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The Role of Civil Society in Transitional Justice in Tunisia

After the Adoption of Transitional Justice Law

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Abstract

Shortly after the revolution, Tunisia took basic steps towards the attempts of proceeding with democratic transition. One of the most transition issues it commenced tackling was Transitional Justice. It was raised and promoted by the civil society. The civil society tremendously contributed to the establishment of transitional justice.

This thesis explores the effective and ineffective role of the civil society actors in all stages of transitional justice process after the adoption of the TJ law. It concentrates particularly on the period after the adoption of the law as the so far researches focus on the role of the civil society before the adoption of the law.

This field study was conducted in Tunisia and absorbed comprehensive data and wide insight into transitional justice process through meeting local and international organizations, the Truth and Dignity Commission, and victims and also observing events of transitional justice such as attending live broadcast of public hearings, national consultation on reparation program, protests and other events.

It analyzes the effective presence of the civil society through pressuring before the National Constituent Assembly, the TDC, and the Assembly of People's Representatives on issues concerning transitional justice. Also, how positively it contributed to the sensitization and victims' files collection across the country, documenting the process through publishing studies, etc.

On the other hand, it gives an insight into the insignificant role of civil society on issues of transitional justice such as observing the process and the non-effective results of their efforts like filing appeals, pressuring before governmental bodies for certain issues, etc.

Preface and Acknowledgements

This thesis is a final product of a field visit to Tunisia where I had the opportunity to experience the ongoing democratic transition processes. It helped me in living the situation and looking into the Tunisian experience from different dimensions and chiefly focus on the process of transitional justice. Meeting numerous transitional justice stakeholders and discussing with them the various aspects of the process enabled me to get a better understanding about this experience and reflect it on my thesis.

This work would not have been implemented without the support I have received from many people who supported and helped me in finalizing it.

Initially, I would like to extend my sincere thanks to my family particularly to my father's soul who instilled the spirit of perseverance in me. And a special thanks to my wife for her constant support and encouragement to my study and taking care of our lovely son alone during my absence for my study.

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Acronyms

ASF	Avocats Sans Frontieres = Lawyers without Borders
CSO	Civil Society Organization
ICTJ	International Center for Transitional Justice
NCA	National Constituent Assembly
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations Higher Commissioner of Human Rights
OMCT	World Organization Against Torture Organisation Mondiale Contre la Torture
TJ	Transitional Justice
TDC	Truth and Dignity Committee Instance Vérité & Dignité (IVD)
UN	United Nations
UNDP	United Nations Development Program

Civil Society Groups

- Arab Institute for Human Rights
- Al-Karama Association (Al-Karama: la voix-e des victimes)
- Human Voice Association
- Independent National Coordination of Transitional Justice
- Insaf [Justice for ex-military personnel] Association
- Justice and Rehabilitation Association (Association Justice et Réhabilitation)
- Kawakibi Democracy Transition Center – KADEM
- The Democratic Lab (Le labo démocratique)
- Tunisian Association of the Democratic Women (Association Tunisienne des Femmes Démocrates - ATFD)
- Tunisian Bar Association
- Tunisian Center for Economic and Social Rights (Forum Tunsien pour les Droits Economiques et Sociaux – FTDES)
- Tunisia General Labor Union (Union Générale Tunisienne du Travail – UGTT)
- Tunisian League for Human Rights (Ligue Tunissienne de Droit de l’Homme – LTDH)
- Tunisian Mediterranean center (Centre Tunisien méditerranéen - TUMED)
- Tunisian Network for Transitional Justice (Reseau Tunisien pour la Justice Transitionelle – RTJT)
- Tunisian Women Association

1.1 Introduction

Tunisia marked the start of the Arab spring in 2011. The self-immolation of the fruit vendor, Mohammed Bouazizi, on the 17th of December 2010 sparked the protests against the repressive rule and demanding for freedom. People's insistence on the departure of the authoritarian leader Zine El-Abidine Bin Ali resulted in his resignation on the 14th of January 2011. This day marked a day for the start for the struggle of building a new democratic state. Therefore, Tunisia started taking steps of the democratic transition by adopting numerous democratic processes.

As a matter of fact, Tunisia experienced human rights violations during the previous regimes. As part of its democratic transition and to deal with human rights and social and economic rights violations, Tunisia adopted some procedures shortly after the revolution. It established two fact-finding committees; the National Committee on Abuses Committed in Recent Events (starting 17 December 2011) and the National Committee to investigate Cases of Corruption and Embezzlement. It also issued a general amnesty law in February 2011 for political prisoners and repression victims. And it established the Ministry of Human Rights and Transitional Justice.

Undoubtedly, the Tunisian civil society played a tremendous role in revolting against the despotic rule. Continuing on that, the civil society took part in promoting and establishing the idea of implementing transitional justice in Tunisia. This active role of civil society resulted in partnership with the government in establishing the basics of transitional justice process. This reflected in implementing the national dialogue on transitional justice with the involvement of numerous actors in the society particularly victims which led to drafting the transitional justice law.

After the adoption of the TJ law, various steps of transitional justice took place such as the creation of the Truth and Dignity Commission, the selection of the commission's members, victims' files collection, live public hearings, etc.

Therefore, this study focuses on the role of civil society in transitional justice process in all the TJ steps after the adoption of the transitional justice law.

1.2 Methodology

As part of the democratic transition in Tunisia, transitional Justice is deemed to be one of the most controversial issues that is still being tackled in Tunisia. Since the start of the idea of TJ, the civil society took part and contributed to the process. Continuing on that, the civil society kept working on TJ until this moment through all the stages of the process. This research concentrates on the role of the local civil society organization in transitional justice.

There have been continuous publications and studies on the process of transitional justice in Tunisia since TJ started in 2012. These publications and studies covered different aspects of the process. Within these studies, there were studies that covered the role of civil society in transitional justice. However, there is no study that has covered the role of civil society in transitional justice after the adoption of TJ law. This was figured out after reviewing the researches and studies on TJ in Tunisia and consulting my thesis supervisor who has extensive knowledge in transitional justice in Tunisia. One of the studies that helped me in checking this is the study “Research and Transitional Justice in Tunisia”¹ which listed all studies on TJ in Tunisia.

Therefore, this study focuses on the role of civil society organizations in transitional justice after the adoption of TJ law. It aims at proving the assumption that **the Civil Society Organizations Have a Significant and Insignificant Role in the Process of Transitional Justice.**

Data Collection

This study’s primary sources are chiefly interviews. It also includes a few observations and publications. The interviews were done with the most prominent CSOs that work on transitional justice:

Independent National Coordination of Transitional Justice, Tunisian Network for Transitional Justice, Human Voice Association, Kawakibi Democracy Transition

¹ Kora Andrieu and others, Research and Transitional Justice in Tunisia, Kawakibi Democracy Transition Center, Impunity Watch, and CHR, November 2016, Tunisia

Center, Justice and Rehabilitation Association, Tunisian Forum for Economic and Social Rights (FTDES), Tunisian Mediterranean Center, Tunisian Women Association, Democracy Lab Center, Insaf-Justice for Ex-military Personnel Association, and Al-Karama Association.

These interviews covered different spectrums of the local CSOs from different backgrounds and expertise. It included Islamist and leftist CSOs, victim groups, CSOs that work on providing technical expertise,... etc.

There were also interviews with other stakeholders like the Truth and Dignity Commission, international organizations and INGOs that work on transitional justice:

United Nations Development Program (UNDP), Office of the United Nations Higher Commissioner for Human Rights (OHCHR), Avocats Sans Frontieres (ASF), and International Center for Transitional Justice (ICTJ).

These interviews were done during the months March and April 2017. They were done in Arabic and in some cases in English. The questions took the semi-structured format. There were standardized 10-12 questions in each interview.

The observations have contained three different events. The first is attending two complete live public hearings were conducted one on the 11th and the other one on the 26th of March 2017. The second is observing a protest that was organized by CSOs and victims groups in front of the TDC headquarter office. The third is attending the consultation session on reparation program in Tunis on April 02, 2017 that was implemented by the TDC to CSOs on “National Consultation on Reparation Program”.

These sources were also supplemented by various existing publications and researches and studies on transitional justice and civil society, particularly, those have been published recently in Tunisia on transitional justice, as well as reports and statements that have been released by different stakeholders; TDC, CSOs, INGOs,... Those references are in Arabic or English.

1.3 Civil Society and Tunisian Civil Society

1.3.1 What is Civil Society?

The Tunisian civil society had evidently shown genuine presence in the revolution. It played an essential role during those days in toppling the authoritarian leader. Even after that, it took active participation in the transitional period supporting the democratic transition in many different aspects.

First of all, it is important to look into the meaning of the concept Civil Society. The definition of the term civil society is controversial with various definitions and justifications. It had numerous explanations depending on the different periods of time, surroundings, and needs as well as the political and economic changes. But generally it took to some extent the form of institutional form that individuals meet away from the state's bodies.

One of the widely spread definitions in the Arab world is what Dr. Saad Addin Ibrahim has defined "Civil society is a group of free voluntary organizations that fill the existing sphere between the family and the state to achieve its interests, committed to values and standards of respect, compromise, and tolerance; and peaceful management of diversity and difference".

Another definition of civil society states that "Civil society is a group of free voluntary organizations that fill the public sphere between the family and the state; between kinship institutions and state institutions that have no choice in membership. These free voluntary organizations are established to achieve the interests of their members or to provide services to citizens or to engage in various humanitarian activities, and in their existence and activities are committed to the values and standards of respect, compromise, tolerance, participation and peaceful management of diversity and difference"².

This shows that there are three main elements of civil society as follows:

- Volunteerism: it refers to the freedom of choice of individuals;
- Collective organization and not individualism;

² Wael Al-Sawah, Democracy, Series of Civic Education, Bait Almwaten publications, Damascus-Syria, 2014, p. 48.

- Ethical aspects; it refers to using respectful and peaceful means to resolve issues and not to use violence, and to manage diversity and differences.

Thus, based on these definitions, the civil society is any organized communal entity that stands on regular membership for the public, professional, or volunteer work. The civil society could encompass voluntary associations, labor and professional unions, political parties, social movements, sports unions, NGOs, media, universities, etc. Its membership does not stand on inheritance factors or loyalty; blood relations, or family, clan, tribe loyalty.

Nonetheless, there are objections on the wide inclusion of numerous components included in the term of civil society. Justifications were provided in excluding some components as they do not match the basic elements of civil society. There are controversies on the inclusion of political parties, media, universities, etc.

For example, considering political parties as part of the civil society was faced with rejections of some writers justifying that political parties pursue for power. “The definitions presented by the writers on civil society in the last decade of the twentieth century, some such as Diamond exclude, political parties as they aim at power, and others such as Habermas included the political parties”³. Also, including media is not accepted by some as it could belong to the government in which it loses its independence. Even for the social movements, they rejected in belonging to the civil society because it does not fulfill the organizational element and the legal existence though it involves within the society.

“There are key components that are agreed on that considered CSOs, and this consensus came out in the beginning of the millennium with comparative international works that included the following: NGOs, advocacy organizations, business associations, professional groups, labor unions, non-profit social and sports clubs, a sector of universities (non-profit ones with specific standards that keep it away from the private sector)”⁴

One other comprehensive and widely spread definition that summarizes the different thoughts and concepts of the civil society since its start in political thoughts states that “Civil society is a

³ Dr. Amani Qindeel, Arabic Encyclopedia of Civil Society, Egyptian General Book Authority, Cairo, 2008, p. 64.

⁴ Ibid., p. 66.

group of autonomous voluntary organizations that fill the public sphere between the family and the state. It is a non-profit organization that seeks to achieve the benefits or interests of the society as a whole or some of its marginalized groups or for the interests of its members. It is committed to the values and standards of respect and compromise and the general management of differences and tolerance, and accepting others”⁵.

In this thesis, I will concentrate on the concept that excludes political parties, media, and universities of the concept of civil society. The main focus will be on the independent non-profit and non-governmental organizations that do not seek for political power.

1.3.2 Tunisian Civil Society

The Tunisian civil society; associations, non-governmental organizations, public engagement had existed and grown throughout history. It was active in the societal engagement in different aspects and community needs in spite of facing different restrictions from time to time depending on the country’s various situations. Political constraints and repression mainly restricted the active work of the civil society during the French colony, President Habib Bourghiba’s rule and then president Zine El-Abidine Ben Ali’s rule.

During the French colony there was an active communal engagement within the Tunisian civil society. This engagement varied in providing societal assistance or anti-colonial struggle against the French protectorate. Most well-known civil society actors back then were the Labor Union (UGTT), Red Crescent, Farmers Union, Trade Union, Scouts Union, and others. This shows how inherent and growing the Tunisian civil society was. This active and collaborative work of civil society with other political movements during the colonial period played an important role in the struggle for independence.

During the rule of Bourghiba, a new political sphere took place which also faced divisions in the struggle of independence among political factions which affected on the freedom of civil society. This resulted in more restrictions on the work and expansion of civil society. Bourghiba was careful of the actions of civil society which led him lessen their expansion. Meanwhile, the civil

⁵ Ibid., p. 64.

society kept the community engagement and struggle within the existed opportunities. The UGTT (Tunisian General Labor Union) was the most Tunisian civil society organization working actively on the ground with the state's consent back then. It also took a significant part in the bread revolt in late 1983.

The civil society carried out its existence and activism during President Ben Ali's rule. Nevertheless, Ben Ali's regime imposed extra pressure and restrictions on the freedom of the work of civil society. The regime attempted for the idea of creating modernized and so-pretended widely expanded and liberalized civil society, but still this civil society model is state-controlled civil society. "Before the revolution, the relationship between the Government and civil society was limited to associations that were closely tied to the regime and that were constantly glorifying it and polishing its image at the national, regional and international levels. Associations opposed to the regime, whose number did not exceed 10 associations, were exposed to various forms of harassment, such as the freezing of their funds"⁶. There was more growing civil society work with more control with uneasy procedures of establishing an organization. This civil society existence was there and actively participated in different domains conveying messages. This also raised the culture of civil society among people even if there was no concrete freedom of expression and movement. Even the UGTT (Labor Union) was still the strongest on the ground but with less freedom of what it had before Ben Ali's rule.

In spite the fact the Tunisian civil society was not freely working under the authoritarian rules during presidents Bourghiba and Ben Ali, it existed and calmly penetrated in the society as well as instilled the culture of civil society. This spirit of civil society activism resulted and proved its effectiveness in the Tunisian revolution in 2011 and expansion after the revolution. It showed how it collaboratively reaped its long-time work. "After the revolution, associations are no longer exposed to harassment and are allowed to carry out activities in all fields without discrimination. They have transcended the traditional fields of action in support of the state's development effort to include other issues such as the transitional process and human rights in

⁶ Anouar Mansri, Enabling Environment National Assessment of Tunisian Civil Society, Kawakibi Democracy Transition Center, September 2016, Tunisia, p. 59.

their broad sense which encompasses political, economic, social, environmental, cultural and educational rights”⁷.

This civil society culture also reflected in 2013 when Tunisia faced mass demonstrations before the NCA protesting on the political situation. The civil society represented by the Quartet led a national dialogue to preserve political transformation. This quartet included the UGTT (Labor Union), UTICA (Employers Union), Tunisian Bar Association, and LTDH (Human Rights League). This quartet was awarded with Nobel Prize Award.

⁷ Ibid, p. 59.

1.4 Transitional Justice

1.4.1 What is Transitional Justice?

The concept of transitional justice is of recent origin. The idea of transitional justice occurred to deal with mass atrocity and human rights violations in order to respond to the demands of justice.

“The field of transitional justice arose as a result of many global developments, including the events and aftermath of the Second World War – which saw major war crimes trials, massive reparation programs, and widespread purges as well as transitions out of war in places ranging from El Salvador to the former Yugoslavia to Sierra Leone. The development of transitional justice was also prompted by transitions (or returns) to democracy in Southern Europe in the 1970s, Latin America in the 1980s, and Africa, Asia, and Central and Eastern Europe in the 1990s and beyond”⁸.

The modern concept of transitional justice emerged in the 1970s and 1980s when countries in Latin America, Central and Eastern Europe and South Africa experienced transitions from authoritarian rule. This transition from repressive regimes to democracy spurred demands to accountability and justice.

There are different interpretations on the period of time of implementing TJ. The concept of TJ was meant of a period of political change. “The conception of justice associated with a period of political change, characterized by legal responses to confront the wrongdoing of repressive predecessor regimes”⁹. However, this conception had been broadened to other situations in which TJ could take place. These situations could involve the situation of other transitions such as the transition from an autocratic regime to democracy, and also the situation from conflict to peace. “I begin from a broad understanding of transitional justice that includes ‘justice associated with periods of political change’ and with the ‘movement from repressive regimes to democratic

⁸Mark Freeman, *Truth Commissions and Procedural Fairness* - First Edition, Cambridge University Press 2006, p. 5.

⁹ Ruti G. Teitel, *Transitional Justice*, Oxford University Press, 2003, p. 69.

societies’, as well as transitions from conflict to peace”¹⁰. “Transitional justice today plays a growing role even in situations where violent conflict is still ongoing”¹¹.

There are various definitions for transitional justice with no universally accepted and unified definition. The definition that was presented in the report of the Secretary-General, Kofi Annan, to the Security Council in 2004 stated that “Transitional justice is the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”. Also, the International Center for Transitional Justice definition is “Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for the victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades”¹².

Objectives of Transitional Justice:

The four basic objectives of transitional justice in addressing the mass human rights violations are establishing the truth, accountability, reconciliation, and reparations.

- Establishing the Truth: revealing the truth and facts of the past violations. It is one of the most critical aspects of TJ in which it could pave the way for the achievement of other TJ aspects. “Truth, is often argued, is a precondition for reconciliation, which is considered to be a prerequisite for sustainable peace”¹³.
- Accountability: by determining the responsible of human rights violations then to have the possibility in involving them in the process of TJ
- Reconciliation in order to establish permanent peace
- Reparations: providing victims compensation at least to cover the deprivation they faced

¹⁰ Erica Resende and Dovile Budryte, *Memory and Trauma in International Relations: Theories, Cases and Debates*, Routledge Taylor and Francis Group, Jan 2013, p. 31.

¹¹ Gerald Gahima, *Transitional Justice in Rwanda, Accountability for atrocity*, Routledge Taylor and Francis Group, 2013, p. 1.

¹² www.ictj.org

¹³ Gerald Gahima, *Transitional Justice in Rwanda, Accountability for atrocity*, Routledge Taylor and Francis Group, 2013, p. 5.

Transitional Justice Mechanisms:

Transitional justice mechanism's implementation takes different potential tools. The followings are the basic commonly applied mechanisms

- Truth Commissions

Truth commissions are temporary and non-judicial fact-finding bodies. Their mandate is to last for a specific period of time. The main objectives of the truth commission's mandate is to document victims and witnesses' testimonies on past violations, organizing public hearings, composing reparations plan and final report and recommendations. Therefore, its work will reveal the truth to the society and widen people's understanding of the past violations.

This mission is not that easy, particularly, if there are still members of the previous authoritarian regime in power as there will not be the will of facilitating of the commission's work. The commission's work is tremendously sensitive in such situations.

- Criminal Prosecution

It is meant to investigate in all human rights violations and gather evidence in order to hold responsibility of persons committed violations. It is important that the state puts efforts in its investigations. Clear investigation leads to the possibility of verifying guilt or innocence. This will avoid impunity in which will remedy victims wounds.

- Reparation

Reparation is one of the essential restitutions for the victims in which they could be granted back with symbolic or material compensation of what they have lost due to the abuse committed against them. Reparation has various forms that include material and immaterial compensation. "the term 'reparation' encompasses restitution, compensation, rehabilitation, measures of satisfaction (such as public apologies, public memorials) guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations"¹⁴.

¹⁴ United Nations Human Rights Committee 2004; Orentlicher 2005

Forms of reparations:

- 1) Restitution: it is a primary form of reparation. It is meant at restoring the victim's normal situation before the abuse committed against him/her. This restoration could include restoration of liberty, enjoyment of human rights, employment, identity ...etc.
- 2) Compensation: this is a secondary form of reparation that includes monetary compensation for physical or mental suffering, distress, and harm to dignity ...etc.
- 3) Rehabilitation: this does not only include medical and psychological rehabilitation, but it also includes rehabilitation of dignity, social and legal situation.
- 4) Satisfaction: it is a non-financial form of reparation. It is for the moral damage or dignity and reputation damage. It is relevant when the other reparation forms are not resulted in full reparation.
- 5) Guarantees of non-repetition

- Institutional Reforms

Institutional reform aims at better structuring the institutions in order to establish effective institutions that protect human rights and does not allow actions to impede the democratic transitions. The reform could take place in the security sector and judicial sector. Effective reform could lead to better reform in the other public sectors.

1.4.2 Transitional Justice in Tunisia

After Ben Ali fled the country, Tunisia took steps towards democratic transition. They elected the National Constituent Assembly (NCA), drafted a new constitution, and worked on establishing the foundations for new democratic rule.

Since Tunisians faced human rights violations and political participation oppression during the previous regime, there was a real need for redress and remedy for such abuse through transitional justice.

The idea of transitional justice was first promoted and advocated by the civil society which some of them had prior experience in the area of TJ. This spurred the state to take the idea into

consideration though commonly there was less knowledge about TJ. The steps of TJ were in demand among citizens particularly those faced repression.

Initial Steps towards Transitional Justice

The state carried out some steps that support the concept of transitional justice in terms of its content. Shortly after the revolution in February 2011, it granted amnesty for political prisoners. Around 12000 prisoners benefited from this amnesty and restituted their rights and got the chance to participate in politics again.

Also, in the same month, the state created the National Fact-Finding Committee on Abuses committed in recent events (since December 2010) and the National Committee to Investigation Cases of Corruption and Embezzlement. These two committees worked on issues that are related to transitional justice; human rights violations and combating corruption issues. “The National Committee to Investigation Cases of Corruption and Embezzlement received around 11000 files until December 2011 and studied 5000 files and referred more than 400 files to the judiciary that each file to numerous parties”¹⁵.

National Dialogue on Transitional Justice

A ministry was created specifically for the process of transitional justice in October 2011; Ministry of Human Rights and Transitional Justice. This ministry in collaboration with civil society worked on drafting TJ law. The ministry and civil society with the technical support of the international community conducted a national dialogue on transitional justice. This dialogue was implemented in all the governorates of Tunisia and involved many citizens and victims and got their input in order to come up with a comprehensive law draft. In spite of the difficulties and problems occurred back then, the TJ law was adopted and finally passed with slight changes due to political interventions in December 2013.

Truth and Dignity Commission

As part of TJ law, Truth and Dignity Commission was created. It had 15 commissioners that went through selection process and elected by the National Constituent Assembly. The

¹⁵ Dr. Wahid Ferchichi and other, *Transitional Justice in Tunisia – Finally the Law!*, Tunisian Association for Defending Individual Liberties and Kawakibi Democracy Transition Center, Tunisia, May 2014, Tunisia, p. 24.

commissioners took oath in June 2015. It was inaugurated in December 2014. Its mandate is to look into the human rights violations and financial corruption from July 1955 to December 2013. Its work is to last for four years starting from May 2014 with a possibility of extension for one extra year. The commission is composed of six committees:

- Research and Investigation Committee
- Reparation and Rehabilitation Committee
- Preserving National Memory Committee
- Women's Committee
- Arbitration and Reconciliation Committee
- Vetting Public Servants and Institutional Reform Committee

The TDC created 24 regional offices to facilitate its work and to reach those in remote areas.

1.5 The Role of Civil Society before the Adoption of TJ Law

In the aftermath of the revolution, there was a low level of understanding of transitional justice among citizens and even among CSOs in Tunisia.

Spreading awareness on the concept of transitional justice started first by specific CSOs that triggered off the concept of transitional justice. They organized sessions and seminars on transitional justice. This initiative brought up the discussion of the possibility of applying TJ in Tunisia. It also helped in advocating and spreading awareness among human rights defenders and those who have interests in TJ.

There were only a few specific CSOs aware about the importance of TJ. Therefore, this kind of advocacy and awareness-raising encouraged other CSOs and victims to get involved and support the idea. Some of those CSOs whether had the experience in the area of human rights or others who were interested in transitional justice. "There were two important meetings, the first was on 24 February 2011 titled 'The Importance of Truth Commissions in Democratic Transition Process' which was organized by Kawakibi Democracy Transition Center, and the second meeting was titled 'Democratic Transition in Tunisia' organized by the International Federation for Human Rights and Euro Mediterranean Network for Human Rights"¹⁶.

Later on, other CSOs and INGOs organized such events on transitional justice issues. They brought international experts who had been through transitional justice in other countries and reflected their experiences to Tunisians. This enabled Tunisians to get exposed to different examples and then looked into the Tunisian context. There were even experts that came from the neighboring country Morocco which had transitional justice in 2004 as well as South Africa and other countries. "We organized the first conference on transitional justice in Tunisia in April 2011 in partnership with the Arab Institute for Human Rights and OHCHR¹⁷ in order to present the concept of transitional justice and its elements and that TJ is not a copy and paste from a country to another but every country has its own specificity. It targeted different parties that

¹⁶ Dr. Wahid Ferchichi and others, *Transitional Justice in Tunisia, the Absence of Clear Strategy and the Predominance of Improvisation*, Arab Institute for Human Rights, May 2011-Tunisia, p. 6.

¹⁷ OHCHR - The Office of United Nations High Commissioner for Human Rights - Tunisia

could be involved in prospective TJ process in Tunisia such as governmental actors, civil society, and victims groups”¹⁸, Salwa Elgantri said.

Another important example is the Transitional Justice Academy. This was organized by a local NGO, Kawakibi Center, in partnership with an INGO¹⁹. This academy provided extensive and precise trainings and workshops targeting different stakeholder; lawyers, judges, civil society, NCA, and representatives of the security sector.

This movement within the civil society expanded the inclusion of more CSOs. Meanwhile, new CSOs and networks were established for the matter of to working specifically or mainly on transitional justice, such as the Tunisian Network for Transitional Justice, The Independent National Coordination for Transitional Justice, The Tunisian Center for Human Rights and Transitional Justice, and others.

Besides to these seminars and trainings on transitional justice to enhance the understanding of the concept of TJ, during this period of time, publications on TJ were also done by some CSOs. These publications provided the basics of transitional justice and its elements as well as examples of other countries. These publications were written in Arabic and some others in French, the two languages commonly used in the country, to reach more people with a clear understanding and advocacy.

During this period of time, within a year to a year and a half, the civil society got better knowledge on TJ and promoted for it. Meanwhile, CSOs and victims groups got prepared for prospective TJ process. And the government officials were also regularly involved in this movement through these different activities. Therefore, the community, the government, and political parties were all delved into the discussions and campaigns on transitional justice. This might have been a reason that led the government to pay more attention to transitional justice. Then, the government created ministry of human rights and transitional justice in December 2011. “The positive role of CSOs was to interpret the concept of democratic transition to clear and guaranteed institutional mechanisms that deal with a complete not partial approach. The civil

¹⁸ Based on an interview with Salwa Elgantri, International Center for Transitional Justice, Head of Office – Tunisia, 12 April 2017

¹⁹ No Peace without Justice

society succeeded in bringing the political action to the approval of these mechanisms to regulate democratic transition and institutional reforms”²⁰, Karim Abdulsalam said.

As a matter of fact, some CSOs did not support of the establishment of the ministry as they thought that transitional justice must be led by the civil society. However, at least establishing a ministry that concerns about transitional justice shows there was a governmental will to supporting the implementation of transitional justice process. “When the ministry of human rights and transitional justice was created, there were some CSOs that refused the idea and said they took the competence of civil society though there were other examples where ministry of transitional justice was established before Tunisia. Later on, those who have refused this idea, joined the technical committee that organized and supervised the national dialogue on transitional justice”²¹, Slawa El Gantri said.

1.5.1 The National Dialogue on Transitional Justice

There was an increasingly awareness and interest to some extent within the CSOs in transitional justice. This kind of active movement from the civil society might have been a reason that the government took into considerations of involving the civil society in the process. This involvement depicted by the call of Ministry of Human Rights and Transitional Justice for a national dialogue on the 14th of April 2012 that was supervised by the three presidencies²².

- **The Creation of the National Dialogue Committee**

The ministry invited different spectrums of the civil society for the dialogue. On this day, it had two sessions, morning and afternoon sessions. “For the morning session, the ministry invited international organizations, the three presidencies, and experts from other countries that experienced TJ such as Morocco and South Africa. And the afternoon session was dedicated for the civil society to discuss ‘what do we expect in TJ in Tunisia’. But we, civil society, were not satisfied for being deprived of the morning plenary meeting as we wanted to speak there. Then

²⁰ Based on an interview with Karim Abdulsalam, Head of Justice and Rehabilitation Association, 18 March 2017, Tunis

²¹ Based on interview with Salwa Elgantri, International Center for Transitional Justice, Head of Office-Tunisia, 12 April 2017

²² Presidency of the republic, presidency of NCA, and presidency of government

the ministry called us for a session dedicated for CSOs and victims on the 28th of April”²³, Oula Ben Najma said.

In the meeting of the 28th of April, they came to recommendations on how to organize and manage the national dialogue. There were a lot of CSOs participating in the session. Also, at that time, there were networks that included a group of CSOs and coordinate together within the network. Hence, it was decided to select the five CSOs networks; two representatives of each network, as well as two representatives of ministry of Transitional Justice and Transitional Justice. The total number was twelve members to supervise the national dialogue. This was adopted by the ministry of human rights and transitional justice by creating the national dialogue technical committee. It was mandated to 1) supervise the national dialogue on transitional justice and to 2) submit a final report of the dialogue as well as a transitional justice draft law to the minister of human rights and transitional justice. The period that was allocated for this dialogue was five months with a possibility of extension of one extra month. These five CSOs networks were as follows:

- The Tunisian Network for Transitional Justice
- The Independent National Coordination of Transitional Justice
- The Center of Tunisia for Transitional Justice and Human Rights
- The Center of Tunisia for Transitional Justice
- Kawakibi Democracy Transition Center

Despite the fact there was a good civil society representation in the process, there was criticism on the criteria of selecting these CSOs. “It is noted that the selection of these components lacked the objectivity as there are nascent associations with limited or no contribution in the field of transitional justice, while some other associations and organizations that contributed seriously to the preparatory process were absented such as the National Tunisian Lawyers Order and Justice and Rehabilitation Association”²⁴.

²³ Based on interview with Oula Ben Najma, the President of Research and Investigation in TDC, 09 May 2017, Tunis

She was a member of the Technical Committee of Supervising the National Dialogue on Transitional Justice representing the CSOs

²⁴ Amine Ghali, “Transitional Justice Process”, in “Evaluation of the Democratic Transition in Tunisia After Three Years”, Collection of Studies, Kawakibi Democracy Transition Center, Tunisia, January 2014, p. 151.

This national dialogue was done in partnership between the ministry and the civil society. The civil society worked independently in organizing and supervising the dialogue and the ministry had a general supervision on the process. The civil society was an essential part in producing the content of the bill through citizens. There were international organizations that supported the ministry in creating the technical committee as well as providing support to the committee and to the regional committees. “UNDP, OHCHR, and ICTJ, supported the ministry in creating the technical committee and provided technical support to the Technical Committee; UNDP supported it financially and technically”²⁵.

- **Preparations for the National Dialogue**

The idea of the national dialogue on transitional justice was to get the citizens’ points of view in transitional justice through holding meetings and discussions. These discussions were held across the country and included all spectrums of the society, civil society organizations, victims associations, political parties, .. “While the aim of the national dialogue was to gather all perceptions of all political spectrums and civil society components to reach a consensus of all opinions on transitional justice process and in particular to enable the victims to express their views on transitional justice in which they represent an important role, sometimes these meetings became hearing sessions instead of a discussion session in which the victims recounted the violations of the former regime”²⁶.

The technical committee worked on the preparation and the supervision of the national dialogue in all over the country. It started creating regional committees to supervise the dialogue in all the governorates. “We opened the nomination for committees’ membership in specific fields. We divided the country into six regions that includes some governorates. We accepted 96 members; however, we found that all governorates were not represented, so we opened the nomination again and accepted more members, so all the 24 governorates were represented by 106

²⁵ Based on an interview with Filippo di Carpegna, Senior Technical Advisor, UNDP – Tunis, 05 April 2017

²⁶ Dr. Wahid Ferchichi and others, *Transitional Justice in Tunisia – Finally the Law!*, Tunisian Association for Defending Individual Liberties and Kawakibi Democracy Transition Center, Tunisia, May 2014, p. 163.

members”²⁷, Oula Ben Najma said. These selected members were provided with trainings on transitional justice, dialogue and discussion management, and drafting reports.

- **National Dialogue Sessions**

Prior to the launch of the national dialogue in the governorates, the Technical Committee held dialogue sessions with political parties, national organizations and professional bodies, and human rights and victims associations.

Then, the Technical Committee launched the national dialogue all over the country on the 16th of September 2012. The regional committees conducted symposiums in each governorate. These sessions were intended to get people’s opinions of transitional justice and what they hope and anticipate out of TJ.

It lasted for 24 days; one day for each governorate. “The dialogue sessions organizations were divided into morning and evening sessions. The morning session for presenting TJ definition and its components and the perceptions and visions, the evening sessions, the participants were asked to join a workshop to give recommendations”²⁸.

Citizens, victims, CSOs, and political parties had the opportunity to convey their opinions through these meetings and discussions which were documented and surveys that were disseminated to every participant. The civil society through heading the Technical Committee facilitated this inclusion of all components to the content of TJ vision and expectations.

- **Drafting Transitional Justice Law**

All reports and recommendations of all participants from across the country were gathered to the Technical Committee in which the committee worked on forming the TJ law and the final report to the ministry of human rights and transitional justice.

²⁷ Based on an interview with Oula Ben Najma, the President of Research and Investigation in TDC, 09 May 2017, Tunis

²⁸ Dr. Waheed Ferchichi, Transitional Justice in Tunisia, Finally the Law!... p. 167.

Forming the transitional just is an essential part of this process. It reflects people's perceptions and aspirations towards TJ. There were even comprehensive proposals on transitional justice that were presented by CSOs²⁹ and a political party³⁰.

The mandated period for forming the law was five months with a possibility of extension for one extra month. During this phase of forming the law, the Committee consulted national and international experts in related issues. The Committee finalized forming the law in six months and submitted it to the minister of human rights and transitional justice.

Until this stage, the civil society's role in drafting the TJ law was purely independent and had no authority directing their work on the content of the draft or even the working mechanism. "The committee worked in a complete independence of the authority of the ministry. The ministry's role was logistical and as the role of the other members and decisions used to be taken in consensus in all cases"³¹.

1.5.2 TJ Law Adoption

The civil society worked on drafting the transitional justice law at first stage. The Technical Committee of the National Dialogue created a committee to draft the law. Then, after the committee drafted the law, on November 2012, it submitted it to Minister of Human Rights and Transitional Justice, and then the minister presented it to the presidency of the government in which it faced some amendments and changes there. On January 22, 2013, the second draft was submitted to the presidency of NCA. "The process of transitional justice had fallen into political tensions and political parties allocations. The most evidence on this is the lateness in ratifying the law for more than a year which affected negatively to the process especially in the area of

²⁹ 1) The Independent National Coordination for Transitional Justice and 2) The Tunisian Association for Defending for Individual Liberty

³⁰ The Republican Party

³¹ Amin Ghali, The Process of Transitional Justice in Tunisia, among the study of "Evaluation of the Democratic Transition in Tunisia after Three Years – Collection of Studies, Al-Kawakibi Democratic Transition Center, Tunisia 2014, p. 151.

holding accountable of those committed violations against human rights and the rehabilitation for victims”³².

The civil society did not like the idea of delaying the ratification of the law, as well as disagreed on some parts of the amended draft. Some CSOs took actions on pressuring to ratify the law and proposed suggestions to the NCA pertaining to the content of the draft. “Due to the slow pace of the NCA in dealing with the bill and the initiatives that contributed in stifling TJ process, there was coordination among different civil society groups and sponsored by OHCHR and UNDP. These groups exerted efforts with the legislative body and political parties to make amendments and ratify the law”³³.

CSOs also held protests in front of the NCA. “The civil society protested in front of the NCA and made some moves with political parties for a kind of advocacy until the law was ratified in December 2013; for one year, the law was in the drawers of the NCA”, Kamal Al-Gharbi said³⁴.

Afterwards, the law was discussed only for two days at the NCA where there was no better opportunity to discuss and make changes to the law even based on the proposed suggestions. And finally the law was ratified in December 2013 after short two days of discussion. “In spite of the efforts were exerted to move the process forward, an important group of CSOs considered this acceleration in ratifying the law did not contribute in amending the content, but it blocked the way for efforts of interaction between the civil society and the NCA”³⁵.

CSOs also had suggestions on the selection criteria of TDC commissioners and to avoid political allocations in the selection. However, there was no response by the NCA on this demand. “We proposed many suggestions to the NCA on the how to select the TDC commissioners and not to

³² Whaeed Ferchichi, Maroua Belgacem, Emna Sammari, Ahmed Alouui, Nacereddine Harzallah, *Transitional Justice In Tunisia – Finally the Law!*, Tunis - May 2014, p. 178

³³ Amin Ghali *The Process of Transitional Justice in Tunisia*, among the study of “Evaluation of the Democratic Transition in Tunisia after Three Years – Collection of Studies, Al-Kawakibi Democratic Transition Center, Tunisia 2014, p. 156.

³⁴ Based on an interview with Mohammed Kamal Al-Gharbi, Tunisian Network for Transitional Justice, 16 March 2017, Tunis

³⁵ Amin Ghali, *The Process of Transitional Justice in Tunisia*, among the study of “Evaluation of the Democratic Transition in Tunisia after Three Years – Collection of Studies, Al-Kawakibi Democratic Transition Center, Tunisia 2014, p. 157.

be based on political allocation, but they did not go for the suggestion of the civil society”³⁶, Kamal Al-Gharbi said.

Maybe the role of civil society was significant in putting pressure on taking actions towards ratifying the law that was for almost a year at the NCA. Nonetheless, this pressure was not that much effective on refusing the amendments were put on the draft law. And their suggestions and recommendations were not taken into consideration which resulted to the very quick discussion at the NCA and ratifying the law. It seemed that the political influence was much more present during this process. Generally, the ratified law was satisfactory as it included the core content that was drafted by the civil society. “As a matter of fact, the role of civil society was decisive and effective. It was a participatory process. It was a tremendous pressure and in my opinion the law was the summary of the demands, suggestions, and the outcomes of the dialogue”³⁷, Oula Ben Najma said.

³⁶ Based on an interview with Mohammed Kamal Al-Gharbi, Tunisian Network for Transitional Justice, 16 March 2017, Tunis

³⁷ Based on an interview with Oula Ben Najma, President of Research and Investigation Committee of TDC, 09 May 2017, Tunis

2. Sensitization and Victims' Files Collection

The Truth and Dignity Commission was launched on the 10th of December 2014. Its mandate is to last for four years with a possibility of extension for one extra year with the condition of gaining the approval of the parliament.

After its launch, in December 2014, the TDC opened the submission of complaints. It also established 25 regional offices to facilitate access for victims as well as to ease its work. In spite of opening regional offices and trying to reach out citizens through its offices, the role of CSOs seemed to be important in reaching out more victims across the country. In alignment to the activities of the TDC, there was collaboration between the TDC and some CSOs in order to work with victims though some of them were dissatisfied with the shortcomings of the TDC and the process.

The TDC was sure that the presence of civil society in the process was entirely essential and valuable and that they are the saviors of its work as they are the ones could make a change on the ground and resist any external intervention or any attempts to deform the process. "The civil society is an important part of transitional justice and it is the protector of the process"³⁸, Oula Ben Nejma said. Therefore, CSOs participated in different stages and different aspects of the process.

CSOs worked on the process of files submission. They were present in raising awareness among victims on the importance of submitting files and the mechanism of the work of the TDC.

Many citizens and victims were not that much aware of the mechanism of transitional justice and the mechanism of the work of the TDC. Many of victims did not fully comprehend how they could participate in the process and how valuable and effective it would be to submit their files.

At the beginning of the files submission process, there was a high turnout; however, a few months later the number started to reduce. This reduction could be due to:

- The lack of understanding of what the TDC's mandate is

³⁸ Based on an interview with Oula Ben Nejma, the president of research and investigation committee of TDC, 09 May 2017, Tunis

- The feeling of frustration among victims because of the political intervention
- The dispute within the TDC
- The insufficient role of media in the process

“The TDC gathered less than 30,000 files in one year, but when the CSOs took part in the process, the files reached around 64,000 files within six months, also in the community level, there has been talks and discussions among people on transitional justice to understand it properly rather than what is commonly being said”³⁹, Ahlam Nissiri said. The CSOs worked on raising awareness among victims on what the mandate of the TDC is, the importance of the process, and how to submit files to avoid this kind of frustration or misunderstanding among victims. Meanwhile, some CSOs worked on files gathering and submitting them to the TDC. These CSOs did not only work in the capital, Tunis, but they worked in the regions and reached the furthest areas in the country.

Victims associations played a role in encouraging victims to submit their files though some victims did not have trust on the process and on the TDC, but they trusted their fellow victims in these associations and felt more encouraged to take part in the process. “I could say that, we in Human Voice Association, have gathered to the TDC around %10 of the entire files and we did a better job than other CSOs in gathering files”, “We reached to the victims to further areas through mountains and even close to the border with Algeria”,⁴⁰ Bechir Al-Khalfi said.

Some CSOs worked voluntarily and some received supports from the TDC and others from international organizations. For instance, there was a partnership between UNDP and OHCHR–Tunisia with some CSOs and INGOs on awareness activities targeting victims particularly women, children, and vulnerable groups. They established 25 regional networks. They worked closely with victims and accompanied them in the process of sensitization on TDC and its work and files submission. They targeted around 80,000 victims and guided 16,000 victims; 3000 women. This project lasted for 15 months; it included the following CSOs and INGOs: Adovcats Sans Frontieres (ASF), GVC, Tunisian Institute for Democracy and Development (TIDD), Tunisian Network for Transitional Justice (RTJT), Tunisian Mediterranean Center, (TuMed),

³⁹ Based on an interview with Ahlem Nsiri, Tunisian Mediterranean Center (TUMED), 08 April 2017, Tunis

⁴⁰ Based on an interview with Bechir Al-Khalfi, Head of Human Voice Association, a victims based association, 18 March 2017, Tunis

Youth Forum for Citizenship Culture-Kasserine, Fondation Hironnelle, World Organization against Torture (OMCT), Tounissiet, Tunisie Bondy Blog⁴¹.

Within the awareness campaign, some of those CSOs went to further areas targeting more victims for the awareness and participation. To make it more effective, CSOs took the initiative to get the TDC meet with victims in their provinces and talk to them. It was not that easy for both sides in some cases as some victims were outraged and complained over the TDC. Through these meetings, the TDC was able to see the victims' feelings and listen to them, as well as explain to them their work and the importance of their participation in the process, "We took the first initiative by having access for the TDC to governorates with citizens in a period of time when the relationship between them got weaker back then due to the negative media campaign against the TDC. We, in the network, conducted around 38 meetings for TDC representatives and citizens"⁴², Ahlem Nsiri said. In some places, the victims wanted to have their voices heard as they did not think that they are going to be able to get their rights out of process. This awareness campaign was a chance for all of them to see everything in reality. CSOs coordinated the meetings for TDC and citizens in which citizens could meet the TDC and spill out what is inside them especially for those in remote areas, "We prepared a meeting for the head of TDC with victims in Kassrine governorate. In the meeting, victims were outraged and kept saying "get me my rights and my reparation" then we calmed the victims down and let them listen to each other"⁴³, Bechir Al-Khalfi said.

Women were also victims of the previous regime in different violation aspects whither directly or indirectly. Their participation in truth seeking is tremendously important to reveal what happened. Women's participation needs more support and encouragement in order to get them involved in the process.

However, in general, there are still traditional and cultural constraints that sometimes hamper women of taking part in telling the violations they faced. As it is culturally common,

⁴¹ Press Release of the Conclusion of the Project http://www.allemagnepartenaire.tn/Ar/http://www.allemagnepartenaire.tn/Ar/%D8%A7%D9%84%D8%AF%D9%8A%D9%85%D9%82%D8%B1%D8%A7%D8%B7%D9%8A%D8%A9--%D9%88%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A_58_7_D122#.WQDdAsZR XIU

⁴² Based on an interview with Ahlem Nsiri, Tunisian Mediterranean Center (TUMED), 08 April 2017, Tunis

⁴³ Based on an interview with Bechir Al-Khalfi, Head of Human Voice Association, 18 March 2017, Tunis

particularly, in the interior regions, it is not that easy for women to tell explicitly the violations committed against them during their imprisonment because of traditions and the feeling of stigmatized and ashamed by their families or relatives in which these relatives might blame them for telling their stories. Sometimes it is way harder for women victims than men victims to tell what abuses they faced; men might be considered as “heroes” if they tell their stories. Nevertheless, this is not to generalize, but it could happen in some cases.

Further, there is unclear understanding among many women victims of the process of transitional justice and the mechanism of submitting files to the TDC. This could have even occurred because of the inability to discuss their issues in the community as they are not encouraged to do so. Also, the community does not have the courage to let women tell the truth, and tell what happened to them as it was out of their hands and they are not supposed to be blamed. The community might understand that the violations committed against them were out of their control and they were victimized, but they do not want other people to be exposed to the stories to avoid the feeling of stigma.

“After four months of files submission, the TDC announced statistics of numbers of files received. Women’s files were only 5% though efforts were exerted in awareness on transitional justice for almost three years (2011-2014)”⁴⁴, Salwa El Gantri said. As a result, there were numerous associations that worked on supporting victims participating in the process and to testify. Women associations in Tunisia also worked on encouraging women to submit their files and to be part of truth seeking. As it is easy to communicate and understand women to women, the women associations worked on that to make sure their participation is enhancing the process of transitional justice. Further, among these women associations, there were women victims in which eased the communication of women victims to women victims which could encourage them not to feel ashamed or stigmatized. These associations were disseminated to different governorates in the country for this awareness campaign.

“We, in ICTJ, worked in a network with 11 women associations and called the network ‘*Transitional Justice is also for Women*’. It aimed at encouraging women to participate in the process of transitional justice. “In all meetings were conducted with victims, the president of the

⁴⁴ Salwa El Gantri, International Center for Transitional Justice, Head of Office-Tunisia, 12 April 2017

Women's Committee of the TDC accompanied us in all the meetings. This could show more credibility and direct interaction of TDC without mediators.”⁴⁵, Salwa El Gantri said.

“ICTJ, alongside the Network, reached out to around 300 victims in 9 different regions of Tunisia. Outreach efforts focused on showing women from rural and other marginalized areas the potential impact of their testimony. Submitting a file was more than simply telling their story: their testimony was an opportunity for the nation to understand what happened, why it happened and how to act to avoid recurrence and thus protect the next generations of Tunisian women and girls”.

“The Network held four preparatory meetings in Tunis, Sfax and Monastir, in order to discuss the submission content, the files to be submitted and related work. After those meetings, the Network selected 140 files which documented the long-term consequences women endured as a result of Circular 108”⁴⁶

Conclusion:

A lot of efforts were exerted in raising awareness on TJ, its process, and files submission. The civil society was always there and advocated for the process through the awareness it provided to many victims.

There were different variables that affected on this insufficient understanding of TJ or insufficient participation in the process. This might be due to level of sensitization was not that much enough or victims’ level of distrust and despair towards the process among of transitional justice.

In spite of this, the level of understanding among people on TJ reached a good level if not a perfect level.

⁴⁵ Ibid

⁴⁶ International Center for Transitional Justice, Tunisia
<https://www.ictj.org/news/women-struggle-justice-tunisia>

3. Pressuring and Advocating for Transitional Justice Issues

The process of transitional justice has gone through different stages which faced approvals and disapprovals on various issues by different bodies on the ground. Civil society movements in some cases responded to these disapprovals or shortcomings. These responses were intended to make a change for the better as regularly declared. The civil society organizations took different methods in tackling these issues. As they have taken a vital part of the process since its start, they do not want the process to take a different path. Therefore, pressuring and advocating for transitional justice issues was a means to make sure things do not proceed towards an unacceptable track. The civil society took various pressure tools to advocate for issues on transitional justice such as,

- Protesting in front of the National Constituent Assembly, the parliament, the TDC, ...
- Releasing statements
- Conducting press conferences
- Proposing suggestions and recommendations to respective bodies,
- Pleading and filing cases before the court
- Submitting requests and petitions to the TDC
- And other methods

There were very controversial issues that led CSOs to pressure before and after the adoption of the transitional justice law. The issues varied from time to time, such as amending TJ draft law, ratifying TJ law, the selection criteria of TDC commissioners, the proposed economic reconciliation by the government, and other issues on the work of TDC.

3.1 Pressuring before the NCA

A) General Amnesty Law Implementation

A few weeks later of the Tunisian revolution specifically on the 19th of February 2011, the interim government adopted a general amnesty law for political prisoners. This amnesty law granted those political prisoners freedom, the right to political participation, restitution of their jobs as well compensations. Political prisoners and those were exiled benefited from this

amnesty law. This amnesty law was partially implemented. There are other beneficiaries of the law have not received any reparation until now.

Victims groups demonstrated and rallied before the NCA for numerous times requesting for the acceleration of implementing this amnesty law. These demonstrations were carried on and pressured on the government and the parliament (the new elected parliament replacing the NCA). These victims groups even organized a sit-in in front of the NCA for many months. They called Bardo Sit-in. This pressure led to several meetings with the government to look into their demand. Until finally it the government asked them to submit their files to the TDC after it was created. However, they do not tend to wait for the process of the TDC that would take some years as they are included.

B) Constitutionalizing TJ Law

To make sure the process of transitional justice is never manipulated or abolished in the future, the civil society worked on pressuring for the issue of constitutionalizing the transitional justice law. This will guarantee that no power could be able to get rid of the TJ process. It will be compelling as it will be part of the constitution.

“There was a very effective role for civil society in constitutionalizing the law. We did protests, symposiums, and communications, and different methods to advocate for it. If the civil society had not taken this action, the law would not have been constitutionalized”⁴⁷, Kamal A-Gharbi said. He also added “More importantly, we worked on constitutionalizing the law of transitional justice. We advocated for the idea by proposing suggestions and also tried to communicate with the parliamentary blocs to adopt the idea, and finally it was adopted by many parliamentary blocs”⁴⁸.

For example, a forum titled “The National Forum on Activating and Constitutionalizing Transitional Justice” was conducted in September 2013 by the Center for the Study of Islam and Democracy and the Tunisian Network for Transitional Justice. “The forum was characterized by

⁴⁷ Based on an interview with Hussein Boushiba, Head of Al-Karama Association, 30 March 2017, Tunis

⁴⁸ Based on an interview with Mohammed Kamal Al-Gharbi, Tunisian Network for Transitional Justice, 16 March 2017, Tunis

the presence of a large number of deputies of the National Constituent Assembly (NCA) representing the troika parties, a number of representatives of the centers, associations and ministries concerned with the law of transitional justice and representatives of a number of organizations and civil society associations”⁴⁹.

Such meetings made a kind of raising awareness among the deputies as well as advocating for adopting the idea. In other words, this also helped in pressuring and lobbying among political power to support the idea of constitutionalizing TJ law.

Thus, this move helped a lot in protecting the process of transitional justice legally and it will keep protecting it. “The civil society is the one pressured on constitutionalizing TJ law and there was a response for this call. In fact, this point protects us, (TDC) now because after the elections of 2013 the parliament and the government changed. There are persons who are involved in transitional justice and we got files against them and they are against the process”⁵⁰, Oula Ben Najma said.

3.2 Filing Appeals before the Court

There were some cases in which appeals were filed to the administrative court. A group of civil society appealed before the administrative court on issues pertaining to the constitutionality of the transitional justice law justifying it contradicts the Tunisian constitution and also filed an appeal on the selection of TDC commissioners. “The National Independent Coordination of Transitional Justice and the Justice and Rehabilitation Association filed an appeal against the selection committee and the selection process and challenged the constitutionality of the law, highlighting that article 25 stipulates: “The decision of the committee on the objections shall be final and cannot be reviewed or appealed by any means even in claim of abuse of power”. The Tunisian Network for Transitional justice also challenged the nomination process before the

⁴⁹ Center for the Study of Islam and Democracy’s website; a report of the forum <https://www.csidtunisia.org/en/?p=84>

⁵⁰ Based on an interview with Oula Ben Najma, President of Research and Investigation Committee of TDC, 09 May 2017, Tunis

administrative court, considering that the committee of selection departed from the Transitional Justice Law, notably Article 22, by selecting a deputy of Ben Ali's parliament"⁵¹.

National Independent Coordination of Transitional Justice Appeals

The national Independent Coordination of Transitional Justice, Justice and Rehabilitation Association, and the Group of the 25 Lawyers filed appeals to the administrative court on the constitutionality of the transitional justice law and the TDC commissioners' selection process, and selection criteria on the 7th of July 2014.

I got a copy of the appeals filed to the administrative court against the NCA and the responses of the NCA to the administrative court. In the few following paragraphs, summarized explanations of the appeals will be presented as well as the different responses by the different parties.

- Constitutionality of Transitional Justice Law: three arguments on this constitutionality issue were justified

The First argument was on the *violation of the possibility of a second hearing*. The Tunisian Constitution stipulates in article 108 that "...The law guarantees the right to a second hearing". However, article 8 of TJ law stipulates that "Specialized judicial Chambers should be created by a decree within courts of first instance in the headquarters of appeals courts, and shall consist of judges chosen among judges who have never participated in trials of a political nature, and who will receive special training in the field of transitional justice"⁵². They argued that there is no possibility of a second hearing in this situation which is not in conformity with the constitution.

The second argument was on the *Violation of Litigation Principle*. The last part of Article 25 of TJ law stipulates that "The decisions of the committee on the objections shall be final and cannot be reviewed or appealed by any means even in claim of abuse of power"⁵³. However, they argue that the international agreements and the Tunisian constitution in article 108 guaranteed it as stipulated "The right to litigation and the right to defence are guaranteed...".

⁵¹ICTJ briefing-Tunisia in Transition, Rim El Gantri, September 2015 - International Center for Transitional Justice <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Tunisia-TJLaw-2015.pdf>

⁵² Article 8 of Law number 53, 21 December 2013, Transitional Justice Law, Tunisia (Unofficial translation by ICTJ)

⁵³ Ibid

The third argument was on the *Violation of Legality and of Crimes and Penalties*. Article 28 of the Tunisian constitution stipulates “Punishments are individual and are not to be imposed unless by virtue of a legal provision issued prior to the occurrence of the punishable act, except in the case of a provision more favorable to the defendant“. Nonetheless, article 8 of TJ law added elections fraud and forced migration for political reasons. They argued here that the Tunisian penal code does not criminalize such actions and this violates a constitutional principle.

- Selection of TDC Commissioners

This appeal argued that the selection of the commissioners did not meet the transitional justice law requirements. They appealed that the selected commissioners do not meet the conditions of neutrality and independence and others are not allowed to nominate. In this appeal, they demanded the suspension of implementing this decision which was taken by the NCA. The arguments in the selected commissioners were as follows:

- Mr. Khamis Ben Moahmmed Al-Arabi Al-Shammari who had held a deputy position during Ben Ali’s rule. This contradicts articles 21 and 22 of TJ law.
- Khaled Al-Krishi (current TDC commissioner) who held a leading position in a political party (People’s Movement Party) which also violates article 22 of TJ law. And he also was the general writer of the Association of Deending Political Prionsers which is presided by thr Saeeda Al-Akrami the wife of the former minister of justice, Nooraddin Al-Bahri.
- Siham Ben Sidreen (current president of TDC) who does not meet the condition of neutrality as she used to attend the meetings of the Association of the Protection of the Revolution which raised controversy due to its violent movement which ultimately led to its dissolve. Also, she was honored by Rashed Al-Ghanoushi (Ennahdah Movement Leader) on the 8th of March 2014, and she was the reason behind the minister of interior Farahat Al-Rajehi’s decision in discharging 42 senior security personnel.
- Ibtihal Abdullah (current TDC commissioner) belongs to Ennahda Party based on the information of ministry of interior.
- Oula ben Najma (current TDC commissioner) was previously excluded in the elections authority body for the absence of the condition of neutrality in her.

They provided some evidence papers on these arguments such as newspapers and websites articles, and others.

Nevertheless, the administrative court rejected the appeal of suspending the decision of the selection of the commissioners by the NCA. It justified it with articles 23 and 25 of TJ law stating that the committee looks into objections of the list within a week of the announcement of the list on the Assembly's official site and before referring it to the general session for voting. However, the court did not state to the other two arguments on the constitutionality of TJ law and the commissioners selection criteria. "In our opinion, the President of the Court found himself in embarrassment before the clarity of the demands of the plaintiffs and the validity of the approved legal rules. Therefore, he deliberately avoided the answer to the obvious questions posed to him by the plaintiffs' demands: Does the TJ law violate constitutional principles? Was the selection of TDC commissioners done based on the nomination requirements of the TJ law?"⁵⁴

On the other hand, on the 27th of October 2014, the NCA replied to the Administrative court on these filed appeals and justified the legality of the actions it had taken. The response was in detail to all the points were raised in the appeal.

On the 17th of March 2015, the National Independent Coordination of Transitional Justice replied to the administrative court briefly on the response of the NCA arguing that it is still continuing justifying its violations. And ultimately, the coordination requested for the judgment for the case with the urgent permission of urgent force.

There is a pleading session of one of the appealed files by the National Independent Coordination of Transitional Justice the administrative court on the 20th of June 2017.

Such efforts of civil society shows its awareness and monitoring the process and assists following the process and making sure things do not go in a different path. However, the slow work and reaction of the administrative court did not help in taking active and urgent decisions which is sometimes frustrating for upcoming issues.

⁵⁴ 'The President of the Administrative Court Seconds the Violation of Constitution and Allows Overstepping the Authority and Buries the TJ System', an article for Omar Al-Safrawi, the head of the National Independent Coordination of Transitional Justice, Assabah newspaper, www.assabah.com.tn, 29 August 2014

3.3 Pressures before the TDC

The relationship between the TDC and civil society has been always fluctuating. Meanwhile, the relationship among the civil society itself is instable, and they do not come up with united perspectives. This thing produced a non-unified front. Generally, however, most of them agree on basic grounds. Since the inception of TDC, the civil society demanded a partnership with the TDC by getting more involved in the process as they were much more involved before adopting the law, but this did not happen as they aspired.

The civil society had some disagreements and dissatisfaction to some of the work of the TDC. As a result, the civil society tried to pressure on the TDC on particular issues to have their voice heard. This kind of pressure depicted in protests in front of the TDC office, releasing statements, submitting suggestions and recommendations, in some cases holding meetings with the TDC,...

“It is stipulated in the transitional justice law that no one can intervene in the decisions of the TDC, but our role in the civil society is to present suggestions, pressure and protest in a peaceful manner”⁵⁵ Hussein Boushiba said. A lot of protests were conducted in front of the TDC office. These protests were organized by victims groups, CSOs, and political parties such as the Constitutional Liberal Party. All these actors had demands or objections to be responded

Victims groups intensively protested in front of the TDC for several times requesting the activation of the general amnesty law that took place in February 2011. This amnesty granted political prisoners release and restitution of their rights and the jobs as well as financial compensation. This pledge of the amnesty has not been completely fulfilled. Those have not benefited from the amnesty law started protesting in order to get reparation.

Their protests started first at the NCA as it was the body responsible on this and protested before the government. However, this process took some time and there was no active response until the TDC was created and a new parliament was elected.

After the creation of the TDC, they moved to demonstrate before the TDC in order to pressure on the government and they believe that the TDC is the house of the victims. “Sometimes if the civil society wants to pressure on the government, instead of going to the government or the

⁵⁵ Based on an interview with Hussein Boushiba, Head of Al-Karama Association, 30 March 2017, Tunis

parliament, they come and protest at the TDC to protest against the parliament. They say we came to our house and this is our house (TDC). And we understand this they are most welcome"⁵⁶, Oula Ben Najma said.

But the TDC clearly replied it is not mandated to deal or implement the amnesty law. On the other hand, the government replied to them to submit their files to the TDC and did even meet with them and promised to look into this issue. They do not want to take that long time the process of TDC will take as they have already been listed in the amnesty law which needs only implementations. It is important to highlight the there is an issue dealing with this amnesty law as the government finds there is discrepancy on the list and their files are not clearly verified.

Lately, in November 2016, there was a conference that gathered CSOs and the TDC. This meeting at least brought both sides on one table though there is a kind of break between some CSOs and the TDC. This conference came up with outcomes and recommendations; part of was to the TDC. This is also a kind of pressure on the TDC to respond to the demands of civil society.

However, out of these protests, the level of responsiveness differed from time to another. In some cases there were responses but not that immediate. Sometimes there are demands that are not feasible for the TDC to implement. "As it is known there is bureaucracy at the TDC and we ask it to pay attention to the victims through submitting requests, protesting, and meetings. Actually, there is response but with the attempt of evading of promises"⁵⁷ Hussein Boushiba said.

⁵⁶ Based on an interview with Oula Ben Najma, President of Research and Investigation Committee of TDC, 09 May 2017, Tunis

⁵⁷ Based on an interview with Hussein Boushiba, Head of Al-Karama Association, 30 March 2017, Tunis

3.4 Pressures before the Assembly of People’s Representatives

A) Pressures to Appoint New Commissioners

The TDC commission is composed of 15 members as stipulated in the law. “The Commission shall consist of 15 members provided that each gender is represented by one third of the members at least. The Commissioners shall be chosen by the legislative council from among personalities known for their neutrality, integrity and competence”⁵⁸. These 15 fifteen members were first elected by the NCA shortly after the law was issued. However, there were some commissioners who resigned or removed. Three commissioners resigned during the first six months of TDC’s work, one commissioner was removed, and later on two others resigned.

The remaining number of commissioners is only 9 members since October 2016. The legal quorum for the meetings and decision taking within the commission must reach two thirds of the members. This incomplete quorum could hamper the work of the TDC.

Therefore, CSOs pressured on the Assembly of People’s Representatives in order to appoint new commissioners and fill the vacuum. “Last January, we did a protest with 20 CSOs and conducted a press symposium requesting the parliament to accelerate in electing new commissioners. As a result, after we did this move, the parliament reacted and did the candidacy. Now, we are waiting for the results”⁵⁹, Amin Thabit said. CSOs also released an appeal to the parliament to accelerate appointing new members.

Further, the Assembly of People’s Representatives responded to this call with a resolution on 21 December 2016 opening applications. The transitional justice law in article 22 stipulates that the list of candidate to be published on the website of the Assembly and this did not happen.

“However, the list of candidates and the procedure for sorting and assessing applications are both yet to be disclosed, and any opposition lodged against applications received and subsequent decisions by the Commission responsible for examining and sorting these have not been made

⁵⁸ Article 19, Organic law on establishing and organizing Transitional Justice

⁵⁹ Based on an interview with Amin Thabit, Democratic Lab, 04 April 2017, Tunis

public”⁶⁰. Therefore, a group of nine CSOs and INGOs issued a press release in Feb 2017 asking for more transparency in the candidacy and appointment procedures”⁶¹.

This movement of CSOs could be the reason of the response of the Assembly towards appointing new commissioners. CSOs’ follow up with the appointment procedures could also put more pressure on the Assembly in order to make sure things will go in a transparent manner. Nevertheless, more importantly, how responsive the Assembly will be and will it take instant actions to proceed with the appointment forward especially the remaining period of time for the TDC is a year and a few months as the Assembly is still slow towards appointing new commissioners. Still, the pressure of CSOs is not that much influential but it is still effective to some extent.

B) Pressures for the Implementation of the General Amnesty Law

The civil society and victim groups kept demonstrating and pressuring before the National Constituent Assembly in order to accelerate the implementation of the general amnesty law that was adopted by the interim government on 19 February 2011. There were victims who benefited from the amnesty law back then, but there are some others who have not yet.

Thus, the demonstration kept on but and demanded the government to take actions in solving this problem. In April 2016, there was a meeting between the victims groups and the government and agreed on the mechanisms of accelerating the implementation of the amnesty law as well as amending the law in order in a matter that matches the actual needs particularly in the area of employment.

This law amendment has not been fulfilled; therefore, the victims groups continued demonstrating at the Assembly of People’s Representatives in order to activate the law and

⁶⁰ Appointment of members to the Truth and Dignity Commission in Tunisia: a call for transparency, Feb 08, 2017, Avocat Sans Frontieres (ASF) website <http://www.asf.be/blog/2017/02/08/appointment-of-members-to-the-truth-and-dignity-commission-in-tunisia-a-call-for-transparency/>

⁶¹ the list of the 9 CSOs and INGOs as follows: 1) Democratic Lab 2) World Organization Against Torture (OMCT) 3) Avocats Sans Frontieres (ASF) 4) Tunisian Association of Defending Individual liberties (ADLI) 5) Al-Karama Association 6) International Center for Transitional Justice (ICTJ) 7) Al Bawsala 8) The Independent National Coordination of Transitional Justice 9) Tunisian Forum for Social and Economic Rights (FTDES)

implement the law. There was a continuous sit-in near the Assembly and they called it Bardo Sit-in. The demonstration and sit-in took many months.

This group also demonstrated before the TDC to take part in activating the amnesty law in the beginning of January 2017. The TDC replied, a few days later, that the amnesty law has specific legislation and it is the government's mandate to deal with it.

3.5 Submitting Requests and Petitions to the TDC

A) Request to Declare the Region of Kasserine a “Victim Region”

With a technical support of Avocats Sans Frontieres (Lawyers without Borders), the Tunisian Forum for Economic and Social Rights (FTDES) prepared a request on “victim region”. This request focused on Kasserine region presenting how it was marginalized and how there could be a collective victimhood.

Based on this, FTDES submitted a petition to the TDC to declare Kasserine region a victim zone. “This request seeks to acknowledge that the region of Kasserine was a victim of systematic marginalization or exclusion under the organic law n°2013-53 dated December 24, 2013 relating to the establishment of transitional justice and its organization (“TJ law”)”⁶²

In this request, it used different indicators to measure the exclusion and marginalization such as unemployment rate, the level of skilled labor, the level of public and private investments, poverty rate, child mortality rate, life expectancy, the number of hospital or clinics per person, illiteracy rate, and others. And then this petition was handed to the TDC to take a look into the request. “We submitted to the TDC an integrated file of Kasserine region that included field work and clear methodology. It consists of 60-70 pages for the complaint and around 1000 pages of supplements that based on social and economic studies of this region”⁶³, Alaa Al-Talibi said.

Meanwhile, it is important to see how the TDC is responsive to such work which took a lot of efforts to produce, and how the TDC could recognize and verify the work as well as it for its

⁶² Request to Declare the Region of Kasserine As “Victim”, Tunisian Forum on Economic and Social Rights (FTDES), Tunisia, 2015

⁶³ Based on an interview with Alaa Al-Talibi, Tunisian Forum for Social and Economic Rights, FTDES, 14 March 2017, Tunis

mandate. “We submitted to the TDC the file of the study [Request to Declare Kasserine Region as Victim] on 15 June 2015. And we have just been contacted by the TDC to listen to our request just last week. The work at the TDC is so slow”⁶⁴ Alaa Talibi said. To get a clarification on this issue from the TDC, I put this question to Oula Ben Najma and she said “We need to study the files we receive then reply. We have around 65000 files. Some persons think that they are the only ones submitted files, but in fact we receive hundreds of requests every day”⁶⁵.

B) Request to Declare Sidi Makhlouf and Ain Darahim as ‘Victim Regions’

Kawakibi Democracy Transition Center in partnership with York University and Impunity Watch implemented the Transitional Justice Barometer project. It included four researches in four issues relating to TJ. The second research is concerning the victim zone which is titled “The Victim Zone and Collective Reparation in Tunisia, Ain Draham and Sidi Makhlouf “So rich and yet so poor ...”.

This study focused on two communities; Ain Draham district in Jendouba and Sidi Makhlouf district in Mednine. It figures out the possibility of considering collective reparation to these areas as they faced exclusion and marginalization. It used some indicators to find how victim these communities were; indicators such as access to health services education, cultural services, infrastructure, gender, tourism, agriculture, and others.

This work was implemented in these regions with the collaboration and discussions with local civil society organizations and activists. Local associations in these districts planned to draft a request to the TDC to consider their districts as victim zones. Therefore, the Barometer project provided these associations with technical support in terms of capacity buildings and drafting the request. “We, Kawakibi Center, provided those local CSOs and activists logistical and training support”⁶⁶, Ahmed Aloui said.

⁶⁴ Ibid

⁶⁵ Based on an interview with Oula Ben Najma, President of Research and Investigation Committee of TDC, 09 May 2017, Tunis

⁶⁶ Based on an interview with Ahmed Aloui, Kawakibi Democracy Transition Center, 29 May 2017, Tunis

After receiving this technical assistance of the Barometer project, two local associations in the district of Ain Draham, Achbal Khmir Association and Khmir Association for Environment and Development, submitted their petition to consider their district, Ain Draham, region as a victim to the TDC on the 25th of February 2016. On the other hand, local civil society activists in Sidi Makhoulouf submitted their petition as well to the TDC on the 31st of May 2016.

These kinds of initiatives that were taken by the civil society encouraged others to work on such requests if their zones meet the victimhood. These are a few examples of the submitted petitions to the TDC. This type of work is helpful to the work of the TDC. “During the National Conference for Transitional Justice that took place in November 2016, the TDC announced that it received 30 requests of victims’ zones”⁶⁷, Ahmed Aloui said.

3.6 Pressures against the Proposed Economic Reconciliation

Recently, there has been a controversy on the so called Economic and Financial Reconciliation bill. This bill is an initiative that was proposed in July 2015 by the presidency of the republic. It was proposed to the council of people’s representatives to be discussed and then to be passed.

This issue used to be presented from time to time with the claim of amended versions. It was raised for three times so far. The first time was in July 2015 and the second time in July 2016 and resistance and protests took place in each time. Recently, the third time to resurface is in March 2017.

The idea of this reconciliation is to make an economic reconciliation with those committed financial corruption in order to retrieve properties and then make investments and revive the national economy as well as using this money in development projects.

Its mechanism mainly focuses on creating a committee of six members representing governmental bodies as well as two members of TDC; the committee to be presided by a member that is represented by the presidency of the government. Also, it states not to prosecute or enforce sanctions against civil servants and their likes with regards to acts pertaining to

⁶⁷ Ibid

financial corruption and abuse of public funds shall be terminated except for acts pertaining to bribery or stealing public funds. And this committee works on settling cases that will be submitted to it.

An argument on this proposal is why to propose this bill to the parliament though this issue is part of the transitional justice process that is designated to the Truth and Dignity Commission (TDC). This issue had different perspectives and opinions in supporting or refusing the idea among political factions and civil society. The aim of this reconciliation could be even settled through the TDC by submitting these cases to the Arbitration and Reconciliation Committee at the TDC. “When the president released the Economic Reconciliation program, we were among the CSOs and associations that rejected it because the economic reconciliation is part of the TDC program. And we said it is a kind of discharging the TDC of its mandate. Many associations supported us, and we conducted press conferences and released statements and actually the president’s initiative has not been passed so far⁶⁸, Omar Al-Safrawi said. Nonetheless, the difference between these two procedures that transitional justice aims at uncovering the truth; whereas, through the proposed economic reconciliation committee there the truth will be kept unrevealed which does not go in line with the objectives of transitional justice. “Just as impunity gives human rights violators a green light to continue their abuse, letting economic criminals off the hook will lead to more corruption” said Amna Guellali, Tunisia office director at Human Rights Watch.⁶⁹

There is widespread civil society movement opposing this proposal. This movement represented in various actions that have been taken place from time to time especially whenever the issue is resurfaced to the scene. CSOs released statements, conducted press symposiums, rallied to streets and the parliament, and proposed suggestions. “When the National Reconciliation bill was proposed, we, civil society, and opposition political parties stood against it. We rallied and

⁶⁸ Based on an interview with Omar Al-Safrawi, The Independent National Coordination of Transitional Justice, 23 March 2017, Tunis

⁶⁹ Human Rights Watch website

<https://www.hrw.org/news/2016/07/14/tunisia-amnesty-bill-would-set-back-transition>

did press symposiums then the bill fell. This means that the civil society is awake”⁷⁰, Kamal Al-Gharbi said.

There is a campaign that is widely working against this proposal is called Menich Msamah (I will not forgive) which encompasses a group of activists in many governorates. It has been active since the start of this proposal. It has a Facebook page and a website that calls for the rallies, updates, and documents the protests from different governorates of the country. This campaign gathers citizens from all different backgrounds; those against the economic reconciliation regardless of their affiliations. They get gathered and join the demonstrations and rallies; human rights activists, CSOs, members of political parties, etc. Even the slogan of the campaign, Menich Msameh (I will not forgive), is in the Tunisian accent that is easily grasped and easily expressed in only two words. In this campaign they use demonstrations, brochures, unified t-shirts’ written with the slogan of the campaign.

The facebook page is the platform of providing updates and announcements. This campaign follows and traces the process that is being taken in the economic reconciliation. Based on the updates take place, they take actions. For example, the legislation committee at parliament was supposed to discuss the draft law on the 31st of May 2017 then it delayed it for the second time till the 7th of June, so the campaign organizers announced to meet at the parliament to protest against it on the 31st then delayed it till the day of discussion on the 7th Of June. Looking into the page of the campaign, it shows how there is support and positive response to this campaign. The positive part of this campaign that is does not have political affiliations polemics.

A group of 20 civil society organizations that is called the “Transitional Justice Monitoring Committees” participated in the demonstrations and conducted a press conference and released a statement on 12 May 2017 expressing the refusal of this draft proposal as it threatens the process of transitional justice. Also, other CSOs released statements rejecting this draft law and demanded to withdraw it. They released the statements whether individually or collectively in coalition with other CSOs

⁷⁰ Based on an interview with Mohammed Kamal Al-Gharbi on March 16, 2017 (before the reintroduction of the bill on the 20th of March), Tunisian Network for Transitional Justice

This civil society resistance to the proposal keeps growing and continuing. This civil society movement against the proposed bill might have been the reason beyond the disability of discussing and passing it at the parliament since 2015 and even the recent delays that are being taken in this revised version. “Yes, due to the pressure of civil society and political parties it has not been passed”⁷¹, Oula Ben Najma said.

However, the draft law is still there at the parliament and has not been abandoned by the government and it is being re-introduced from time to time.

⁷¹ Based on an interview with Oula Ben Najma, the President of Research and Investigation Committee of TDC, 09 May 2017, Tunis

4. Studies and Publications on Transitional Justice

The process of transitional justice could concern a wide range of people in a community who are in different places within the country. To achieve the basic elements of transitional justice, it is necessary to reach those associated to the process as much as possible. It needs a lot of efforts and concentrated work to fulfill this aim. The civil society could play a positive role in enhancing and contributing to such efforts.

Evidently, the work of transitional justice is designated to the TDC after adopting the TJ law. Also, the civil society organizations continued contributing to the process through different tools. CSOs took part in field researches and publishing studies on issues related to the process. These studies are tremendously important for the ongoing work of the process and it is significant too for post-TDC's work. Most essentially in such contribution is the quality of the work and how effective it will be to the process.

There are some CSOs that worked on the ground in the area of field studies to proceed with the process of TJ, as well as to make influence on the work of TDC which, to some extent, assists the TDC in its work instead of doing it by itself. Also, others, though limited, worked on publishing studies on the process of TJ which could even help in tracking and documenting the issues of TJ. Some CSOs were able to focus on such work whether due to the prior experience in the area of TJ even before the Arab Spring erupted. Some other CSOs maybe did not have adequate financial coverage or funds for such studies.

Transitional Justice Barometer

Transitional Justice Barometer project was implemented by Al-Kawakibi Democracy Transition Center in partnership with York University and Impunity Watch. This work aimed at targeting those associated with transitional justice process particularly victims in most of the occasions. The nature of this work is in the form of field research studies. These studies focused on four main issues: victim zones as marginalized zones, victims' voices and perceptions, collective memory, and researches and publications on TJ in Tunisia. These studies were as follows:

- 1) First study: To Participate is to have hope,, ” Victim Participation in Tunisian's Transitional Justice:

- 2) Second study: The Victim Zone and Collective Reparation in Tunisia, Ain Drahem and Sidi Makhlouf “So rich and yet so poor ...”
- 3) Third study: Contrasting Notions of History and Collective Memory in Tunisia; the Teaching of Recent History and the figure of Bourguiba Today
- 4) Fourth study: *Researches and Transitional Justice in Tunisia*

These studies are still beneficial for the current process of transitional justice in Tunisia in providing different perspectives and needs of the victims on the process. It also helps in connecting the teaching of history and transitional justice which spotted the light how to deal with this issue and how it could be correlated. When it come to the victim zone, it encourages other regions to think of possibility of considering their regions marginalized and submitting a request to the TDC. “Transitional Justice Barometer was created to enhance applied research, and it does not only target the academic field but also it seeks direct influence on the current process of transitional justice in Tunisia and those working on it as it provides analyses in the core of the topic and it is available to all concerned and presents in a manner that encourages for more initiatives in the same field”⁷² These studies may contribute to the process in a way or another. Also, it helps the TDC in gathering information pertaining TJ in Tunisia and looking into different points of view in different issues which shortens the long way for the TDC as it will easily accessed to information.

Perceptions and Expectations of the Beneficiaries of the General Amnesty

Under the support of UNDP, OHCHR, and ICTJ⁷³, the Tunisian Network for Transitional Justice implemented a quantitative study on the perceptions and expectations of the beneficiaries of the decree law n 1, 2011 of the general amnesty. It focused on their perceptions towards the transitional justice process and the reparation procedures. It targeted 400 beneficiaries from across the country (24 governorates).

⁷² Kora Andrieu and others, Research and Transitional Justice in Tunisia, Kawakibi Democracy Transition Center, Impunity Watch, and CHR, November 2016, Tunisia, p.18.

⁷³ UNDP: United nations Development Program
 OHCHR: Office of Higher Commissioner for Human Rights
 ICTJ: International Center for Transitional Justice

Studies and Publications

There are some NGOs that worked on the publishing numerous studies on transitional justice in Tunisia. These studies varied in terms of content and target. This process started since the inception of transitional justice in 2011. This type of work enriched the Tunisian library with information on the process of transitional justice as well as documenting the process. However, the quality of the work differed from one to another.

There are some prominent NGOs that worked on such studies like Kawakibi Democracy Transition Center and the Arab Institute for Human Rights, though the Arab Institute hasn't published in TJ since the end of 2012. There are also other NGOs that had less works on TJ such as the Tunisian Network for Transitional Justice, National Order of Tunisian Lawyers, and the Tunisian Association of Development Law. "It is notable that the Arab Institute for Human Rights⁷⁴ and Kawakibi Democracy Transition Center⁷⁵ were the only two institutions published a research paper on transitional justice in Tunisia in general"⁷⁶.

These studies and publications first focused on publishing studies on the general overviews of TJ and its elements and mechanisms. Also, the focus was on the experiences of other countries and the Arabian context as well as providing comparisons. In some of the studies, experts from countries which experienced TJ before and other international experts contributed to this work. At the same time, there was correlation to the Tunisian contest and how to compare and could implement it in Tunisia. Later on, the focus started to get deeper in the Tunisian experience which could be beneficial in enriching the TJ process of the available information and thoughts and evaluating the process.

Conclusion

This civil society's effort in reaching out more stakeholders and bringing up information to the surface is significantly important. Different stakeholders might be able to benefit from this type

⁷⁴ The published research: Dr. Wahid Ferchichi, Ahmed Aloui, Maroua Belgacem, Emna Sammari, Nacereddine Harzaallah, Transitional Justice in Tunisia, the Absence of Clear Strategy and the Predominance of Improvisation, May 2011-Tunisia

⁷⁵ The published research: Dr. Wahid Ferchichi, Ahmed Aloui, Maroua Belgacem, Emna Sammari, and Nacereddine Harzaallah, Transitional Justice in Tunisia – Finally the Law!, May 2014, Tunisia

⁷⁶ Kora Andrieu and others, Research and Transitional Justice in Tunisia, Kawakibi Democracy Transition Center, Impunity Watch, and CHR, November 2016, Tunisia, p. 36.

of work in many different aspects. Victims can have their voices heard by putting in their thoughts, needs, and anticipations. It also opens the victims' thoughts and vision to the process. This also helps the TDC a lot in figuring out their needs and will definitely help in revising any current strategies, if needed, for the better. It provides various sources for those are interested in the process of transitional justice in Tunisia through these already documented works.

However, it is essential to verify the quality of the work in terms of accuracy, neutrality, and other criteria. Sometimes there are criticisms towards some works implemented by those CSOs. Criticism flows from different stakeholders; from peer CSOs, victims, or others. "There are two lines of CSOs, one is consistent and addresses the international organizations funds and another is in line with the value and content of the issue of democratic transition and human rights"⁷⁷ Karim Abdulsalam said.

⁷⁷ Based on an interview with Karim Abdulsalam, Justice and Rehabilitation Association, 18 March 2017, Tunis

5. The Role of Civil Society in Observing and Monitoring TJ Process

Monitoring and observing TJ process is a way to follow up the changes and developments occur from time to time in the process. This observation leads to reacting towards these changes. The diverse monitoring tools help in paying more attention to the compatibility and consistency of actions are taken during TJ process and the prospective effects and consequences might take place. Therefore, the call for better and corrective actions might take place after precise monitoring to the different aspects of the process.

The civil society is an important component in the process of transitional justice. Its role in monitoring the process of TJ is significant as it got involved since the inception of TJ. Meanwhile, the civil society is one of the components that could put a pressure in order to make the process does not divert.

The Tunisian civil society was there in observing and monitoring the process; however, this presence was not that much organized or systemized within the civil society components themselves. The existence of CSOs in observing the process occurred in their own individual observatory efforts such as releasing reports, publications, or others. Different CSOs published reports and others published studies on the ongoing issues and put facts and violations happened in each time and what was supposed to be taken in action. In some cases, a group of CSOs released collective reports. However, this did not show a comprehensive and systemized work with a unified voice of different CSOs. For example, the Tunisian Network for Transitional Justice, so far, has released its third observatory report. “We, at the Tunisian Network for Transitional Justice, issue periodic reports on the process of transitional justice”⁷⁸, Houcine Bouchiba said.

There had been attempts to create a civil society observatory on the process. An observatory that gathers a group of CSOs in order to monitor the process to make sure the process does not take a different course and to follow up with all aspects of the process and make sure violations are not taking place. There was a discussion in 2015 to set up an observatory that encompasses active CSOs under one umbrella and to be funded by UNDP. Different meetings were convened among

⁷⁸ Based on an interview with Houcine Bouchiba, Head of Karama Association, 30 March 2017, Tunis

CSOs with numerous discussions with the support of UNDP. However, these discussions and meetings did not proceed forward. “There were projects to establish a transitional justice observatory to include all civil society’s perspectives and its different visions to the issues, but it failed. Most of CSOs release their visions through social media or press symposiums”⁷⁹, Karim Abdulsalam said. The fragmentation and differences among CSOs led to unsuccessful steps to the creation of the observatory. They did not have consensus among each other to work together which led to this result. There was dislike among some civil society components to each. Lately, there had been recent projects of some CSOs on observing the process of TJ and funded by UNDP. Meanwhile, the Tunisian Network for Transitional Justice established the Transitional Justice Observatory within its network.

UNDP Funded Monitoring and Observing TJ Process

Since the previous discussions to establishing an observatory on transitional justice did not work, the UNDP opened a call for proposals for CSOs of observing and monitoring the process. “There were several meetings and discussions with CSOs on forming a transitional justice observatory. They came to a conclusion saying that they cannot work together. Then we moved to plan-b, we published a call for proposals on monitoring activities. Last year, we launched this call for proposal. We have selected three organizations 1) Democratic Lab 2) TUMED 3) FTDES”⁸⁰, Filippo di Carpegna said.

TUMED is currently working on a project of monitoring the process that is lasting for a year and a half; till the end of the work of the TDC. This project was launched in September 2016. TUMED’s current focus is working closely to victims through getting victims’ feedback on the process of TJ as well as their feedback on the TDC. This work also concentrates in different regions in Tunisia. “Our work at this time has been determined in working with victims and their relationship with the TDC and other actors. As long as our work is with the victims, in this process we determine whether the TDC respects what is stipulated in the law, international standards, and the procedural guide on the implementation of TJ process in

⁷⁹ Based on an interview with Karim Abdulsalam, Head of Justice and Rehabilitation Association, 18 March 2017, Tunis

⁸⁰ Based on an interview with Filippo di Carpegna, Senior Technical Advisor, UNDP – Tunisia, 05 April 2017, Tunis

dealing with the victims, also whether there are other actors that influence over the victims”⁸¹, Ahlam Nsiri said.

Nevertheless, the work of TUMED on this project has not notably seen on the ground till this moment. It is still conducting field visits to the regional offices of the TDC and meeting with victims. “The report has not been release yet as we are still doing field visits to the TDC regional offices and meeting with victim”⁸².

Also, the Democratic Lab works on this monitoring project and works in parallel with TUMED. Democratic Lab’s monitoring focuses more on technical aspects. They are currently working monitoring media coverage in dealing with TJ process. “Our project is called ‘Transitional Justice Observatory’; we monitor the process and draft reports. It is based on collecting information that concerns TJ; legal, institutional or even media. We also work on media processing whether it is objective or not”⁸³, Amine Thabet said.

The report of Democratic Lab was supposed to be released in late April 2017; however, it has not been released yet until writing this paper.

TUMED and Democratic Lab work collaboratively and coordinate work with each other and follow up on each other’s work on this observatory project.

Tunisian Network for Transitional Justice Observatory

The Tunisian Network for Transitional Justice has established its observatory on transitional justice. It is called the Transitional Justice Observatory. The Tunisian Network was among those CSOs were supposed to establish a unified transitional justice observatory which ended with failure.

This observatory is aimed at pointing out shortcomings of the process and providing recommendations to the respective parties. It is intended to observe and monitor the process during and after the end of the mandate of the TDC. The reports are released every four months.

⁸¹ Based on an interview with Ahlem Nsiri, Tunisian Mediterranean Center, 08 April 2017, Tunis

⁸² Based on a phone call inquiry with Ayman Hourshi, Tunisian Mediterranean Center, 09 June 2017, Tunis

⁸³ Based on an interview with Amine Thabet, Democratic Lab, Tunisia, 08 April 2017, Tunis

The Network holds a press conference on the day of releasing the report and presents a summary of the content of the report and also posts it in its Facebook page.

The first observatory report was released in September 2016 and was titled ‘The Tunisian Transitional Justice: where to?’. This report focused on the legal obligation to the main actors in the process of transitional justice; TDC, Assembly of People’s Representatives, the presidency of the republic and the government. It listed what these actors have fulfilled and what not. Also, it presented the Network’s stance to the various issues during this period. In the end, it provided recommendations to those actors.

The second periodic report was released in January 2017. It was titled ‘Transitional Justice Process at Crossroads ‘. It presented information and statistics on the performance of all concerning actors; TDC, victims, CSOs and associations, assembly of people’s representatives, presidency of the republic and the government, political parties, and media, and then it analyzes these actions in light of legal and constitutional obligations and international experience in TJ. Finally, it presents recommendations to all respective bodies.

And the third was released in May 2017 and titled ‘Transitional Justice and the Importance of saving it’. This report’s methodology took almost the same format of the second report.

Despite the fact this observatory is simple, it is comprehensive and covers the issues took place during the reports period. Meanwhile, it gives recommendations based on practical experience in the issues of transitional justice as they the Network had been through the process since the inception. It also tracks the events and reactions happened during the period. It is a good self effort initiative that is not funded financially by other bodies.

Conclusion

Although there was not collective work among CSOs in monitoring and observing the process and releasing unified and comprehensive reports, they existed through their individual reports, researches and studies or publications. As a result to these observatory actions, they advocated for numerous issues and pressured for corrective actions to be taken in action. “Our observatory role is through releasing statements, recommendations, requests or petitions, and pressuring. We

meet with different CSOs periodically and release collective statements”⁸⁴, Alaa Al-Talebi said. Nonetheless, a well-organized and focused observatory is essential particularly at this stage of the process.

⁸⁴ Based on an interview with Alaa Al-Talebi, Tunisian Forum for Economic and Social Rights (FTDES), 14 March 2017, Tunis

6. TDC and Civil Society

As previously mentioned, the civil society took a chief role in establishing the basic foundations of TJ process in Tunisia through the sensitization sessions, advocacy campaigns, national dialogue on transitional justice, and drafting TJ law, etc. Adopting TJ law and creating the TDC were a success for the civil society though they encompassed some unsatisfactory points.

The civil society protested against the selection of TDC commissioners and some of them appealed before the administrative court. In spite of this dissatisfaction, the civil society started working with the TDC to proceed with the process. “We appealed files to the administrative court protesting the selections of TDC commissioners. Once we found there is no use of these cases, we retracted the objection and we contributed to the work of the TDC, a bird in the hand is worth two in the bush”⁸⁵. Mohammed Kamal Al-Gharbi said.

While the civil society was contributing to the process with the TDC, it kept requesting the TDC for partnership in the process in order to proceed with the process. “As the civil society led the creation of the TDC, we, in Justice and Rehabilitation Association, proposed to the TDC to create a consultative committee in partnership between the TDC and Civil Society, unfortunately, the TDC rejected the idea and wanted to have control solely”, said Kareem Abdulsalam⁸⁶. On the other hand, by the time, much more pressure over the TDC was growing on various issues of its work. This pressure varied from civil society, victims, media or hindrance of its work of those against the process.

Therefore, the relationship between the TDC and civil society did not get that better, but the break between was growing. There was a kind of trying to protect the process by both parties by not getting in more conflict. Later on, a group of civil society cut working with TDC for not being able to have a participatory role. They thought the TDC wanted them to follow and implement only which was not satisfying to civil society as they had a leading role in the first phase of the process and they think they have the experience that could be employed in the

⁸⁵ Based on an interview with Mohammed Kamal Al-Gharbi, Tunisian Network for Transitional Justice, 16 March 2017, Tunis

⁸⁶ Based on an interview with Kareem Abdulsalam, Head of Justice and Rehabilitation Association, 18 March 2017, Tunis

process. Meanwhile, there were some others of the civil society kept working with the TDC but this did not last long as more CSOs cut working with the TDC as well.

Further, the civil society was not satisfied with the TDC's slow-paced work, not respecting the administrative court's decision on returning back the dismissed commissioners, and other issues. "we submitted to the TDC a petition on declaring Kasserine as a Victim Region in June 2015, and we have just been communicated by the TDC in March 2017, it took too long to look at the file"⁸⁷, Alaa Al-Talibi said. The civil society says that they kept suggesting on issues pertaining TJ process but there is no prompt response. For example, the TDC called for a national consultation on reparation program on 26 and 31 March and 02 April 2017; however, some CSOs proposed this idea and a suggestion on this issue one year before this call, "We submitted a proposal on reparation program to the TDC on March 16, 2016, one year exactly before today's TDC's call on the consultation meetings with civil society on reparation program"⁸⁸, Bachir Khalfi said.

After a long break between the TDC and CSOs, recently, in November 2016, the Independent National Coordination of Transitional Justice and the Tunisian Forum for Economic and Social Rights (FTDES) with the support of Avocats Sans Frontieres – ASF organized the National Congress of Transitional Justice. This congress gathered the CSOs, TDC, authorities, lawyers, judges, and MPs. This meeting was meant to bring the different points of view. In fact, this meeting, to some extent, cleared the air between the TDC and civil society. In this occasion, the civil society and the TDC had the opportunity to share concerns and explain issues. Therefore, this congress came out with outcomes on TJ process issues and the different concerned bodies.

One of this congress's outcomes stated to convene periodic meetings for TDC and civil society for sharing discussions and consultations and to enable the civil society to present recommendations and practical solutions to the TDC. The idea of these meetings is also to get updates from TDC on the progress of its work through meeting each committee in every meeting. As a result, a group of civil society started meeting with the TDC regularly. "So far, two meetings have been convened with TDC, one with the Reconciliation and Arbitration

⁸⁷ Based on an interview with Alaa Altalebi, the Tunisian Forum on Economic and Social Rights (FTDES), 14 March 2017, Tunis

⁸⁸ Based on an interview with Bachir Khelifi, head of Human Vice Association, 18 March 2017, Tunis

Committee with the committee's president Khaled Al-Krishi and the other meeting with the Research and Investigation Committee. Also, a meeting will be convened with the civil society components and all the TDC"⁸⁹ Ahmed Aloui said.

Although this initiative of the congress represented a necessary action in order to facilitate communications between civil society actors and the TDC, it still has not cleared the rift. The feeling that the TDC does not get them involved is still prevailing as there is a concern that the TDC employs this in order to show how participatory approach it applies. However, the upcoming meetings and discussions between the TDC and civil society as well as the need for collective work in the short remaining time for the TDC might get them work together and lead for better unified work.

⁸⁹ Based on an interview with Ahmed Aloui, Kawakibi Democracy Transition Center, 29 May 2017, Tunis

7. Conclusion

To recall the hypothesis of this thesis paper that the '*The civil society have significant and insignificant roles in the process of transitional justice in Tunisia after the adoption of the TJ law*'. The civil society played an important role in different aspects of the TJ process since the inception of the concept itself in Tunisia. This role varied in its levels of effectiveness. It had significant and insignificant roles. This thesis focuses on these roles after the adoption of the TJ law. Thanks to the field research in Tunisia that enabled me to get better access to information, discussions and meeting various TJ stakeholders (CSOs, victims, INGOs, TDC, ...) from different backgrounds as well as observing the process by attending two sessions of the live public hearings and transitional justice related meetings and protests.

The civil society took an active participation in numerous TJ issues that considered significant. The civil society organizations and victims groups worked effectively in sensitizing citizens on TJ and the importance of complaints files submission to the TDC. This role increased the level of participation in the files submission in which the number of files reached around 63000. Its pressure on constitutionalizing the TJ law was important. Moreover, its field studies and publications on TJ was beneficial as well as the victims zones petitions which were encouraging for others to submit. It is very important to highlight on the pressure of the civil society on the refusing the Economic Reconciliation that is presented for the third time. Even the protests at the TDC, NCA, and Assembly of People's Representatives it undertook put pressure to a certain level. The civil society's continuous existence through the process was supportive and protective to the process.

On the contrary, there was to some extent ineffective roles. The attempt of filing appeals against the NCA was not that much satisfying as the administrative court rejected a case and took a long time to react to the pleading. Even the protests before the Assembly of People's Representatives to appoint the vacant commissioners positions of the TDC was not promptly responded; being responded too much slowly by the Assembly. Further, there is not a comprehensive and collective role for the civil society in monitoring and observing the process. The civil society pressured over the TDC on many issues which sometimes did not result in positively.

Though the civil society sometimes does not work collectively, it exists and defends for TJ issues. It shows clearly the satisfactory level of the Tunisian civil society in understanding the process and struggling for moving the process forward in spite the fact there is fragmentation among the civil society. All these are being taken with the existence of the kind of unsupportive actions from some political and state's actors.

Challenges

Besides the roles of civil society, it is important to pay attention to the challenges that are on the surface facing the civil society and the respective actors of transitional justice. Currently, the civil society and the TDC are deemed to be very important actors in the process of TJ. Nonetheless, there are some challenges occurring at the moment which could affect the role of civil society in the process of transitional justice in Tunisia. These challenges could be represented in the fragmentation among the civil society itself, the relationship between the civil society and the TDC, the TDC outreach problem, CSOs lack of financial resources, and the lack of TJ observatory.

The occurrence of divisions among the civil society is something could be considered normal but not to reach a point of not being able to work together. This is an issue facing the civil society working on TJ. The relationship within the civil society got weaker than it was in the past. There have been fragmentations among civil society actors as well as victim groups. It even led them put blames on each other in various issues. This fragmentation happened due to many reasons. Those civil society actors have a joint aim which is struggling for TJ but they could not work in harmony. It definitely affects negatively to the process. As there are other actors who are not in favor of TJ, this fragmentation might weaken their front in defending and struggling for the success of TJ. Therefore, the civil society's non-collective steps could negatively affect on protecting the process of TJ.

The relationship between a group of civil society and the TDC had been getting weaker too. And for a period of time, there was a break between the TDC and a wide group of civil society due to differences occurred among them. This kind of break affects on the process of TJ in many aspects as the civil society is a chief actor in the process. The civil society is the protection line for the TDC in resisting any attempts to deform the process as they consider it. There had been a

conference that gathered various CSOs and victims groups with the TDC in 2016. This was a good meeting between them as there was a break for a period of time. However, this meeting took off part of the fragmentation, but it still exists. It seems that it is taking a very slow pace in order to start working collaboratively. It is unfortunate that this situation is happening and the remaining period of time for the TDC mandate is short comparing to the remaining tasks.

There is a problem with the TDC when it comes to outreaching people. There is no a spokesperson for the TDC in which this opens the door for more misunderstanding and confusion. This expands the gap though the TDC convenes meetings with victims and civil society actors from time to time. Nevertheless, it is not sufficient as these meetings are usually organized after protests take place in front of the TDC. This misunderstanding affects on the victims and civil society's reaction.

The local CSOs face a financial resource issue in operating their work. They are always in the process through civil actions. However, when it comes to trying to conduct larger activities that might need financial support, it becomes an obstacle to them unless they submit project proposals.

An essential issue in TJ is observing the process. Until this moment there is no thoroughly comprehensive transitional justice observatory that uses effective and precise tools. There are nascent projects on this, but it has not been clearly shown its work.

Anticipations

The civil society regularly demanded the TDC for real inclusion and partnership; however, this did not exist or did not satisfy the civil society. After the last conference that gathered the TDC with civil society actors in November 2016, the relationship got a bit better. Therefore, the civil society hopes to find the opportunity for better partnership and engagement with the TDC to proceed with the aim of implementing transitional justice in Tunisia.

Furthermore, the civil society hopes that the TDC speeds up its work in order to be able to finalize it before the TDC's mandate due date.

The civil society entirely rejected the proposed Economic Reconciliation and they consider it a contradiction to the TJ process and this issue can be tackled through TJ mechanisms. The civil

society demonstrated and rallied heavily against it. It hopes the proposed law to be withdrawn. It anticipates there will a positive response to its demand.

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Appendix I: Interviews

Local Civil Society Organizations

Alaa Al-Talebi

Tunisian Forum for Economic and Social Rights – FTDES, Tunis, 14 March 2017

Mohammed Kamal Al-Gharbi

Tunisian Network for Transitional Justice, Tunis, 16 March 2017

Basheer Al-Khalfi

Human Voice Association, Tunis, 18 March 2017

Kareem Abdulsalam

Justice and Rehabilitation Association, Tunis, 18 March 2017

Muhsen Al-Maighari

Insaf-Justice for ex-military personnel Association, Tunis, 20 March 2017

Omar Safrawi

Independent National Coordination of Transitional Justice, Tunis, 23 March 2017

Houcine Bouchiba

Al-Karama Association, Tunis, 30 March 2017

Hamida Ajengui

Tunisian Women Association, Tunis, 01 April 2017

Amin Thabet

Democracy Lab Center, Tunis, 08 April 2017

Ahlem Nsiri and Aymen Hourshi

Tunisian Mediterranean Center (TUMED), Tunis, 08 April 2017

Ahmed Aloui

Kawakibi Democracy Transition Center, Tunis, 29 May 2017

Truth and Dignity Commission

Khalid Krishi

TDC commissioner – President of Arbitration and Reconciliation Commission, 17 February 2017

Oula Ben Najma

TDC commissioner, President of Research and Investigation Committee, 09 May 2017

International Organizations:

Magda El-Haitem

Transitional Justice Project Manager, Avocats Sans Frontieres (Lawyers without Borders) – ASF – Tunisia, 27 March 2017

Filippo Di-Carpegna

Senior Technical Advisor, United Nations Development Program - UNDP Tunisia – Transitional Justice Project, 05 April 2017

Hajer Bouyahia

Human Rights Officer, Office of the United Nations High Commissioner for Human Rights (OHCHR) – Tunisia, 28 March 2017

Salwa Elgantri

Head of Office, International Center for Transitional Justice – ICTJ, Tunisia, 12 April 2017

Appendix II Observations

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Attended Transitional Justice live broadcast public hearings on 11 March 2017 and 26 March 2017

Protest in front of the TDC headquarter office on 16 March 2017

The National Consultation on Reparation Program, Al-Mashtal Hotel, Tunis, 02 April 2017