In partnership with

Training Seminar on Transitional Justice in Light of Comparative Legislations for members of the National Constituent Assembly

Tunis 12-13 March 2012
Report
1. **Introduction**

On the afternoons of Monday and Tuesday 12-13 March 2012, Al-Kawakibi Democracy Transition Center (KADEM) in partnership with No Peace Without Justice (NPWJ) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) organised a training on transitional justice for members of the National Constituent Assembly and political parties and representatives of the Ministry of Human Rights and Transitional Justice (HRTJ Ministry).

The training was organised under the framework of the Transitional Justice Academy, which is a joint initiative of KADEM and the Arab Democracy Foundation (ADF), in partnership with NPWJ and GIZ aimed to provide a conceptual space within which main stakeholders and actors in Tunisia can gather and build their knowledge and capacity on transitional justice issues. The Academy also aims to build and strengthen capacity of key actors in the country.

2. **Participants and content of the Training**

The Training brought together 27 participants, including members of the National Constituent Assembly and political parties and representatives of the HRTJ Ministry.

The presenter led participants in a discussion on the basic concepts and main components of transitional justice, focusing particularly on reparations, how to establish a Truth Commission and the importance of its report to establish the truth of what happened and to ensure accountability (for the Program of the Training, please see Annex I). Before concluding the Training, the presenter and participants held a debriefing session where participants expressed their recommendations, which are reflected in this Report (please see section 4 below).

3. **Conclusions**

The following are the main conclusions drawn by the presenter and organisers of the Training:

- The Training with members of the National Constituent Assembly and from political parties and representatives of the HRTJ Ministry, was a very important political moment. Through the Training, participants focused on the main legal and procedural issues that are usually encountered in enacting a law governing a national truth and reconciliation commission within the framework of transitional justice;

- Participants expressed the need to continue engaging other groups to create a cultural and intellectual space that contributes to the emergence of specific Tunisian topics that ensure setting up a system of transitional justice; and

- Participants also expressed the importance of a national dialogue on transitional justice, as a guarantee to the success of a transitional justice mechanism. They considered it a necessary methodology to follow to pave the way to the adoption of a transitional justice mechanism.

4. **Recommendations**

The following are the recommendations suggested by participants in the Training:

- To provide members of the National Constituent Assembly and political parties with all documents and suggestions elaborated in the field of transitional justice. Likewise, provide national personalities including judges, lawyers, media professionals, academics, and civil society activists with those documents. This will contribute to updating the National
Constituent Assembly and other stakeholders on transitional justice. As a result, this will create a solid legal system in Tunisia for transitional justice.

- The importance to follow the spokesperson and those in charge of human rights and transitional justice by the HRTJ Ministry, in order to be updated on these topics; and

- To organise future trainings in the premises of the National Constituent Assembly so that as many members as possible may participate. Possible subjects could be other examples of legislation on truth and reconciliation commissions, references, criteria of establishment and their composition, time competence, qualitative and objective competence, uncovering the truth and identifying responsibilities, reparation, guarantees of non-repetition and other procedural cases linked to the work of truth commissions.
Annex I – Program

First day, Monday 12 March 2012: setting up a transitional justice mechanism, revealing the truth and identifying responsibilities

- Reception;
- Introductory session; presentation of the program and agreeing on the methodology of work;
- Introduction about transitional justice;
- Readings and comments on laws governing truth Commissions: set up a mechanism for transitional justice/ time competence, objectives and identifying responsibilities.

Second day, Tuesday 13 March 2012: Reparation and final report as two mechanisms among the possible mechanisms of transitional justice

- Summary of previous day sessions;
- Introducing the topic of reparation as one mechanism of transitional justice;
- Introducing the topic of preparation of a final report by Truth Commission as one mechanism of transitional justice;
- Conclusions and recommendations.