recommendations</b>	<p>Streamline case management by eliminating, or at least reducing, duplication. For example, a Central Registry and Clerk's Office could be set up for the entire Tribunal, rather than having separate offices operating independently and often redundantly.</p>

## Appellate and Cassation Cases

Appellate and cassation cases follow similar circuits as those of first instance cases, except for the Consultative Sections of the Last Resort-Cassation Chambers in which no judgments are rendered. The physical file is transported from office to office for assignment (First President of the Administrative Tribunal), submission of the report and, later, judgment (Judge *Rapporteur*), finalization of the judgment (Chamber President), signature of the judgment (First President of the Administrative Tribunal), and signature and archiving (Secretary General).

<b>Challenges</b>	The same challenges identified for First Instance cases are repeated in Appellate and Last Resort-Cassation cases.
<b>Short-term recommendations</b>	Conduct detailed mapping of the administrative circuit of case files, signatures, and judgments to identify steps that can be simplified or eliminated (especially duplicate or unnecessary steps).
<b>Medium-term recommendations</b>	Streamline case management by eliminating, or at least reducing, duplication. For example, a Central Registry and Clerk' Office could be set up for the entire Tribunal, rather than having separate offices operating independently and often redundantly.

## Caseload and Case Duration

An estimated 15,000 cases are currently pending before first instance chambers. The Vice President of the Administrative Tribunal estimated that around 7,000 cases were currently in the system and that each Judge *Rapporteur* has approximately 400 cases to manage at any given time. Judges and staff interviewed by the Assessment Team expressed concern about the volume of the caseload and the delays in processing these cases. Files were visibly piled up in every office and internal court messengers were regularly delivering new stacks of files and documents to Judges during our visits.

Interviewees further indicated that case duration from the initial filing to judgment can range anywhere from three (3) months to six (6) years. Delays in case processing appear to be mainly in the investigation phase before the Judge *Rapporteur*, in part due to the time it takes to ascertain the legal cause of action and/or collect necessary information and evidence from parties, as detailed under **Section Five** below. Backlog was estimated to date back to 2012 in most of the First Instance Chambers.

The situation is reportedly better in Appellate Chambers, due to the increase in the number of chambers from eight to ten, providing for a more manageable caseload per Judge *Rapporteur*. Interviewees estimated that only a few cases from 2013 were still pending.

The biggest challenge affecting the ability of the Administrative Tribunal to manage its caseload may, however, be its lack of reliable data on pending caseload, backlog, and distribution of cases across Chambers and Judge *Rapporteurs*. The lack of data makes it impossible to determine whether reallocations of cases amongst Judges or chambers could help address delays or imbalances in assignments. The Assessment Team was unable to verify independently any of the numbers provided above as estimates since they are not officially published, available to the public or centrally maintained. Thus, the exact number of pending cases in each level of the Administrative Tribunal cannot be reliably established.

<p><b>Challenges</b></p>	<p>No actual or historic caseload numbers (incoming, disposed, pending, assigned) are available. Only estimates were shared with the Assessment Team.</p> <p>Case assignment does not take into consideration the complexity resulting in potential workload imbalances between Chambers and Judge <i>Rapporteurs</i>.</p> <p>Judge <i>Rapporteurs</i> lack time and support to conduct their research, investigations, and reporting within a reasonable time, resulting in delays and backlogs. (See also Section III)</p>
<p><b>Short-term recommendations</b></p>	<p>Develop a case classification system that maps the types of cases likely to be filed in the Administrative Tribunal. This classification will provide the basis for a more detailed analysis of caseload and workload.</p> <p>Collect statistical data using a standardized template to determine case intake, status, and stock on a monthly, quarterly, and annual basis. Statistical data should be collected using the case classification.</p> <p>Collect data on actual time spent by Judges to handle a case at different stages of the procedure. Time data should be collected using the case classification.</p>
<p><b>Medium-term recommendations</b></p>	<p>Using statistical and time data, determine objective criteria to classify cases according to the anticipated time burden required for processing (e.g. short/long). The criteria can be used as a basis for more balanced assignments which take into account existing workload.</p> <p>Use statistical data and other caseload information to determine whether reassignments are needed to ensure a more balanced caseload between Chambers and/or Judge <i>Rapporteurs</i>.</p>



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## Section Five – The Processing of Cases: Roles and Responsibilities

In the life of a case, the file will be transferred between various offices or chambers for specific actions to be performed. The central role in the life of a case is played by the Judge *Rapporteur* who determines the legal basis of the claim, conducts the investigation, prepares the investigation report, and drafts the judgment. Other actors include both Judges and court staff who intervene throughout the life of the case. Excessive back and forth for manual registration of documents and reports and for multiple signatures have been identified as bottlenecks in the process. Moreover, it is not clear whether the intervention of all actors is strictly necessary for the effective administration of cases.

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### Role of the Judge *Rapporteur*

The Judge *Rapporteur* plays a central role in preparing cases for hearings.

First, the Judge *Rapporteur* will review basic elements of the case to determine admissibility, including:

- Verification of the jurisdiction of the Administrative Tribunal;
- Verification that the statute of limitations has not expired;
- Verification of the names and correct addresses of the parties;
- Determination of the legal cause of action.

Second, the Judge *Rapporteur* is responsible for obtaining all of the relevant evidence. The investigation process relies on written correspondence to the plaintiff, the public administration entity which is the defendant, or other individuals or entities to collect documents and information. The Judge *Rapporteur* drafts the correspondence, which is routed through the Tribunal for multiple signatures, and then sends such correspondence to the relevant entities to clarify the nature of the case and obtain supporting documentation and evidence.

Finally, the Judge *Rapporteur* drafts a report summarizing the case and the evidence and drafts a judgment, both of which will be reviewed, possibly revised and then finalized by the President of the Chamber.

The Judge *Rapporteur* works alone, without assistance, and carries out the bulk of the legal research and drafting of the correspondence necessary to establish the legal basis of a claim, the research into the legal criteria of the claims, existing jurisprudence, as well as collecting the required documentation and evidence. Collecting such information may take months and has been referred to as “ping-pong” since administrative agencies rarely respond in a timely manner and Judge *Rapporteurs* have to constantly follow up with further correspondence.

In addition, the determination of the legal cause of action (including a determination of whether there is one) can be a lengthy process, in part because plaintiffs are not required to go through an Attorney to file a case before the Administrative Tribunal.<sup>7</sup> In fact, complaints received by the Administrative Tribunal are often filed without the assistance of an attorney and, as a result, are poorly written from a legal standpoint, leaving it to the Judge *Rapporteur* to determine whether or not there is a legal cause of action. This can require multiple exchanges of correspondence with the plaintiff, which not only creates delays in processing a case but can also overwhelm the Judges with non-actionable claims.

<b>Challenges</b>	Judges Rapporteur have a disproportionate workload, especially because they work alone. This results in delays and can increase the work of Chamber Presidents to scrutinize and modify the work of Judges Rapporteur, as needed.
<b>Short-term recommendations</b>	<p>Develop checklists for Judges Rapporteur to ensure consistency and minimum quality standards in both the form and content of their reports and judgments, which would reduce the amount of time that Chamber Presidents must spend on revisions and modifications.</p> <p>Create a template for the filing of abuse of authority claims by self-represented litigants (those without a Lawyer) to ensure that all necessary information is provided by them so that the cause of action and details concerning the parties can be more easily determined.</p>
<b>Medium-term recommendations</b>	Create a Manual with templates for Judges Rapporteur reports and judgments. The Manual should be updated periodically to incorporate new ideas and adjust templates that are not working as expected.

<sup>7</sup> Law No. 72/40 of June 1, 1972 creating the Administrative Tribunal specifically provides that matters involving the legal cause of action of abuse of authority do not require the assistance of an attorney. This was done with the clear intention to facilitate access to the Administrative Tribunal.



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## Role of Administrative Actors

Three main administrative actors intervene in the life of a case: the Registrar (“*Bureau d’Ordre*”), the Clerk of the assigned chamber, and the Secretary General of the Administrative Tribunal.

The Registrar is responsible for:

- Dating (with a stamp) the claim and all documents received in a file;
- Recording a registration number and date of receipt of all documents and correspondence in a paper registry;
- Recording the case number assigned by the Central Clerk’s Office and transcribing it in a paper registry. Numbers are assigned in chronological order;
- Verifying the file to determine whether the plaintiff requested legal aid, in which case the person is referred to the legal aid office in Tunis; and
- Receiving all internal communications and all external correspondence for registration in a paper register.

The Clerk of the assigned Chamber is responsible for:

- Filing the documentation in the case file as received from the Registry throughout the life of the case; and
- Transferring documents to the First President of the Administrative Tribunal for signature.

The Clerk is involved at each step of the life of a case but acts as an administrative intermediary between offices and does not seem to play any substantive role.

The Secretary General of the Administrative Tribunal is responsible for:

- Signing all correspondence and judgments<sup>8</sup>;
- Assigning a case number, through the Central Clerk’s Office<sup>9</sup>;
- Signing all administrative correspondences;
- Archiving judgments;
- At the request of litigants or their attorneys, remitting in person or sending copies of files and certified judgments to them.

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<sup>8</sup> The Assessment Team was informed that the rationale for the signature by the Secretary General is to keep the name of the Judges who investigate and adjudicate the claimed secret in order to protect them.

<sup>9</sup> The number assigned by the Central Clerk’s Office is different from that given by the Registry.

The Secretary General informed the Assessment Team that s/he typically signs approximately nine hundred (900) documents per day.

<b>Challenges</b>	Case processing seems to require excessive back and forth between various administrative offices without clear added value.  The assignment of Clerks to specific Chambers may create risks of inability to work in case of absences.
<b>Short-term recommendations</b>	Review all administrative steps described above to determine those that may be unnecessary or duplicative and recommend the elimination of repetitive steps and standardization for those necessary steps. The review could be conducted by a working group of experienced administrative staff overseen by one or several Judges so that the entire system, once reviewed and modified, works for the benefit of Judges as well as for the staff.
<b>Medium-term recommendations</b>	Implement recommendations to streamline administrative tasks as determined by the working group.  Consider whether creating a pool of clerks to support all of the Chambers would rationalize workload, mitigate the impact of absences, and maximize the use of limited human resources.

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## **Role of the First President of the Administrative Tribunal and of the Chamber President**

The First President of the Administrative Tribunal and the President of the assigned Chamber play important decision-making and assignment roles in the life of a case.

The First President of the Administrative Tribunal is responsible for:

- Assigning cases to Chambers;
- Adjudicating requests to suspend enforcement of judgments;
- Signing all reports drafted by Judge Rapporteur and all judgments;
- Deciding whether a case is ready to proceed to hear or requires referral to a Government Reporter for additional information; and
- Setting hearing dates.

The President of the assigned Chamber is responsible for:

- Assigning each case to a Judge Rapporteur;
- Reviewing the report of the Judge Rapporteur, revising it if necessary and signing it;
- Signing all reports drafted by Judge Rapporteurs and all judgments;
- Sending the final judgment to the First President of the Administrative Tribunal for signature;
- The assignment of experts as recommended by the Judge Rapporteur;
- Convening a plenary session in case of difficulties in reaching a decision and presiding over that session.

The appointment of experts is possible as needed, but no expert list is available and Judges have to identify experts on their own.

<b>Challenges</b>	<p>The role of the First President of the Administrative Tribunal and Chamber Presidents appears overly focused on formalistic steps to the detriment of substantive tasks.</p> <p>No list of experts available/published.</p>
<b>Short-term recommendations</b>	<p>Consider the creation and maintenance of a permanent list of experts which should be made available to all Chambers and Judge Rapporteur, preferably on the IT network but at least on paper.</p> <p>Encourage regular meetings between the President of each Chamber and the Judge Rapporteurs of his/her Chamber to monitor his/her caseload and to make adjustments as required.</p>
<b>Medium-term recommendations</b>	<p>Review the list of experts regularly to ensure it is up to date with correct contact information.</p>

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## Administrative Tasks

A review of the summary of roles and responsibilities described above indicates that Judges perform a number of administrative tasks that could be effectively handled by administrative staff, especially by court clerks who are currently underutilized, or by legal assistants/interns (if such legal assistants/interns were recruited). This would free up the time of Judges to focus on investigative and adjudicative tasks related to cases, which would contribute to reductions in case processing delays and backlog as discussed in *Section Four* above.

<b>Challenges</b>	Judges are overwhelmed by administrative tasks that could be performed by administrative or subordinate staff.  Court Clerks are underutilized and many of their tasks (such as moving files from office to office) add little value to the work of the Tribunal.
<b>Recommendations</b>	Evaluate the nature and assignment of all administrative tasks and determine whether certain administrative tasks could be transferred from Judges to court clerks or other administrative or subordinate staff. This should be done as part of the creation of job descriptions.
<b>Medium-term recommendations</b>	Implement recommendations to streamline administrative tasks as determined by the working group.

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## Signatures

All correspondence, requests and judgments must be signed multiple times before finalization. There are three required signatures: (1) the President of the Chamber, (2) the First President of the Administrative Tribunal, and (3) the Secretary General. The signing process is cumbersome and can often take weeks despite the fact that the three signatories are all based in the same location, in Tunis.

It is unclear whether correspondence and judgments issued by the RACs will have to be physically sent to Tunis for signature and returned back to the corresponding RAC prior to finalization. In theory, the signing authority of the First President of the Administrative Tribunal and Vice President of the Administrative Tribunal has been delegated to the RAC Presidents. Practical solutions will need to be considered to address the signing of RAC-issued documents, for example, the use of electronic signatures or a transfer by fax or email for signature.

<b>Challenges</b>	<p>Many signatures are required for simple correspondence resulting in significant delays in regard to the drafting and sending of correspondence.</p> <p>The completion of cases requires adherence to cumbersome administrative circuits, especially as a result of the legal requirement of multiple signatures for each document, which significantly lengthens the time required to render and deliver judgments.</p>
<b>Short-term recommendations</b>	<p>Determine those signatures that could or should be delegated from the First President of the Administrative Tribunal to Chamber Presidents, for example for simple correspondence regarding the identification of jurisdictional or statute of limitation issues.</p> <p>Determine those signatures that could or should be delegated from the Secretary General to heads of administrative departments in areas within their competence.</p> <p>Review whether such delegations are feasible within the current legal framework or require a change in the law.</p>
<b>Medium-term recommendations</b>	<p>Draft and propose amendments to the relevant law(s) to enable delegations of signature as deemed appropriate.</p> <p>Eliminate the requirement for the signing of all outgoing correspondence and judgments by the Secretary General and limit required signatures to the President of the Chamber issuing the correspondence or judgment and to the First President of the Administrative Tribunal, with a possibility of delegation to the Vice President of the Administrative Tribunal or to “a” Vice President of the Administrative Tribunal if additional positions are created.</p>

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## Collaboration between Judges

Chambers and individual Judges within chambers seem to work in silos. There are no mechanisms to encourage or facilitate exchanges of ideas or best practices within Chambers and amongst Chambers. Chambers work with little understanding of the caseload of other Chambers or of the case processing bottlenecks encountered in other Chambers handling similar cases and solutions identified to address them. This does not mean that there is no interest in learning about the caseload, bottlenecks, or solutions of other Chambers. Rather, each Chamber is focused on its own workload and lacks the time (and possibly IT tools) to find or seek practical, institutional solutions to improve case management and reduce delays.

No standard case management system is in place in policy or practice and Judges are free to create their own systems. The Assessment Team observed that some Judges keep track of their caseload using Microsoft Word or Excel, but this is not a common practice. Uniform practices, or at least the identification and sharing of best practices, would help the Administrative Tribunal enhance its management of cases and create a

collaborative learning environment that would benefit both the capacity of Judges and case processing efficiency.

<b>Challenges</b>	No mechanisms are in place to enable collaborative sharing of ideas or best practices among Judges Rapporteur or between Judges Rapporteur and Chamber Presidents.
<b>Short-term recommendations</b>	<p>Institute regular meetings among Judges of the different Chambers to exchange ideas, best practices, and suggestions and recommendations to address common problems.</p> <p>Compile an inventory of existing best practices, including the use of dashboards to track caseloads, the status of cases, hearing dates and the use a designated email address for parties to submit their pleadings/briefs and evidence electronically, that could be generalized across Chambers. Consider using an internal working group to guide the process of gathering and drafting good practices which could work with an IT specialist to create tools and/or training in existing tools with Microsoft Office.</p>
<b>Medium-term recommendations</b>	<p>Standardize the use of best practices across Chambers.</p> <p>Consider the use of Office 360or other IT-based solutions to facilitate collaborative work within and between Chambers.</p>

## Section Six – Information Technology

The current state of IT equipment of the Administrative Tribunal would appear to be adequate with more than 80% of computer and printer hardware being not older than five years and assessed as new or in “good condition”. All Judges are currently equipped with computers and use them autonomously but the Assessment Team was told by some of the Judges that they do not have laptops and must be in their offices to use the computers. The central location in Tunis and the RACs have been equipped with new computers, printers, and other IT equipment provided by UNDP. The level of IT staffing is however limited, with eleven (11) total staff including four based in the RACs who will cover large geographic areas for maintenance and technical support. Case intake and processing are not automated and electronic document transmission is not common. All judgments of the Administrative Tribunals have been digitized going back to 1976 although only judgments from 2005 are indexed. Finally, knowledge of IT tools and software remains limited amongst the Judges and staff.

### Hardware and Network

The Administrative Tribunal currently has 378 computers, including 53 laptops and 325 desktops, 28 servers, and 267 printers. More than 80% of computers and printers are less than five (5) years-old and evaluated as being in “good condition”. The table below provides a mapping of IT equipment currently available for use by the Administrative Tribunal and RACs.

Equipment	← 2 years	2-5 years	→ 5 years	Total
<b>Desktop computers</b>	132	138	55	325
<b>Laptop computers</b>	0	3	50	53
<b>Printers</b>	180	47	40	267
<b>Servers</b>	24	3	1	28

New hardware was recently acquired for the Administrative Tribunal’s RACs to equip the RACs and the central location in Tunis, and to create an operations room for litigation related to upcoming local elections. The IT operations room will enable the centralization of information provided by the RACs to the Administrative Tribunal in Tunis.

The operating system in use on Administrative Tribunal hardware is fairly old. Moreover, there are no automated backup systems in place.. A possible upgrade of the operating system, while necessary, raises issues of cost, compatibility with software in use, and user adaptability. However, it would not be difficult to institute back up systems for all hard drives, either through the purchase of back up systems for the network (assuming all of the Judges are connected thereto) or individual external hard drives for each computer.

The Administrative Tribunal has a centralized network that is managed by the Tribunal's IT staff, The RACs are already connected to this network. Yet, the current network is not strong enough to meet the bandwidth needs of the Tribunal, a situation made worse with the increased data volume resulting from the addition of the RACs. In addition, the network does not meet security standards and only has weak protections in place to guarantee data security.

<p><b>Challenges</b></p>	<p>While desktop computers and printers are relatively new, laptop computers can slow down and may need to be renewed.</p> <p>The network is unreliable and lacks the bandwidth to support anticipated user growth with the functionalization of the RACs.</p> <p>Cybersecurity is rudimentary and does not adequately protect computers, creating risks of data loss and exposure to computer viruses, hacking, and other cyber threats.</p>
<p><b>Short-term recommendations</b></p>	<p>Conduct an inventory of laptop computers in the Administrative Tribunal.</p> <p>Upgrade Microsoft Windows software.</p> <p>Develop a cybersecurity protocol for the network and computers.</p> <p>Back up each hard drive through external hard drives if no other solution is available for each computer used by Judges.</p>
<p><b>Medium-term recommendations</b></p>	<p>Upgrade the network to meet requirements of an expanded user base.</p> <p>Upgrade the network to state-of-the-art cybersecurity standards. The upgrade of security protocols will create the safe electronic environment necessary for the sharing and backing up of case files, correspondence, and data between the Administrative Tribunal in Tunis and the RACs.</p>



## IT Staffing

The Administrative Tribunal has its own IT staff, organized in two departments. The “projects and applications” department has one IT Engineer and one IT Technician. The “operations” department is headed by one IT Engineer and staffed by one Data Analyst and seven (7) IT Maintenance Technicians. Four (4) of the seven (7) IT Maintenance Technicians are based in the RACs, with one each providing IT support and maintenance to three of the twelve (12) RACs. In regions where distances are important, this arrangement may prove difficult to ensure the level of support and maintenance necessary to maintain an operational IT network. In addition, there is currently no system to provide technical maintenance or user support remotely, requiring a physical presence to resolve maintenance or other issues. The use of common solutions for remote access problem-solving, such as “TeamViewer” or similar software or applications, could be implemented using the existing IT network.

<b>Challenges</b>	The level of IT staffing appears insufficient to support equipment maintenance and user needs effectively in a decentralized and increasingly automated environment.
<b>Recommendations</b>	<p>Introduce remote access solutions for technical maintenance and user support, enabling users to contact IT staff in Tunis or in the RAC where the Maintenance Technician is based, for troubleshooting and simple problem-solving.</p> <p>Consider the hiring of additional IT staff to support the growing needs of the Administrative Tribunal and RACs.</p> <p>Train “first responders” from among staff displaying a higher level of IT understanding, to assist Judges and staff in their location with IT problems. This is of particular importance in the event additional IT staff cannot be hired, especially in RACs.</p>
<b>Medium-term recommendations</b>	<p>Train IT managerial staff to draft tenders, bid procedures, and procurements so as to better equip them to become actors in the information system development.</p> <p>Organize regular staff meetings of IT technicians and analysts to foster common problem-solving approaches and to foresee future challenges.</p> <p>Conduct a periodic review of IT staffing levels to determine whether the staff in place is sufficient (both in numbers and skillsets) to support the evolving IT environment of the Administrative Tribunal.</p>

## Use of Automated Systems for Case Processing, Record Keeping, and Communications

There is no electronic case management system. Case intake and processing are not automated and documents issued prior to the final judgment are not digitized (scanned). Some Judges use Windows-based tools (Word, Excel) for case management, but these are individual initiatives and are not shared with other Judges and with court personnel, even within the same Chamber.

There is no use of automated systems for filing or archiving of case records. The archives of the Administrative Tribunal are archaic with paper files stacked floor-to-ceiling on archive shelves. In some cases, recently archived cases were piled up on the floor due to a severe lack of space. The Archives Director has designed his own filing system, which includes taped papers indicating dates on the room's shelves. If he is not available to retrieve a file, there is no identifiable system to locate a file beyond the taped dates, where available.

Most personnel use email to communicate with each other, but there is no intranet set up and staff typically use private email addresses. This is in part because private emails can be accessed outside of the Tribunal, enabling them to work from home or when travelling to RACs, but increasing data security threats. Electronic systems are not currently used for external communications. We were told that the goal is to standardize the electronic communication of documents both internally and externally with the RACs, lawyers, experts, administrative agencies, and other third parties when appropriate.

Given the limited staffing level, the development of IT solutions may require the hiring of outside consultants to determine whether ready-made digital commercial applications are available to meet the needs of the Administrative Tribunal or, where such applications are not available, to develop technical specifications and design customized solution. Prioritization of IT solutions may be needed given funding limitations.

<b>Challenges</b>	<p>There is no internal intranet or email system.</p> <p>Case intake and subsequent case processing are not automated.</p> <p>Security raises concerns about how to balance confidentiality and data or document sharing.</p> <p>The Tribunal archives lack digital filing, retrieval, and search functionalities.</p>
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<b>Short-term recommendations</b>	<p>Create an internal intranet and email system.</p> <p>Ensure that electronic systems enabling access to and sharing of data, files, and other records are digitally secured.</p> <p>Establish an internal working group of representative functions (Judges, clerks, IT, etc.) within the Administrative Tribunal to initiate the development of technical specifications for case management information system. Specific training on how to develop such specifications and related documents could be provided to this working group.</p> <p>Adapt and implement tested solutions for archive organization and management, already piloted in judicial courts, to the needs of the Administrative Tribunal.</p>
<b>Medium-term recommendations</b>	<p>Train IT managerial staff to draft tenders, bid procedures, and procurements so as to better equip them to become actors in regard to information system development.</p> <p>Develop a case management information system to be shared and used by all personnel of the Administrative Tribunal, with access customized based on position, both in Tunis and in the RACs. Case management software should include functionality for case intake, case number allocation, and case tracking.</p> <p>Create an electronic filing and retrieval system for the Tribunal's archives.</p>

## User Capacity

The Assessment Team noted a general lack of knowledge of basic IT tools, starting with the tools available in Microsoft Office that is already installed on computers. Judges and other staff appeared somewhat unfamiliar with Microsoft Office functionalities and use few, if any, of the available tools such as the calendar, email functions, or even Excel. Examples of underuse of available IT tools include:

- Lack of use of Outlook for emailing and calendaring.
- Lack of use of calendars to synchronize hearings and other activities between Chamber Presidents and Judges Rapporteur.
- Lack of use of document synchronization tools such as sharing of templates or charts on case status. No use of standardized documents or templates for routine correspondence.
- No culture of security for electronic documents and data. Absence of backup solutions to protect information on computer hard drives, use external hard drives or network storage. Documents and files are often not saved due to fear that confidentiality could be breached, increasing risk of loss of data and information.

<p><b>Challenges</b></p>	<p>IT tools are underused by Judges and other staff, starting with basic Microsoft Office functionalities.</p> <p>Files are not saved or backed up and there is no use of computers or the network for file sharing or communication within the Tribunal.</p> <p>Outdated operating systems limit ability to implement solutions for automated backup of files and data and expand the use of collaborative tools.</p>
<p><b>Short-term recommendations</b></p>	<p>Train Judges and court personnel on the use of Microsoft Office tools and proper practices for file and data backup.</p> <p>Create a backup system for electronic files and data either on the Tribunal's network or by using external hard drives.</p>
<p><b>Medium-term recommendations</b></p>	<p>Train Judges and court personnel on the use of new applications for research, file indexation, archive and library management, as developed.</p>

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## **Hardcopy and Electronic Legal Resources**

The Administrative Tribunal has a Library stocked with dated French legal textbooks and treatises as well as a number of Arabic legal texts. There is no electronic database of the books available at the Library. The Librarian has developed a system to locate books and articles, but it is a personal initiative, which is not readily understandable. Same as with the Archives Director, if the Librarian is not available, there is no easy way to find a book or article, except for searching through the stacks.

The Library is currently split between two sites requiring users to visit two locations when looking for books or other resources. The two sites will be consolidated in one location after completion of a rehabilitation in a new building adjacent to the current Tribunal facilities. Rehabilitation is expected to be completed within 24 to 36 months.

A publicly-accessible database of legal texts, including applicable laws, decrees, and international conventions, is available online in both Arabic and French at [www.legislation.tn](http://www.legislation.tn) and [www.jurisitetunisie.com](http://www.jurisitetunisie.com) but there are no computers accessible in the library. The Assessment Team was informed that a Code, regrouping all legal texts related to administrative justice, is in the process of finalization. The Library could serve as a hub to access these sites and others for internet legal research.

There is no organized, indexed database of administrative jurisprudence. All Administrative Tribunal judgments going back to 1976 have been digitized, but they are only indexed from 2005, which makes jurisprudential research difficult. Moreover, judgments from 2005 to date are organized in an outdated and unreliable database in Microsoft Access 2003, which is not shared across Tribunal users.

A website is in the process of being developed with UNDP support.

<b>Challenges</b>	The Library lacks digital filing, retrieval, and search functionalities.
<b>Recommendations</b>	<p>Upgrade the existing resource database to enable users to access resources at the Library.</p> <p>Equip the Library on site with computers for research and access to legislation and a judgment database.</p> <p>Create a common topology for indexing judgments and legal resources. This would standardize indexing and enable a transfer of responsibility for indexing from Judges to administrative staff.</p>
<b>Medium-term recommendations</b>	<p>Develop a searchable web-based database enabling remote access to Library resources for use from both Tunis and the RACs.</p> <p>Consider the purchase of additional legal documentation as well as subscriptions to legal periodicals and bulletins of interest to expand the Library's resources.</p> <p>Consider the digitization of the most important or relevant Library resources for future online access.</p> <p>Improve the judgment database to include a search feature and online access.</p>

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## Challenges Encountered During the Assessment

**The Assessment Team encountered a number of challenges and limitations. They are outlined below, along with the impact they have had on findings or the ability of the Team to interpret these findings. This assessment is therefore intended as a living document and may be complemented or adjusted in the future as these challenges and limitations are addressed.**

- The Assessment Team received divergent information on several occasions, in particular regarding the necessity to amend laws before certain internal or administrative reforms can be undertaken.
- The Assessment Team could not obtain verifiable, objective case statistics on site. The Assessment Team was informed that statistics have been tracked in annual reports but that such reports were deemed strictly confidential until 2016.<sup>10</sup> The last published report is for 2015. Unofficial statistics were kindly shared by Mr El Hammi, President of the Third First Instance Chamber, providing a starting point to quantify workload, but further analysis and investigation are needed.
- While some Judges use custom-made case tracking systems in Microsoft Word or Excel, or limited in-house created apps, the information is not shared with other Judges or Chambers and is not consolidated into a coherent reporting system. As a result, the Assessment Team could not estimate the exact state of case backlog beyond comments made by the individuals interviewed.
- Copies of existing proposed laws being drafted or discussed were not made available to the Assessment Team. In addition, interviews with relevant government officials overseeing the Administrative Tribunal or with the Tunis Bar Association were not possible for this Assessment.
- The Assessment Team asked on several occasions for organizational charts and job descriptions describing the structure of the Administrative Tribunal and responsibilities within the Tribunal. No job descriptions exist. An organizational chart was included in Section I.
- The Administrative Tribunal did not share an overview of budgetary considerations, which would have been useful to consider in making recommendations so as to integrate practical restrictions that may apply to needs for personnel, equipment, and other logistics.

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<sup>10</sup> Starting in 2016, annual reports will be published in application of the 2014 Constitution and a recent law creating rights to access to information. Reports for 2015 and prior years are deemed strictly confidential and only a handful of people—President of the Republic, First President of the Administrative Tribunal, possibly the Presidency of Government—have the right to see them.





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## Annex A – Assessment Team Bios

**Salli Anne Swartz** is a dual national admitted to practice law in Pennsylvania and France. She has been practising law in Paris, France, since 1979, working on a broad range of areas such as international business transactions (joint ventures, consortiums) and international arbitration. She regularly advises French and other European subsidiaries of major American and English multinational companies in relation to their business activities in Europe, Asia and the Middle East. Furthermore, she advises many European, American and other clients with respect to compliance, corporate social responsibility issues and strategies and other issues arising out of the Foreign Corrupt Practices Act, anti-boycott laws and the OECD Convention on Combating Bribery of Foreign Public Officials. She has trained Government officials and Judges in Madagascar, Oman, Benin, Togo, Burkina Faso, Ethiopia, South Sudan, Chad and Tanzania, is a Member of the Pennsylvania and Paris Bars, with specializations in the Law of International Relations and Commercial Law and is admitted to practice before the French Courts, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of International Trade and the U.S. Supreme Court. She is a member of “Femmes Business Angels” and Arbitral Women (an association of women arbitrators), the former Co-Chair of the International Fellows of the American Bar Foundation, a contributor to the Rule of Law Index of the World Justice Project, a member of the Council on Foreign Relations, a member of the Advisory Board of the ABA Center for Human Rights, a member of the Advisory Council of the International Legal Assistance Consortium and the ABA delegate to the United Nations Economic and Social Council in Geneva and Vienna.

**Roger Bilodeau, Q.C.**, is a Canadian lawyer, having studied common law in French and received his law degree (LL.B.) from the Université de Moncton (Canada), followed by graduate studies in law (LL.M.) at Duke University. He has practiced law in various Canadian provinces. He has previously worked as a professor of law at the Faculté de droit de l'Université de Moncton. From 1999 to 2003, he served as Deputy Attorney General and Deputy Minister of Justice for the province of New Brunswick. During the course of his career, he has worked on various international projects and initiatives aimed at strengthening democratic governance, as well as capacity-building in the judicial sector. Since March 2009, he has been holding the position of Registrar of the Supreme Court of Canada (SCC). In this role, he has been leading the overall administration of the Office of the Registrar of the Supreme Court of Canada, as well as participating in selected outreach activities on behalf of the SCC, including those of international associations of supreme courts from numerous countries. Furthermore, in his capacity as Registrar, he is a member of the Heads of Court Administration (HoCA), a national committee which brings together the lead government officials responsible for court services in all Canadian jurisdictions.

**Shane Quinn** is a political scientist with over fifteen years of experience working on rule of law programming, covering public administration and justice sector reform in transition and fragile states. He has a multi-disciplinary background and holds a Masters in Peace and Conflict Studies from Uppsala University, Sweden, as well as a Masters in History from the National University of Ireland. Prior to joining ILAC as Director of Programmes, in 2017, he was an independent consultant leading a number of rule of law programmes for the Swedish government agency for peace and security (the Folke Bernadotte Academy) in a range of countries in Eastern Europe, Sub-Saharan Africa and MENA region. As a result of such position, he has experience in working closely with a number of multilateral actors, such as UNDP, OECD and the EEAS (Eastern Partnership), in developing policy tools and supporting rule of law reform processes. Furthermore, he has previously worked as a lecturer in development and humanitarian studies at Uppsala University and has conducted a range of different field missions with NGOs, government agencies and research institutions. His publications include *Responsive and Responsible: Politically Smart Rule of Law Reform in Conflict and Fragile States* (FBA 2016), and *Civil Society and Peacebuilding: a Critical Assessment* (2010): Lynne Rienner Publishers (both as co-authors).

**Ismaël Benkhalifa**, is a Tunisian lawyer. He holds a Master's Degree in Public International and European Law and another Master's Degree in Maritime and Transportation law, from Paris (XI) and Aix-Marseille (III) Universities, in France. He has previously worked as logistician, Human resources manager and for the French Agency for the promotion of higher education and international mobility. He joined ILAC in 2013, where he currently holds the positions of team coordinator and ILAC representative in Tunisia. Indeed, as ILAC staff, he had already participated in the previous assessments on Tunisian Court Administration and on the Syrian Justice System.

**Sélim Ben Abdesselem** is from Tunisia, and was previously an elected member of the Tunisian Constituent National Assembly (2011/2014), that wrote the Constitution of 2014. He has two Masters Degrees in Human Rights and Civil Liberties from "Paris Nanterre University" (1997), and in Labour Law from "Paris Pantheon-Sorbonne University" (2009). He worked as a lawyer at the Paris Bar Association, specializing in labour law (2009/2011), as a political and technical adviser at the French National Assembly for three members of the Parliament (1999/2009), and as legal and welfare adviser and later as senior manager with "France Terre D'Asile", a French NGO specializing in legal support to asylum seekers and refugees (1997/1999, 2011 and 2015). Since late 2015, he joined ILAC as a senior legal expert in Tunisia.

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**Violaine Autheman** is a Senior Advisor and Senior Program Manager at the National Center for State Courts responsible for justice sector programming in North Africa, the Balkans, and South Asia. Ms. Autheman has served as technical expert and team leader on a number of U.S.-funded programs to strengthen the Rule of Law and improve governance in the justice sector, including as Project Director of the State Department INL Improving Court Administration Program in Tunisia (2016-2019) and MEPI Increasing Accountability in Tunisia and Empowering the Financial Judicial Pole Program (2017-2019); Chief of Party of the USAID Justice for All Program in Bangladesh (2013; 2014-2015); and Deputy Chief of Party of the USAID Justice Strengthening Program in Kosovo (2010-2011). In Tunisia and Kosovo, Ms. Autheman conceptualized and directed the implementation of Model Courts Programs, high-impact programs designed to guide counterparts to promote innovation, adapt best practices, and commit to transformational reforms in court administration, enabling courts to pursue excellence and improve the efficiency and accessibility of services. Specialized in civil procedure, enforcement of judgements, case management, and public accountability, Ms. Autheman has extensive experience with the design and delivery of results-oriented change plans in the justice sector. Ms. Autheman has developed and managed legal and judicial reform assessments and programs to improve judicial efficiency, accountability systems, and access to justice in countries as diverse as Egypt, Morocco, Tunisia, Lebanon, Liberia, Kosovo, Serbia, Bosnia and Herzegovina, Bangladesh, China, and Haiti. She is a native French speaker and fluent in English and Albanian.



## Annex B – List of Interviewees

Day / Court	Name	Function
<b>Day 1 – Mon. 01/29<sup>th</sup></b>		
<b>Introductory meeting</b>	Mr. Hatem Ben Khalifa	Vice-President of the Administrative Court + Provisional President of the High Judicial Council
	Mrs. Karima Nefzi	Administrative Judge (Pr. of section of Constatative Chamber in charge of the annual report)
	Mr. Amine Della	IT manager
	Mrs. Sihem Bouajila	Administrative Judge (Pr. of First Instance Ch.)
	Mr. Lotfi Khaldi	Secretary General of the Adm. Court
	Mr. Hichem El Hammi	President of the 3 <sup>rd</sup> chamber, first instance
<b>Central office and First instance chambers</b>	Mr. Abdelatif Ben Rachid	Deputy-Director at the Central Clerk office
	Mr. Moez Khammassi	Chief of the “Bureau d’ordre” (post-mail and documents centralization office)
	Mr. Karim Ouicher	Chamber Clerk
<b>Day 2 – Tue. 01/30<sup>th</sup></b>		
<b>First instance chambers</b>	Mr. Ahmed Errai	Chamber President
	Mrs. Saloua Grira	Chamber President
	Mrs. Samar Lamloum	Chamber Rapporteur
	Mrs. Amina Daghari	In charge of statistic collection
	Mr. Sami El Attari	Archives and Library Director
	Mr Lotfi Khaldi	Secretary General
<b>Day 3 – Wed. 01/31<sup>st</sup></b>		

<b>Regional Chamber Sousse</b>	Mr. Hassine Amara	President
	Mr. Mohamed Nizar Othmani	Deputy of the Secretary General
	Mrs. Sondos Talbi	Rapporteur
	Mrs. Olfa Metaoua	Rapporteur
	Mrs. Narjess M'kaddem	Rapporteur
	Mrs. Senda Lahmar	Rapporteur
<b>Day 4 – Thu. 02/1<sup>st</sup></b>		
<b>Consultative Sections, Cassation Chambers and the Annual Report Chamber</b>	Mr. Hichem Zouaoui	President of section of a Consultative Ch.
	Mrs. Jalila Maddouri	President of section of Consultative Ch.
	Mrs. Olfa Ben Rejeb	Rapporteur of Consultative Chamber
	Mrs. Rym Sethom	Rapporteur of Consultative Chamber
	Mrs. Samira Guiza	President of Cassation Chamber
	Mr. Rafii Achour	Rapporteur at a Cassation Chamber
	Mr. Taieb Ghozzi	Rapporteur at the Annual Report Chamber (and at an Appeal Chamber)
<b>Day 5 – Fri. 02/02<sup>nd</sup></b>		
<b>Appeal Chambers</b>	Mr. Abderrazak Azzouz	Clerk of Chamber
	Mr. Mohamed Ridha Laafif	President of Chamber
	Mr. Khaled Ben Youssef	President of Chamber
	Mrs. Nadia El Khoufi	Rapporteur

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**ILAC is a global rule of law consortium providing technical assistance to justice sector actors in fragile and conflict-affected countries.**

ILAC's mission is to rapidly respond to and assess the needs of the justice sector in conflict-affected and fragile countries, and help strengthen the independence and resilience of justice sector institutions and the legal profession.

Today, ILAC has more than 80 members including individual legal experts as well as organisations that represent judges, prosecutors, lawyers and academics worldwide.

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