

Season 5, Episode 4 (March 2024)

## Victim Participation in Tunisia

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**Tine:** Welcome to this new episode of Justice Visions. I am Tine Destrooper and with me today as a co-host is Elke Evrard, one of our own researchers at Justice Visions. Welcome Elke!

**Elke:** Thank you, Tine. It's a pleasure to be here.

**Tine:** And Elke, you're co-hosting the episode today, because you're just back from Tunisia, where you did several interviews on the topic of how the participation of victims shaped the transitional justice process in Tunisia, but also how people experienced this participation, I would say, especially in light of the challenging political context since July 2021.

**Elke:** Yes, I talked to Houcine Bouchiba, Secretary-General of the Tunisian Network for Transitional Justice and representative of the Civil Coalition Advocating for Transitional Justice; to Hamza Ben Nasr who is the Coordinator of the Transitional Justice Project at Lawyers Without Borders (ASF) Tunis branch, and also a coordinator of the Civil Coalition Advocating for Transitional Justice; and to Leila Bejaoui who is a psychotherapist, and feminist activist within the Al Karama victims' association and other organisations.

**Tine:** Right. And we wanted to kind of tap into those interviews for today's episode, because I think they really offer very interesting insights, not just into, I would say, the unforeseen and the long term effects of victim participation, but also importantly on the agency of victims and on their role in kickstarting both formal and informal processes.

**Elke:** That's true. And this might actually be a good starting point for today's conversation, because our interviewees emphasised how the role of victims and their mobilisation against authoritarian rule and the curtailment of basic freedoms, how this long predated the establishment of a formal process or even the 2011 Revolution. So let's maybe start by listening to what Houcine shared on this topic.

**Houcine:** When it comes to transitional justice in Tunisia, it's essential to recognize that it began well before the Revolution, several years prior. Taking into consideration that the majority of victims were part of the elite actively involved in the political, cultural, and academic scenes, there was a demand to move beyond the painful chapter of the past. This demand existed during the eras of President Bourguiba and later, during the rule of Ben Ali, who governed for 23 years. The call for a general amnesty was a request by the elite, as well as advocated by national and international human rights organizations.

**Elke:** So Houcine refers here, for example, to the 2005 protests for a full judicial amnesty and the reinstatement of political activists who were dismissed from their jobs, as one of the key events that laid the groundwork for what would later become the formal

transitional justice process. Of course, the Tunisian Revolution then accelerated that process and also spurred victims to become more strongly organized.

**Houcine:** Then came the revolution, and the initial decree was for a general amnesty. From that point onward, victims began organizing themselves into various associations and collectives. For instance, we founded the Karama Association, which signifies 'dignity,' in 2011. Later on, we founded the Tunisian Network for Transitional Justice on the first anniversary of the Revolution. The Tunisian Network for Transitional Justice encompasses approximately 10 victim associations, alongside other organizations and networks dedicated to advancing transitional justice efforts.

**Elke:** And Leila also spoke about these early dynamics, and how the organisation and the participation of victims and civil society characterised the transitional justice process from the start.

**Leila:** Society harbored immense expectations, especially among the victims. There was a mix of anger, anticipation, and various expectations. There was a significant discussion about transitional justice as a means to prevent retaliation, given that victims had endured atrocities at the hands of the authorities. And some victims had been subjected to torture by individuals who might live nearby or even be their neighbors. So in order to prevent violence and retaliation, the movements organized around transitional justice in order to channel this anger and seek justice and reclaim our rights through legal means. This marked the beginning, and there were also movements advocating for general amnesty, and demands for reinstatement of jobs and restoration of rights. As victims organized into associations, this led to the formation of networks, enabling them to mobilise and speak with one voice.

**Tine:** What's really interesting about these remarks to me is that they really hint at how the 2011 popular and massive protests acted as a catalyst for the entire TJ process, which I think helps you to understand the very long and deep roots of certain demands, especially when it comes to – for example – amnesty demands or demands related to economic and social rights.

**Elke:** Yes, and it also explains why victims were in many ways so central in the Tunisian transitional justice process, or at least much more so than in some other contexts. As Hamza emphasizes, there was this understanding among political elites that any process without victims and their organisations would not be accepted.

**Hamza:** Successive governments knew from the start the importance of the participatory aspect of the process in Tunisia. Because any initiative that excluded victims and civil society, or failed to incorporate their voices as an integral part of the legal framework... any initiative that would sideline victims or civil society had no chance of acceptance in Tunisian society. And in turn, civil society, along with victims, actively asserted themselves in shaping all transitional justice initiatives taking place.

During this period, there was a continuous collaboration between victims and the Ministry of Human Rights, and an agreement was reached to conduct consultations across different regions of the country to gather input from all stakeholders involved in the transitional justice process and in the creation of the transitional justice Law. And this law guaranteed the role of victims because victim associations and civil society were to be represented within the Truth and Dignity Commission (IVD), and given the lack of

sufficient financial resources, the Commission also had to turn to victim associations, the victims themselves, and civil society to continue its work in the regions.

**Tine:** Right. And I think those openings for victim participation in the formal transitional justice process then pushed victims to further organise into associations, into networks that would then, in turn, facilitate that involvement in the formal mechanisms like the Truth Commission or any constitutional reform. So there is this interesting and perfect storm, if you will, with victim associations being both highly active, highly organised, and also very much needed in the formal transitional justice institutions.

**Elke:** Indeed, so the Transitional Justice Law from December 2013 outlined the framework for establishing the Truth and Dignity Commission, or IVD, and the Specialized Chambers to prosecute specific violations. And Leila talked about the role of victims' associations in the operations of the IVD, which started gathering testimonies in 2015.

**Leila:** The IVD could not have functioned without the collection of victim files. This was the first important and active step for implementing the transitional justice Law – the collection of files. And that was another participatory effort. It was crucial for victim associations and other organisations to extend their reach to the regions. They have branches in the different regions, which made it possible to raise awareness among victims about the value of submitting their files.

When encouraging victims to come forward with their files, the issue of seeking reparations often emerged, and I understood that the victims had expectations. I initially participated with the “Association Tounissiet” – a grassroots organisation of Tunisian Women – before joining the Karama victim association.

**Elke:** And here, of course, the issue of gender, both in the sense of gendered experiences of harm and gendered experiences of participation enters the conversation. Both Leila and Houcine underscored the importance of the Women's Commission as part of the IVD and the role of women's and victims' associations in supporting women to come forward with their stories and to testify about their cases in private and public hearings.

**Leila:** Many stories would have been overlooked. Women facing pressure to divorce their husbands, daughters prevented from pursuing education, or those whose applications for studies and work were repeatedly rejected—all of this would have faded into obscurity if focus was only on the activism of husbands or brothers.

While expecting a higher number of female cases, due to the Tunisian context and culture, women couldn't always present their cases effectively. But nevertheless, the report highlighted sexual assault and the emergence of everyday violence against sisters and mothers. For instance, this week a woman's son is placed in Bizerte, and the next week he could be placed in another jail. Women were double victims, as they suffered personally and were also related to victims as wives, sisters, or mothers.

**Houcine:** To illustrate the violations suffered by women, consider the Karama association, who worked on a project in the governorate of Nabeul. That project involved 32 women who were victims of severe and heinous attacks. We did a video with them and compiled a detailed report. In Nabeul, these 32 women experienced

direct violations against them, their families, and their children – all meticulously documented through a project financed by the PNUD.

**Tine:** So in this case, everything that happened to people was actually documented by victims' organisations. And it was these organisations actually going to the provinces doing the investigation, and kind of gathering all the documentation, handing it over to the Commission.

**Elke:** Yes, and as we know, the IVD increasingly had to deal with intense politicization, with resistance to accountability and with managing public expectations. And in that very challenging context, Hamza argues that the ongoing mobilisation of civil society and the victims' movement was crucial in ensuring the final report was published at all.

**Hamza:** In hindsight, the eventual publication of the report was nothing short of a miracle. If it weren't for the mobilization of victims and civil society, especially the historic Tunisian associations that initially boycotted the process but returned at the last moment, the report might never have seen the daylight.

The ongoing work of civil society, coupled with the IVD's efforts, even up to today, speaks volumes. When we spoke with the institution's president and its remaining members, they honestly admitted that without the role of civil society, especially the historic Tunisian associations and the victims' associations, the publication of the report would have been impossible.

**Tine:** So then circling back to how we started this episode, and also actually even to last month's episode, Elke, you also talked with your interviewees about how victims experienced their participation, right?

**Elke:** Yes, we did, and the Tunisian context really illustrates some of the dynamics and complexities of participation, when we consider these trajectories over a longer period of time. In the first place, a recurrent topic during our conversations was this notion of survivors making a journey from being a victim to being an active agent driving the justice process – and their perseverance as political will and public perceptions regarding the transition started to shift. But, of course, we also talked about the current landscape of democratic regression and how this has affected victims.

**Leila:** They initiated a strategy of forgiveness and reconciliation, attempting to erase the trajectory on which we had worked, along with the Transitional Justice Law and everything associated. They said, "No, we will not work on it. Let's try to find other paths." Transitional justice associations, however, asserted themselves and spoke out loudly. We organized meetings, press conferences, and workshops to emphasize the importance of staying committed to the transitional justice trajectory. After July 25, the trajectory took a completely different turn. The Constitution mentioned transitional justice, but changes occurred, indicating that the transitional justice Law might no longer be in force.

**Tine:** And this, of course, refers to the events of 25th of July 2021, when Tunisia's president dismissed the government, froze parliament, and that was widely described as democratic backsliding in general, but also, and importantly, almost like a final blow to the transitional justice process, which had from the start been marred by a lot of political interference.

**Leila:** Now, another phase of activism awaits us, and I'm honestly uncertain about how it will unfold. After July 25, there was a sense of disbelief among associations, as they had expected a strong constitution, a commitment to human rights, and a clear path for transitional justice. Following that date, there seemed to be a stagnation and a tightening of associative activity. Subsequently, as associations, we needed to regroup and collaborate within a coalition to continue our journey forward.

So after July 25, we changed the name to become the Civil Coalition for the Continuation of the Transitional Justice Journey. Our vision shifted as we found ourselves defending transitional justice against political forces seeking to dismantle it and against those opposed to the transitional justice institutions. We defended the IVD so that it could complete its work and finalize its report anyway.

How we see reality is that we have a report published in the Official Gazette of the Tunisian Republic, it is a significant achievement on which we can build. But certainly, there are difficulties and financial challenges to support transitional justice work. And also, the work became more challenging due to the apathy and shock experienced by victims, and working with them became significantly harder than before.

**Elke:** Hamza, too, referred to this fatigue – and even despair after many years of participation and activism. Especially because a central demand, the demand for livelihood, for employment, has not been met. In fact, neither individual victims nor the victim regions have received reparations and the Dignity Fund appears to have been dissolved since the events of 2021. Of course, these economic realities in turn also affect victims' capacity to continue the trajectory, and highlight how the transition has stalled in multiple ways.

**Hamza:** Over the span of 12 years of activism, it's crucial to note that a significant portion of the victims belonged financially to the lower or middle class. They were denied their right to work, their ability to pursue their own projects, and their participation in economic production in general. The financial situation of many victims was already precarious in 2011, and after 12 years of fighting to reclaim their rights, with a minimum of means, exhaustion set in.

They were tired and desperate, feeling that it was time to step back from the fight and find a way to subsist. I've heard these words many times, and the reality was indeed disheartening, especially after July 25. Previously, our activism was within the context and trajectory of a democratic transition. Now, we find ourselves amidst a transition towards dictatorship, or perhaps entrenched in one, which presents a starkly different landscape.

**Tine:** And this sounds very similar to what Sanne Weber described in last month's episode, and it also featured in Leila's comments when you spoke to her, no Elke?

**Leila:** Unfortunately, I've seen the despair of the victims, and I fear that this despair may also affect the victim organizations. These organizations consist of individuals who are dedicated to their work, victims and other individuals. Without political will and financial support, it's uncertain how we will be able to continue our efforts.

Despite these challenges, we share the truth, and there is significant importance in this. The publication of the report is a monumental milestone. Whether future generations will continue our work remains to be seen, but this report stands as a crucial accomplishment. The truth is, we now face challenges in our activism, and I hope we will find a path to continue our work.

**Elke:** For Houcine, this also triggers reflection on what we can expect transitional justice processes to achieve, and what he considers perhaps some of the pitfalls that have accompanied the mobilisation and participation of victims in the Tunisian setting.

**Houcine:** The disappointment lies in the fact that, at the outset of the transitional justice process, there were enormous expectations following the Revolution. That we would establish a flawless process, one that could be taught in universities worldwide, a pioneering and exemplary experience—a dream of immense magnitude. So today, with hindsight, I wonder if we should have opted for a shorter timeframe. Because we chose a period spanning from 1955 to 2013, a very long timeframe, encompassing significant events that required substantial effort and unwavering political will, something that never materialized.

Another element is the occurrence of political conflicts among the victims, ideological clashes between political parties, and the influence of various lobbies and old administrations. Economic lobbies contributed to the defamation of victims by portraying their motives as solely focused on reparations, and often aligning them with a particular political party or ideology. For instance, a significant portion of the victims belonged to the ENNAHDA movement, an Islamic movement, leading to ideological conflicts between its members and other parties. Unfortunately, these conflicts persisted, and there was a lack of consensus among politicians and economic stakeholders regarding transitional justice.

**Elke:** So here, Houcine speaks of something quite defining for the Tunisian context: these strong links between victims' associations and political representation, with many victims aligning themselves with specific political movements. And this introduces novel participatory dynamics, but it can also lead to instrumentalization of victims and their narratives, and cause ideological rifts within the victims' movement.

**Hamza:** At a certain moment, there was still a conflict between political parties over the division of victims to create groups of victims. Each group was named after a party, and sometimes they were named under the auspices of a certain leader in a certain party.

**Tine:** But then as we're moving towards the end of this episode, I want to also reference another moment in one of your interviews, a conversation that you had with Hamza and Leila, because I think it speaks so beautifully to this last question that we typically ask of our interviewees, which is what makes them hopeful, what leaves them feeling inspired. And here specifically, I think, Hamza's comment was so important because we hear of the intense politicisation of the Tunisian transitional justice process, including its victims organisations. But in a way, and in the comment that we're about to play, what he underlines and what they underline actually is the extent to which victims' groups themselves often manage to overcome those divisions, working to just get things done, to just collecting testimonies, to guaranteeing that there would be a report at all.

**Hamza**

As an external observer, I believe that the victims and victim associations in Tunisia exemplified an experience and a model that should serve as inspiration for other transitional justice settings and trajectories. They went above and beyond, making sacrifices and concessions, giving everything they could to allow this process to succeed.

**Tine:** Thank you, Elke, so much for sharing these interviews with us. But special thanks obviously to Leila and Hamza and Houcine for sharing their insights and for sharing their time with us. We will be back here at Justice Visions with a new episode next month. But for those interested in more information about the topics that we just discussed during this episode, you can also find more relevant links in our show notes at [justicevisions.org](http://justicevisions.org).