Training Report
Organised under the Transitional Justice Academy
By Al-Kawakibi Democracy Transition Centre and Bus Citoyen
In partnership with No Peace Without Justice
7-8 February, 2013
In Ain Meriem, Bizert
1. Background
On 7-8 February 2013, Al-Kawakibi Democracy Transition Centre (KADEM), Bus Citoyen, No Peace Without Justice (NPWJ) and the United Nations Development Program organised a training with youth on Transitional Justice (TJ), its Mechanisms and Process in Tunisia under the Transitional Justice Academy.

The main objective of this training was to strengthen knowledge about transitional justice among youth. Young people comprise a powerful sector of society and remain the greatest hope in laying the foundations for a more just and democratic society in a country that has experienced decades of regime. While they will inherit the results of transitional justice and take it forward in the decades to come, they are very often not involved in the transitional justice process and its shaping.

2. Summary of the training

2.a Participation
Around 17 participants participated in the training, including members of civil society organisations and human rights activists. For a complete list of participants, please see Annex I.

2.b Trainers and training presentation
Mr Amine Ghali, Program Director of KADEM, and Mr Moez Ali from “Bus Citoyen” gave the speeches to open the Training. They started with homage to Chokri Belaid, a famous political and human rights activist assassinated in Tunisia on 6 February 2013. Mr Ghali and Mr Ali underlined previous and ongoing activities of their organisations and the Transitional Justice Academy. Mr Ali presented his organisation, Bus Citoyen, and its outreach campaign throughout the country that targets civil society organisations and the public to raise awareness on citizenship issues and transitional justice.

The two-day training offered an occasion to address the concepts of transitional justice, its mechanisms and the process in Tunisia by discussing different issues, including accountability for past violations, truth, dialogue with victims and State reform.

The training was conducted by two Tunisian experts, Monia Ammar and Asma Gharbi, who already had participated in activities under the framework of the Transitional Justice Academy, of which they are members. All training sessions were interactive and encouraged dialogue and discussions among all participants. For more information on the training program, please see Annex II.

2.c The Training

Day 1
At the beginning, participants agreed on behaviour rules to be respected during the training.

The first day’s discussions started with the basic concepts of TJ. The presenters clarified that transitional justice is a particular process, which is different from ordinary justice, which usually deals with mass violations and contributes to re-build the future of a country coming out of a regime or a conflict. TJ aims to help restructure society in a fair, democratic and humane way. However TJ should also be tied to ordinary justice, since the latter deals with daily cases according to the current legal framework, which may be reviewed in the course of the transition. Participants continued discussions on the distinction between ordinary and transitional justice in working groups.

Presenters raised questions about TJ mechanisms to be adopted in Tunisia, especially the challenges and the specificities of these mechanisms. They focused on Truth Commissions, which are usually established to investigate and to bring truth in transition countries. Priorities remain to know the truth and to engage in close dialogue with victims. Different commissions and institutions in charge of TJ processes should provide total access to information for victims, witnesses and affected communities.
Participants analysed in working groups how to reveal the truth and how to hold people accountable for past crimes, on the basis of experiences in other countries that underwent TJ.

TJ mechanisms would enable Tunisia to promote a democratic system by breaking any continuity with the past, by recognising past violations according to the truth and by establishing memorialisation processes. An expert emphasised the need to cover past civil, economic, social and cultural violations and to document them by building proper memorialisation.

The last two sessions of Day 1 addressed reparations and State reform. The government will have to build a comprehensive reparations strategy according to the expectations of victims and the community, which must be independent from political purposes. Presenters pointed out that working closely with victims, especially with marginalised groups, is essential to establish successful TJ mechanisms and institutions. However, considering the sensitive work, the government should clarify to people what they are and are not able to manage. It is important to create a balance between the government's abilities and victims' expectations. To avoid misunderstandings, participants defined relevant related concepts (“victim”, “damage”, “violation” and “reparations”).

Presenters also addressed reform of the State at the institutional, legal and judicial levels. Institutional reform is crucial to change the system and to increase people's trust in the system. Human rights and transitional justice should be maintained among the State's top priorities. According to the presenters, future institutions should be based on democratic principles: equality, accountability, neutrality and the independence of the administration. Regarding the judicial system, new institutions should meet TJ requirements such as the right to fair trials, immunity of judges and the independence of the Attorney-General from the Ministry of Justice. Presenters called for the election of a High Council of the Judiciary. In a broader way, the judicial system should enhance the integration of victims in proceedings and improve prison conditions. Finally, presenters highlighted the necessity to comply with international law standards and international texts, especially those related to human rights.

**Day 2**

The second day of the training began with a roundtable to summarise what was discussed the day before starting the new session focusing on how to deal with these TJ issues in Tunisia. First, participants identified, in working groups, the components of TJ in Tunisia and the nature of violations and their contexts.

Presenters and participants then examined Tunisian legislative texts and approaches to TJ to draw out the steps forward. It was noted that some texts encourage a total break with the past. Participants raised questions about the possibility of dissolving institutions. Another important issue analysed was the general amnesty granted by the decree-law No. 1. According to this law, a general amnesty is granted for people who were prosecuted for State security and political crimes on the basis of their political or trade union affiliation. The law takes also in consideration financial offences – false cheques – and confiscation of property due to the misconduct of proceedings under the former regime.

Some other legal texts envisage several reforms at the institutional level. For example, the Independent Committee of Elections was established to organise and control the elections of the National Constituent Assembly. These texts finally pave the way to a democratic state through the implementation of a range fundamental rights defended in international treaties that Tunisia is encouraged to comply with. Consequently, Tunisia has already a background in terms of transitional justice processes and laws.

In the final session of the training, participants worked together to study the draft law on transitional justice that will create the Truth and Dignity Commission. A number of issues were raised and discussed in relation to the draft law, including the composition of the Commission and how to assign its members, its type and its timeline, its functioning and its outputs.
# Annex I

## List of participants

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mahdi Louati</td>
</tr>
<tr>
<td>2 Sara Mtiri</td>
</tr>
<tr>
<td>3 Nedra Mahersi</td>
</tr>
<tr>
<td>4 Fares Khiari</td>
</tr>
<tr>
<td>5 Riadh Aribi</td>
</tr>
<tr>
<td>6 Helmi Nasra</td>
</tr>
<tr>
<td>7 Haifa Ghrairi</td>
</tr>
<tr>
<td>8 Ghada Kouki</td>
</tr>
<tr>
<td>9 Hiba Allah Selmi</td>
</tr>
<tr>
<td>10 Mohamed Bedhiafi</td>
</tr>
<tr>
<td>11 Bilel Rahmouni</td>
</tr>
<tr>
<td>12 Mouna Trabelsi</td>
</tr>
<tr>
<td>13 Olfa Metaoua</td>
</tr>
<tr>
<td>14 Chiheb Jebri</td>
</tr>
<tr>
<td>15 Cyrine Cheikhrouhou</td>
</tr>
<tr>
<td>16 Yasser Neibi</td>
</tr>
<tr>
<td>17 Marwa Saadani</td>
</tr>
</tbody>
</table>
Annex II
Training Program

First Day: Transitional Justice and its Mechanisms of Action *

8.30 – 9.00: Registration
9.00 – 9.30: Opening and presentation of the program, objectives of the session and expectations of participants

9.30 – 10.30: First session: presentation with discussion, general concepts on Transitional Justice (historical background, definition, mechanisms and objectives) (Asma Gharbi)

10.30 – 11.00: Coffee Break
11.00 – 12.00: Second session: Transitional and ordinary justice (Monia Ammar)
   (4 working groups)
12.00 – 13.00: Third session: Mechanisms of transitional justice through truth committees
   (Monia Ammar)
13.00 – 14.30: Lunch
14.30 – 15.30: Fourth session: Revealing the truth and determining responsibilities,
   Accountability (Asma Gharbi)
   (4 working groups: experiences of East Timor, South Africa, Ghana, and Morocco)
15.30 – 16.00: Fifth session: Reparations (Asma Gharbi)

16.00 – 16.30: Tea Break

16.30 – 17.15: Sixth session: Reforming institutions and insurance of non-repetition of the past mistakes. (Monia Ammar)

17.15 – 17.30: Evaluation and closure of the first day.

Second Day: Transitional Justice in Tunisia, reality and prospects *

8.30 – 10.00: First session: Considerations of transitional justice in Tunisia: nature of violations and their contexts (Monia Ammar)
   4 working groups
10.00-10.30: Presentation of working groups’ results
11.00-11.30: Coffee Break
11.30-12.00: **Second session:** Pathways of Transitional Justice in Tunisia: Texts and Mechanisms (Asma Gharbi)

(working groups)

12.30 – 14.30: **Third session:** Study of the “Truth and Dignity Commission” draft law, with exercises

(working groups)

First group: Composition of the commission and the way of choosing its members

Second group: Its specialty of type and time

Third group: Its mechanisms of action

Fourth group: Its outputs

15.15 – 16.00: Presentation of the working groups results

16.00 – 16.30: *Tea Break*

16.30 – 17.00: Evaluation of the training

17.00 – 17.30: Closure of the training session and delivering certificates